ernment engaged in prosecuting crimes to make terms with one criminal or more if necessary in a given prosecution in order to expose others. Much criticism has been made upon this agreement; I simply say that is beyond our inquiry. Its effect here is simply upon the credibility of Mr. Perkins as a witness. He agreed he would testify so much. It is said he swore before the grand jury that that was all he knew. Now, I do not remember exactly what the question Mr. Matthew says he asked Mr. Perkins before the grand jury was; if he asked him 'Is that all you know about the tally-sheet crimes, and those connected with them?' and Mr. Perkins said 'Yes,' it was palpable perjury, and if he asked him another question that meant that and Perkins knew that, and he answered as Matthews said he did, his answer was perjury. If, however, after Perkins was asked about these matters stated in the agreement, the question was 'Is this all you know about the matter?' that is an equivocal question, and might be interpreted the matter stated by you or the particular matter you have been asked about. But, of course, now, this is a general rule that I may state to you that you should always be cautious about picking a man up on what he said until the evidence is such as to show clearly what he did say. He may have misunderstood the question or may have been misunderstood himself. You see it frequently happens where the witness is asked a question and answers it, and if he was left to go with the answer that he has delivered and then the matter be brought up some other time without an explanation, it would show that he had kept back something and not told the whole truth. The witness has not understood the question. Whether Perkins is entitled to any such consideration as that I will leave to you. But the importance of this agreement is more in the facts it recites than in the special fact—more in the necessity that Perkins had for entering into it than in the facts that are contained in it. The agreement is not sworn to; it is simply a statement of what Perkins agrees to swear to; that he will swear to that much in consideration that the State agrees to give him immunity. That is an agreement made by the State, for which this court is not responsible. And while one man might have one view about it, if he knew all the motives and all the considerations that influenced the prosecuting attorney, the judge and the assistant prosecuting attorney in the agreement, there must be no reason whatever for criticism. It is a matter not to be investigated here; we have not investigated it. Its only importance is, as I said, in the fact that Perkins thereby confesses himself a confederate in this crime. He necessarily comes before you in that attitude, and that throws suspicion upon his testimony and calls upon you to investigate and scrutinize carefully every statement he makes before you lend it credit; and any unsupported statements he makes you are not bound to give any credit to, and are rather cautioned not to lend credit to it. But if he is corroborated so as to convince you he has been telling the truth then you have a right to abide by his statements and follow them. There is one fact developed in the testimony that I want to call your attention to. Mr. Perkins pleaded guilty in this court; there is no agreement between this court, or the government of the United States, and Perkins, but it is developed before you that he pleaded guilty and a fine has been fixed. In other words, his punishment has been fixed; formal judgment has been rendered, if you understand the testimony, but his punishment has been fixed. I have no right to tell you the motives of this court in putting the thing in that shape, because it is not my business to bring in anything that has not been proved, but I have a right to call your attention to the situation. Of course you fairly infer that is the punishment that Mr. Perkins has to suffer in this court; that is fixed. But there is this other fact that you can see, that when Perkins came on the stand in this court he did not come on to the stand with any club held over his head. He knew just what punishment he would suffer. The court did not hold his sentence over him, saying, 'now you satisfy the government or else we will come down heavy on you,' or anything of the kind. He was not paying the price of something to be obtained. The punishment that he was to suffer was fixed and he knew then what it would be. Therefore he was under no motive to stretch his story. And so far as I am concerned, though as Judge McNutt suggested, the common practice I believe is to make an agreement with a man that he shall tell the whole truth and then the courts deal with him according to its conviction as to whether he has told the whole truth or not—yet so far as I am concerned, I have never felt comfortable though I have sat upon the bench a good many years, in having a witness come onto the stand and testify, with a club in my hand over his head. I would rather fix the punishment and let him go back on the government if he wants to, than to put anybody in danger of his changing his testimony, in order to get better favor for himself, by stretching his testimony beyond what the truth would allow him, in order to get any such advantage. You see the situation that Mr. Perkins, therefore, in respect to this court, stands. His punishment was fixed before he testified."

Mr. McNutt—Excuse me for interrupting you, but it was not fixed before he testified before the grand jury.

The Court—I am not positive, I say, but I think it was. I am not absolutely sure.

Mr. McNutt—It was fixed the day the case was set for trial in July.

The Court—You are probably right about that. Of course I do not know about his testimony before the grand jury.

Mr. McNutt—The fact that he had testified before the grand jury is before the jury.

The Court—I believe it is. Of course he had testified before the grand jury; but what he testified, if I ever knew, I have forgotten. Of course, it would not do for me to say one way or the other; but nevertheless the facts are as I have stated.

