

LAST EDITION.

THURSDAY EVENING.

TOPEKA KANSAS, MAY 24, 1905.

THURSDAY EVENING.

TWO CENTS.

GODARD IN STAND

Ex-Attorney General Makes Startling Admissions.

Gives Details of Comanche County Bond Deal.

BOUGHT AT DISCOUNT.

Got the \$123,000 of 6 Per Cents for \$120,000.

Sold New Ones at 4-1-2 Per Cent to State at Par.

Tells How He Got Necessary Money From Treasurer Kelly.

Some of the most startling and sensational evidence ever produced in a court room came out today in the testimony of A. A. Godard, former attorney general, who was on the stand as a witness this morning in the libel suit for \$15,000 damages brought by Attorney General C. C. Coleman against the proprietor of this paper.

Those who heard the words from Mr. Godard's lips could scarcely credit their ears.

The witness had been called by the plaintiff. The cross examination was conducted by Halle P. Waggener, one of the attorneys for Mr. MacLennan.

Mr. Godard testified that