"Mr. Perkins comes before you and tells his story. In determing whether the story is true of course the jury will scrutinize the story itself. There is some power about us, as was suggested in one of the arguments made by counsel for the defendants, that compels a man to tell the truth unless he has got his mind directly upon the point of lying and is doing it purposely and carefully. How far that doctrine may apply to Mr. Perkins's story I leave entirely to you; he has told his story and has brought himself in conflict with a great number of men. It is a rule of evidence that discrepancies in stories are not necessarily proof of dishonesty on the part of any of the witnesses. It is quite common for honest men to differ as to the minutia, sometimes even about the substantials of a transaction; but where there is a square issue between men as to a matter about which they must know the truth, one way or the other, then, of course, it becomes an important matter, and sometimes a difficult matter for a jury to discriminate as to what the truth is. Motive is a matter that the jury may always consider in determining the conduct of witnesses, as well as the conduct of a party accused of crime. I have already reached the point that there was somebody Mr. Perkins could tell on. He originally agreed to tell on Coy. You will remember, though, that agreement, while it says in the prosecution against Coy and others, that it was evident that the State authorities were intending to prosecute others besides Coy, and nobody was named. Some others were to be prosecuted, but Perkins committed himself only to certain facts, which, as stated, would affect only Mr. Coy. So far as I know as to the testimony he gave beford the grand jury, I believe it appears that he confined that to his statement in that agreement. Finally he was brought before the federal grand jury in May, 1887, and presumaby told the whole story as I have already shown to you, that all these papers were then brought out before the grand jury. It has been argued to you and I submit to you for you to determine what force the argument has, that there was no reason why Mr. Perkins should pit himself against others unless the truth compelled him to. Why should he accuse Metcalf? Has he any malice against Metcalf? The only suggestion of malice on the part of Perkins in respect to any of these parties so far as I have observed in the case, and of course that is a question for you, is against Mr. Mattler. If Mr. Matter and his clerks are to be believed Perkins made some threat against Mr. Mattler. Of course that is a question of fact between Mr. Perkins and them. But suppose the threat was made. If Mattler had no connection with Perkins in this matter it was a very mean thing, and showed a very wicked disposition, indeed, for Perkins to go and threaten Mattler because he would not give him any money. It would be a very wicked transaction, and show a man to be utterly corrupt and base. Suppose, however, that Mattler was connected with him in the matter, and that Perkins had suffered imprisonment on his account, and then had gone to him and asked him for money, and Mattler refused it, it would still be wrong for Perkins to threaten to do him up, but it would be no such gross wrong as if they had never had any connection in this matter. It would not go so far towards affecting the character of Perkins as if the threat was made without any previous connection between them. But those are questions for you to consider and analyze. You are men of experience and age; you understand the motives of men, and understand how they are governed under peculiar situations. That is the reason for getting twelve men in the jury. I may be utterly wrong in my conjectures about the motives of these men. I, of course, speak from my stand-point and my experience. Your combined experience is designed to correct any error of mine or any error of any single individual among you, though ultimately each of you has to act upon his own judgment in forming a verdict. Why should Perkins say anything against any of these defendants except Coy after he originally agreed to that? All those things are for you to consider, so far as his testimony bears in the matter. Of course now where his testimony is corroborated or where the other testimony may be sufficient to act upon it without regard to his it would not be important to analyze so closely or determine so accurately what credit you ought to give to him.

"Now a few words in regard to each defendant. Mr. Reardon I will mention first, gentleman. The young man has been before you. So far as Mr. Reardon is concerned the only evidence against him comes from Mr. Perkins, except as his own conduct and testimony may constitute evidence. Perkins testifies that Reardon brought a man to Room 59 and introduced him and that Coy sent him for ink or that he brought ink into the rooms at the Grand Hotel in the evening. Now I would not have read my instructions myself and counsel had no right to read them, but I had not any objection and I am glad it was done. Counsel read to you my instructions in the former trial. I said then, and I repeat now substantially: Suppose all that Perkins said about Reardon to be true; that he did introduce some men to Room 59 and that he did bring ink into Coy's room at the Grand Hotel; in my judgment that is not enough to warrant a verdict of guilty against Reardon; because, as I said in my former charge, and say now, he might have introduced a man into Room 59 without knowing what was going on there; he might have carried ink into the Grand Hotel under orders from Mr. Coy without knowing the purpose for which the ink was to be used. I made the argument in favor of Reardon then and I make it now because it has a further application in this case. The presumption is no man would be taken into a conspiracy unless he was needed. Every time you introduce a new man into a crime there is more danger of exposure. Coy could very well use Reardon for that purpose without telling him what was being done, so that those things would not even raise a suspicion, if he admitted them to be true; but he has denied them, and the fact that he has denied them is one ground of suspicion. But men are not to be convicted on suspicion. It must be on satisfactory proof. Another element has been introduced into this case that may enhance naturally our suspicions and possibly even our beliefs about Mr. Reardon; nevertheless, it is not competent evidence against him and should be rejected. That is the proof of what Mr. Spaan said up at the base-ball grounds just after the first trial, as testified to by Mr. Johnson. Of course, if Spaan told the truth, Reardon is as guilty as any of the others; but Spaan was not representing Mr. Reardon then; he hadn't any right to speak for him; it is only hearsay. Even though here it is admissable as against Mr. Spaan it is not admissable as against Reardon, and you should exclude it from your mind entirely, and, being excluded from your mind, it leaves Mr. Reardon standing upon the evidence legally introduced against him, just as he stood before.

"Mr. Metcalf—Perkins's testimony plays an important part in the case of Metcalf. It is claimed by the prosecution that he is corroborated in some respects. It is argued by counsel on the other side that the corroboration is no corroboration. It is plain that Metcalf was met down on the street between the Grand Hotel and the canvassing board rooms during the time when Schmitt's papers were out, and hence to that extent there arises some corroboration of Perkins's story. On the other hand Mr. Berg's testimony has been brought into the case in support of Metcalf denying the story of Perkins. Mr. Berg of course is in a position, as stated a while ago, of being compelled to deny Perkins's story or else make an explanation of his connection with the acid. It might have been very easy to make an explanation consistent with his innocence, but he denies it in toto, and it becomes a question for you to consider on the circumstances as to how far he is to be deemed as corroborating Mr. Metcalf and overthrowing Perkins's story in respect to Metcalf. Some comment has been made about a lady that occupied the room, or was in one of Metcalf's rooms, and whom Perkins says was present when they went through into the back room, where the test was made. The government insists that, she being employed under Mr. Metcalf, he had the opportunity to produce her here to contradict Mr. Perkins's statement that he went through the room in that way, and that that is a corroboration of Perkins. They say, however, on the other hand, that the government might have produced that lady. I leave that question with you, and the case of Dr. Metcalf.

"Mr. Counselman's case—Counselman came to the board in the morning with his papers, the certificate unsigned. Mr. Bernhamer handed it back to him for correction. He remained about during the day. At supper time he went home and on his return took two glasses of beer, he says. One of the witnesses, however, I forget which one it was, testified he seemed to be drunk during the afternoon before he had taken any beer at all. Counselman himself testifies that he took two glasses of beer on his way down town between 6 and 7 o'clock, or 7 and 8 o'clock perhaps, and afterwards at 10 o'clock he took two glasses more. The testimony shows that some time between 2 and 4 o'clock in the morning his papers were called for, and he advanced and presented them, and there occurred a struggle over them. Mr. Elam challenged him after the forgeries were detected and asked him where the papers had been. He answered, as Mr. Elam says, readily enough, I believe, that they had been in the hands of a Republican judge during a certain time after the board adjourned; but on Mr. Elam's asking him where they had been after they came back into his hands, where they had been since, he remained dumb. Witnesses have testified as to his appearance. The case of Counselman I think must turn largely upon his condition in respect to drunkenness. If Counselman was so far intoxicated that he did not know about his papers, why then of course he was incapable of being in the conspiracy. A man cannot be in a conspiracy without knowing it. The charge of conspiracy involves the charge of a man's doing an act knowingly, and therefore, while drunkenness is not an excuse for many offenses, if it had gone to the extent that his mental faculties were so obscured that he did not know what was being done, you would find him not guilty, of this charge; though he would be guilty under the law if the indictment was so framed that it charged carelessness and neglect of duty with respect to the custody of his papers. Drunkenness would be no excuse for him on that charge. When you undertake to hold him in a conspiracy with others you import into it a charge of intentional conduct, and his drunkenness would take away the intentional character of the act. If Counselman did not know about his papers, and allowed them to go out of his possession, knowing that these crimes were being committed, you would have a right to infer that he was a member of the conspiracy, or he had become a party to it. A man does not need to be in a conspiracy at the beginning in order to be liable for the conspiracy. If he comes into it at any time during its progress he is as much a member and as responsible for his acts as if he were in it in the first instance. It becomes a question of whether Counselman knowingly contributed to the consummation of this when he parted with his papers, or did other acts in assistance of this scheme for that purpose. In my judgment your verdict will turn upon that question, and I leave it with you.

"The other defendants on trial are Messrs. Sullivan and Budd. In some respects they stand together, and the evidence in regard to them is derived, in some degree, from the same source. But in respect to Mr. Sullivan there are some branches of it entirely separated from the case of Budd. Mr. Sullivan's case compares, in some respects, with the position of Mr. Spaan, and I may, in this connection, refer to Mr. Spaan before formally entering upon Sullivan's case. Spaan came there as the attorney for Sullivan and two other gentlemen who were interested in the election. I may make a suggestion here in respect to Spaan somewhat similar to that respecting Mr. Bernhamer. It was about as essential to have some lawyer to stand up for these matters before the board as it was to have a president of the board who would facilitate the count of these forged tally-sheets. Mr. Spaan come in as the attorney for Sullivan, but he seems to have acted largely for general purposes before the board. The first act of Mr. Spaan in this respect—he and Sullivan stand very close together—was in respect to the returns from the first precinct of the First ward, where the tally-sheet gave Mr. Sullivan 121 votes and the certificate gave him 126. There the question first arose as to whether the count should be from the tally-sheet or poll list. It was perfectly competent for the board to decide in that particular case whether they should count in one way or the other. If they honestly thought that the tally sheet was the best evidence in that precinct, they had a perfect right to take that; but a singular thing about it, and the one that challenges your investigation, is that Sullivan's attorney took a position against his apparent interest at that time. Mr. Sullivan has testified himself, if I recollect correctly, and I leave that to you, that early in the morning there became a question about his election, about his being counted out. There was uneasiness about his being counted out, among his friends and perhaps on his own part. He was on the alert to take care of his interests, and his attorney would naturally be on the alert. The attorney gives that question away to begin with, and Mr. Sullivan stands by and permits it to be done, without a protest. You have a right to look underneath for a motive for doing that. If Sullivan was there as an honest man simply looking after his own interests, would it be natural for him to allow that point to be decided against him without protest or without an effort to secure those five votes? That is a query on one side. On the other side is another query pertinent to the subject. Suppose he knew what was to be done and that tally-sheets were to be changed, in his own behalf if necessary, and that the count was to be conducted on the changed tally-sheets. Then it would not be unreasonable perhaps for him to consent to yield that vote when he knew by the ruling thus established he would secure the counting of the changed tally-sheets in behalf of himself and friends. Perkins testified he asked him to go and get some tally-sheets to be changed and he says, "why, haven't you enough?" He says, "yes, but I want to take care of my friends." Of course Sullivan denies that. you must not forget that. I suggest these things to enable you to look underneath and find out the motives. As a matter of fact, while this 121 was counted against Sullivan in the first instance, at a later hour they went back and changed it, and instead of counting by the tally-sheet counted by the certificate giving him 126 votes. They reversed the rule they had adopted to count by the tally-sheets, and went back again and counted by the certificates, and gave Sullivan that extra vote at a later hour. Passing from that, while Spaan and Sullivan remained before the board, we come to the Hisey papers. The forgery there was developed, and Mr. Elam argued in favor of sending for the sealed bags. Mr. Spaan got up and argued against him. Mr. Spaan says he did that without knowing they were changed; he was simply discussing an abstract proposition without knowing what was, the cause of sending for the sealed bags, without having looked at the papers. He got up and argued against sending for the sealed bags. That account of that challenges attention. Suppose Mr. Spaan were there only for honest purposes, and the proposition was raised to send for the sealed bags, on the ground there had been forgeries in the tally-sheets, is it a natural course to argue an abstract proposition of law, in the teeth of the statute, by the way, because the statute expressly provided for sending for the sealed bags, as Spaan ought to have known if he did not, or to have looked to see. Waiving that, and suppose he was honestly believing that they had no right to send for the sealed bags, is it the natural course to make that argument without looking at the paper to see if there is any real reason for raising that question? But Spaan said he did not. But that he made the argument, and at the close of his argument somebody had answered him, but before he got any chance to reply, or before he got through with his argument, somebody moved that they should not hear any more arguments from attorneys. Then Spaan says he stepped up and looked at the paper and saw it had been changed, and spoke of it loud enough for those about to hear. Then he says he did not do anything more; but is that true according to his own testimony? When the papers of Mr Schmidt came to be canvassed, what did he do then? He tried to silence Schmidt, went up to him and told him the Journal reporter was there, and said: 'You can't do anything; you have done all you can; you cannot accomplish anything.' Why couldn't he? Have you any doubt if Spaan had spoken up and said to the board, 'This thing ought to be righted, that this was an outrage no community would submit to,' that the board would have reversed its action and allowed Schmidt to get his papers? But knowing already that one set of papers had been forged—I don't remember whether he testifies that he knew these papers had been changed—he tries to silence Schmidt. He does not stop there. When Counselman's papers came up he again intervenes to protect Mr. Counselman; and according to his story he goes with Coy to Room 59, he says, just before the Counselman papers were read, because, he says, he got into the room when Counselman was presenting his papers; Counselman was already up presenting his papers. Craig testifies that it was at an earlier hour, but of course a discrepancy in the hour is not material, though Craig says he was not there himself when Counselman's papers were read. He went some time after midnight, as he says, with Coy into Room 59 to discuss the question as to what would be the effect of members of the board not signing the tally-sheets. Now, gentlemen, when did that question arise? Mr. Schmidt's papers were called up about 9 o'clock in the evening, and then the contest over his papers aroze. A shorthand report shows that Morrison then said he had to sign the papers but he did not propose to sign the papers with a count of such forged votes, or something to that effect. The shorthand report of the discussion on Schmidt's papers shows that fact; so that the question arose as early as between 9 and 10 o'clock in the evening; and yet Spaan and Coy's visit to Room 59, to discuss that subject, occurred hours afterward. That might, however, have happened; they might not have gotten to the point sooner, but it is a question whether they would not have discussed that point at the time it came up, immediately.

"Passing Mr. Spaan by, because he is not on trial, Mr. Sullivan was at the board as I have already explained when the first question came up about the First ward. He was there when the Hisey papers came up to be discussed. He was asked some questions as to whether he asked Mr. Spaan to speak and I believe he said he thought he did ask him to speak in response to Mr. Elam. You heard the examination; you heard the questions that were put to Mr. Sullivan and his answers. Mr. Sullivan claimed before you that he did not know—I think his claim was that he did not know which side the discussion was on. He did not know whether he was arguing in favor of sending for the sealed bags or not. That is a statement that challenges your scrutiny, gentlemen, and I submit it to you. Mr. Schmidt's papers are the most important perhaps against Mr. Sullivan. This other matter bears upon his credibility as a witness. Did he speak truly when he said he did not know on what side Spaan was arguing, or did not know whether the question was whether the sealed bags be sent for or not? We come to the question now between Sullivan and Schmidt, and here Sullivan and Budd come together. Schmidt says he had to go to a building association or meeting to form a building association, and called on Sullivan, whom he knew, and asked about leaving his papers, and Sullivan consented, and called up Mr. Budd to receive them; that afterwards, about 9 o'clock, he came back and Budd returned the papers to him, saying, 'Don't tell that they have been out of your possession,' or 'Say that they have not been out of your possession.' I am not sure how the statement was. This testimony of Mr. Schmidt does not hurt Sullivan in itself; it does not tend to prove that he is guilty of this charge in itself. It has some tendency perhaps—considerable tendency against Mr. Budd because of that statement Mr. Budd made, or is said to have made, when he returned the papers. But there was no harm—that is no great harm—it would not at all indicate a conspiracy on the part of Sullivan; it is an act that you or I or any of us would have been likely to do on being asked by Mr. Sullivan to take his paper. We would not have thought of there being any harm in it, though it is technically a violation of the law. We do not care so much about technical violations of the law when men are not intending any harm. Mr. Schmidt technically violated the law when he parted with his papers. Mr. Sullivan and Mr. Budd technically violated the law when they aided Schmidt in violating the law by taking his papers from him. But that does not make conspiracy. Conspiracy is the charge here, and that is what you have got to consider in respect to Mr. Sullivan. I say Mr. Schmidt's statement, in itself and by itself, does not tend to connect Mr. Sullivan with the conspiracy at all. Why, therefore, should Mr. Sullivan deny it? If Sullivan had come before the jury and said, 'Why, yes, he left the papers with me and I delivered them over to Mr. Budd; if any harm befell those papers it was without my knowledge or participation.' Why should he not have taken that position? How can you explain his denial, assuming that he did deny it? Of course, it is a question of fact for you as to whether he did deny it. He says as a matter of fact that the thing did not occur at all; and so does Budd. But, assuming, for the present, that it did occur as Mr. Schmidt testifies, why should Sullivan deny it? Why should Budd deny it? Budd is under more stress, on the face of the thing, for making a denial than Sullivan, because Budd is shown to have been acting with some secrecy about it. He says 'Don't tell that it has been out of your possession;' thus indicating guilt of some kind on his part. So far as Sullivan is concerned, the act itself did not indicate guilt at all; it is the denial of the act that becomes significant; it is his own act in denial that challenges your consideration and your explanation. Of course, all the other testimony in the case bearing on his conduct in this connection will be kept in view when you are passing upon any one question. If Sullivan and Budd admitted possession of those papers they would have to furnish an explanation of those alterations. They denied the possession and therefore you must settle what the denial means. As to whether Mr. Schmidt or Mr. Sullivan and Budd is to be believed it is a matter for you to determine. Mr. Schmidt's character as a man is pretty well developed before you and no attack has been made on his reputation or character. He certainly showed a disposition to be honest on the night of that board. There is some criticism made upon him, and that is for you to consider, that he did not speak right out that night and say that he left his papers with Sullivan. It may be that it would have been the best course for Mr. Schmidt to take. I doubt whether the average man would take that course considering the relation of Mr. Schmidt to Mr. Sullivan, a prominent candidate of his party. I doubt if he would say anything at once that would throw a suspicion on Sullivan until he gave Sullivan an opportunity to explain. He could hardly take Sullivan to one side in the presence of the board and call upon him to explain, because that would challenge suspicion at once. My own inclination would be to say that if Schmidt committed an error that night in not announcing at once with whom he left the papers, it was an error of judgment rather than of honesty.

"This fraud was committed for a purpose. The main purpose was to secure the criminal judge. Of course, as I have explained to you already, it was necessary to have Mr. Bernhamer, and some others, perhaps, to aid in the matter of getting it through the board; but getting it through the board did not cover the whole question. Here were the sealed bags in the clerk's office that would immediately correct any wrong if they were gotten possession of before they were tampered with. I say immediately; that is, as soon as could be done by litigation, which is not always immediately. The wrong committed by the canvassing board could be corrected if the sealed bags could be gotten possession of before they could be changed to correspond, and the ballots changed to correspond with these outside papers. Mr. Sullivan was the incoming clerk. It would seem to be quite as important, in order to hold the fruits of this wrong, to have a friend in the clerk's office as to have a friend on the canvassing board in order to gather the fruit in the first instance; and it is therefore a matter fairly for you to consider whether a man would have entered upon this conspiracy and gotten it simply through the board without taking steps to prevent their work being overthrown afterward. Of course, if Sullivan was in the conspiracy, and he got into the clerk's office and got hold of the sealed bags, if he was a party to these other matters, of course the sealed bag and the ballots would be changed to correspond, or else put out of the way so they could not be brought in to contradict the other papers. Of course you have no right to indulge in surmises that do not rise out of the situation, and if this suggestion does not fairly grow out of the scheme that was perpetrated, you should reject it. But if is fairly a part of the situation and necessarily belongs to the scheme, you have a right to consider it, and it strikes me it is proper you should consider it."

These were the essential features of the charge, and at the conclusion of the charge the room was cleared to permit the jury to go at once into a deliberation on the case.

DELIBERATING ON THE VERDICT.

The Jurors Retire Early for the Night Without Reaching a Decision.

It was 11:45 o'clock when Judge Woods finished his charge, and as soon as the throng in the court-room had dispersed the jury, in company with Deputy United States Marshal Stine, went to the Grand Hotel for dinner. They retired to the government building a little after 1 o'cock, and were locked in their private room. An immediate verdict was not generally expected, and there was not an unusual number of callers during the afternoon. Several of the particular friends of the defendants came and made anxious inquiries about the indications of an agreement but they got no information. During the entire afternoon the jurors remained in the room. There were several calls for the bailiff, but no intimation of a verdict was received on the outside. When supper time came the jurors were again escorted to the Grand Hotel, and did not get back to their rooms until near 7 o'clok. The door was locked on them from the outside, and they were left to resume their consideration of the case.

Judge Woods, after adjourning court for the afternoon, remained in his private room until 6 o'clock. He then went home without leaving any word about being summoned in case of a verdict, and did not return to the building again. The understanding of the marshal was, however, that in case there was an agreement the verdict should be sealed and held until this morning. During the early hours of the evening there was a constant stream of visitors to District Attorney Sellers's office, which was thrown open as a sort of headquarters for the public. But few tarried long. The usual question, "Are there any indications of a verdict?" was always met with an answer from deputy marshal Stein that "there will be nothing known to-night even if the jury should agree." The majority of those who climbed the two flights of stairs were Democratic friends of the accused and the news that there was no sign of a verdict seemed to please them. None of the defendants were among the callers.

At 9:30 o'clock the jurors called for their beds, and Deputy Stein arranged the twelve narrow cots for them in their room. While he was making these arrangements for their night's rest, the jurors exercised themselves by walking up and down the corridor. A little before 10 o'clock the door was again locked on them; the visitors, one by one, departed for their homes, and the jury and the deputy were left in peace for the night.

EFFORTS FOR A PARDON.

Suggestive Telegrams from the Washington End of the Line.

Considerable speculation was caused yesterday afternoon by the fact that United States Marshal Hawkins had received a telegram from the Attorney-general instructing him to hold Coy and Bernhamer here until further instructions. Additional weight was attached to the receipt of the telegram from the fact that Coy, soon after the announcement of the decision of the Supreme Court, had boasted that "everything would be all right in thirty days." It is also known that a petition asking for the pardon of the men has been circulated in various parts, and very liberally signed by the political friends of the convicted men. The inference from the telegram was that the petition for a pardon had been, or was about to be, presented to the President, and that the prisoners were to remain here until his decision was given.

Last evening the following was received from the Journal's Washington office:

"To-night the Journal correspondent asked Attorney-general Garland what he had in view when he telegraphed Marshal Hawkins, to-day, to hold Coy and Bernhamer for further instructions. Mr. Garland simply replied that this was usual where prisoners were to be transported to a penitentiary; that the instructions to be given were relative to transportation and imprisonment. There having been action in the case by the Supreme Court of the United States, instructions would now be necessary to the marshal from the officers of this court. There are Indiana Democrats here who intimate to-night that an effort is being made to secure a pardon from the President, but those who have the best judgment say the President would not pardon either prisoner before he had seen the inside of the penitentiary, and that the recommendation of the Attorney-general is necessary to secure a pardon, and that officer has refused to recommend a pardon at this time."

The opinion prevails among some Democrats in Indianapolis that the President will not dare pardon the two men, and in any event will take no step until he learns the desire of the representative Democracy of Indiana. It seems that steps have already been taken to counteract the influence in behalf of a pardon that is being brought to bear on the President. Another Journal special from Washington last night stated that a telegram had been received by the President from the executive committee of one hundred stating that it is publicly announced that petitions will be presented to him asking for the pardon of Coy and Bernhamer. The committee request that before the President considers or acts upon any such petitions he allow the law-abiding citizens to remonstrate.

Notwithstanding the orders received from Attorney-general Garland it is possible the prisoners may be taken to the penitentiary on the noon train to-day.

Building Permits.

The following building permits were issued yesterday: T. B. Clark, frame cottage at No. 104 Broadway street, $2,300; Philip Innis, frame house on seventh street, on Alvord, $800; Anthony Lauck, frame cottage on South Meridian street, $700; Fred Brokner, frame cottage on New Jersey street, on McCarty, $300; H. Wagner, improvement on Shelby street, near nail-works, $300; T. I. Burton, frame cottage on Alvord street, near Tenth, $1,000; William Ripley, double brick house on West Pearl street, near Pine, $1,200; Fannie Martin, frame cottage on corner Dillon and East street, $650.

New Incorporations.

Articles of incorporation of the Citizens' Electric Company, of Evansville, have been filed with the Secretary of State. The capital stock is $2,000 and the directors are A. Dyer, L. M. Rice, E. B. Morgan, Geo. Brose, John F. Kuhn, I. E. Williamson, G. J. Grammer. The Sullivan Electric-light Company has also been incorporated, with capital stock of $15,000, and the directors are C. L. Davis, C. H. Crowder, Ben Davis, Sol Goodman, Chas. W. Padgett, P. H. Bine, M. B. Wilson, S. D. Weir, I. P. Draper and D. C. Young.

The W. C. T. U.

The Meridian W. C. T. U. met at the residence of Mrs. E. G. Cornelius, 348 North Meridian street, yesterday afternoon, in regular business session. Much that was practical was said, and reports of committees showed that work was being done. Arrangements are being made for the coming of Miss Frances Willard, who is to speak here the 27th of this month.

HEAR James Whitcomb Riley on Friday night, at the Central Christian Church.

THE SUFFRAGE ASSOCIATION.

Election of Officers and the Closing Address by Mrs. May Wright Sewall

The delegates to the Indiana National Woman Suffrage Association held a business meeting in the Denison parlors yesterday morning. The officers then elected for the coming year are:

President—Mrs. Helen M. Gougar, Lafayette.
Vice-president at Large—Mrs. Zerelda G. Wallace, Cataract.
Treasurer—Mrs. Julia R. Wood, Knightstown.
Secretary—Mrs. Ida A. Harper, Terre Haute.
Chairman Executive Committee—Mrs. May Wright Sewall, Indianapolis.
Superintendent of Press—Miss Mary B. Cardwell, New Albany.

A spirited discussion of the various phases of the question, including a plan of work, followed. Every district in the State was represented. The following resolutions, reported by Mrs. Ida A. Harper, of the committee, were adopted:

Resolved, That this association will endeavor to secure the nomination and election of men to Congress who will pledge themselves to vote to submit a sixteenth amendment to the national Constitution prohibiting States from disfranchising citizens on account of sex.

Resolved, That this association shall also work to secure from the next Legislature a statutory law granting to women municipal suffrage and the right to hold office in municipalities.

Resolved, That this association will demand that the Governor and Legislature shall place benevolent and penal institutions under the control of men and women selected for their character, competency and fitness, without reference to party proclivities.

Resolved, That this association will demand from the next Legislature a bill raising "the age of consent" to eighteen years, and another bill making the patronizing and keeping of brothels a penal offense, and providing for the equal punishment of both men and women guilty of it.

Resolved, That this association beseech the leaders of all political parties in the coming campaign to avoid the degradation of public morals through personal scandals and vituperation of candidates, and to confine their discussion to the principles of government at issue.

The following are among the delegates and writers of papers: Evansville, Mrs. Richardson; Vincennes, Mrs. S. C. B. Moore; New Albany, Mrs. Mary Stewart and Miss Mary B. Cardwell; Jeffersonville, Mrs. Sallie C. Jackson and Emma E. Johnson; Madison, Mrs. Mary E. Sullivan; Frankfort, Frank Rose Hinds; Flora, Mrs. Lizzie Smith; Bloomington, Mrs. E. M. Seward; Danville, C. E. Dora Lieuwellan, Misses Jennie Shelley and Jennie Grant; Muncie, Mrs. Harriet Case, Mrs. Susan Templar, Mrs. A. A. Truitt, Dr. Elizabeth Miller; Indianapolis, Mrs. Nettie B. Ransford and Mrs. May Wright Sewall; Terre Haute, Mrs. C. F. McNutt and Mrs. Ida A. Harper; Lafayette, Mrs. Helen M. Gougar; Kokomo, Miss Minnie Trueblood; Westfield, Mrs. Dr. E. E. Ellis; Logansport, Mrs. W. F. Wilson, Mrs. M. E. M. Price, Mrs. F. W. Munson; Wabash, Mrs. Kate Busick, Miss Busick; South Bend, Mrs. B. B. Harris and Mrs. Carrie McGill; Ft. Wayne, Rev. Dr. Woolpert.

A very good paper was read by Mrs. A. A. Truitt, of Muncie, and Mrs. Harriet Case, of the same city, gave a laughable rendition of Josiah Allen's wife's opinion on woman suffrage. The audience, composed mostly of ladies, gave the closest attention throughout the proceedings, and the reports of delegates showed a great awakening over the State and a large amount of energetic and valuable work being done. The constitution was so amended as not to require the annual meeting to be held in Indianapolis, as it was considered a greater interest could be awakened by taking the convention into the various cities of the State.

The discussion of the resolutions, especially the fourth, in which women are deeply interested, was entered into by a number of ladies, and they were unanimously adopted.

The closing meeting of the association was held last night. The attendance was considerably better than on the previous evening. The address was by Mrs. May Wright Sewall. She said that all believed taxation without representation was wrong and that all just governments rested on the consent of the governed. This is the exact question at issue in woman's suffrage. She thought that this government was founded on reason, not on force or prejudice, and that consequently it must recognize the movement in favor of women. Men say that politics will corrupt women, but there is nothing in politics in itself that is corrupting. Taking part in the affairs of government if carried on right will be ennobling. She thought, also, that there was nothing in the charge that it rendered women masculine. Masculinity of the highest type in women was to be desired just as femininity in men was a virtue; that none of those who advocated woman suffrage were characterized by masculinity in its offensive sense. Mrs. Sewall then took up a great many of the objections and discussed them in a very able manner. She said that all efforts to better the condition of women had been met by the same arguments that are urged against women's suffrage; instanced the introduction of girls into the free schools along with the boys, and co-education of all kinds. She thought that the claim that men needed the ballot to protect their industrial interest argued just as much for the women. In Indiana there are 57,000 women engaged in all sorts of industrial pursuits; these women must either be superior to men, or they need the same business protection. Women must be allowed to compete in all lines of business and in all professions or means set aside for her support. This is a necessity, and can not be avoided. One fourth of all the bills that are introduced into Legislatures affect women and they ought to have something to say about them. Men complain that patriotism is waning, that the most intelligent and cultivated men are averse to politics, that they will not sacrifice their tastes, their personal ease and their private business interests to the public welfare sufficiently to attend political meetings. The speaker thought that this condition was due to the fact that the training of the youth was almost wholly in the care of women—a disfranchised class who had no interest in teaching their boys to engage in political matters. Mrs. Sewall spoke for more than an hour, commanding close attention, and was followed by Mrs. Gougar, who closed the convention with a short, breezy, characteristic address, putting everybody in a good humor, and leaving a favorable impression. The convention then adjourned.

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TO ALL POINTS IN
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Palace reclining-chair cars free. Excursion date on May 22. For rates, maps and full particulars, apply to COKE ALEXANDER,
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THE best of all spring medicines is Tarrant's Seltzer Aperient.

DRINK Malto; it is pleasant.

Take Notice, Purchasers!

The market is glutted with worthless preparations for the teeth. Beware of them. Many corrode and abrade the enamel of the teeth and injure them irreparably. Use sterling Sozodont and keep the dental row safe and beautiful.

DRINK Malto at soda fountain.

COTE D'OR,

The pure California grape juice, in quart bottles, is for sale by Izor Brothers, 259 West Washington street, at only 50c per quart bottle.

DRINK Malto; 25 cents a bottle.

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To be freed from the dangers of suffocation while lying down; to breathe freely, sleep soundly and undisturbed; to rise refreshed, head clear, brain active and free from pain or ache; to know that no poisonous, putrid matter defiles the breath and rots away the delicate machinery of smell, taste and hearing; to feel that the system does not, through its veins and arteries, suck up the poison that is sure to undermine and destroy, is indeed a blessing beyond all other human enjoyments. To purchase immunity from such a fate should be the object of all afflicted. But those who have tried many remedies and physicians despair of relief or cure.

Sanford's Radical Cure meets every phase of Catarrh, from a simple head cold to the most loathsome and destructive stages. It is local and constitutional. Instant in relieving, permanent in curing, safe, economical and never-failing.

Sanford's Radical Cure consists of one bottle of the Radical Cure, one box of Catarrhal Solvent, and one Improved Inhaler, all wrapped in one package, with treatise and directions, and sold by all druggists for $1.00.

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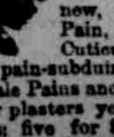

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All This Week.

GRAND OPERA-HOUSE

Week of May 21, with Wednesday and Saturday Matinees, the Grand Military Drama,

The Drummer Boy of Shiloh

For the benefit of Colonel Link Camp, No. 13, Sons of Veterans, under the management of Fred B. Wigle. Thrilling War Scenes and Grand Tableaux.
Admission, 15, 25 and 50 cents. No extra charge for reserved seats.

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THOUSANDS HAVE SEEN HIM. NOW ON EXHIBITION.

This Week Only. Virginia Ave. and Delaware St.

A GIGANTIC MARINE MONSTER
65—FEET LONG—65.
Weight, 40 tons.
Embalmed at an outlay of $10,000.
As natural as life.
Captain West, the veteran whaleman,
Lectures and entertains visitors.
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Doors open 10 a. m. to 10 p. m.
Lighted evenings by electric light.
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PAINTINGS by the FIRST AMERICAN PAINTERS
31 South Meridian St.
[illegible] May 9; closes May 30. Admission, 25c.
Op[illegible] m 10 a. m. to 10 p. m.

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LEAGUE GAMES.
TO-DAY and TO-MORROW,
May 17 and 18,
Philadelphia vs. Indianapolis
General admission, 50c; pavilion, 75c; box seats, $1.
Game called at 3:30 p. m.
May 19, 21, 22, 23—BOSTON.

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15 NEW UNITED SHOWS
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FRIDAY, MAY 18
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Greatest Show on Earth, forever united to the
GREAT LONDON CIRCUS
Paris Olympia Hippodrome and Monster World's Fair.

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15—Tremendously Big Shows Combined—15

3 Circuses in 3 Rings.
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Huge Elevated Stage Performances.
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1,000 New Features Never Seen Before.

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Doors open at 12:30 and 6:30 p. m.

Admission to all, 50c. Children under 9 years, 25c.
All tents remain up until 9 o'clock at night.

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With a myriad absolutely new features, at 9 o'clock a. m.

To accommodate visitors, reserved numbered seats will be sold at the regular price, and admission tickets at the usual slight advance, at the

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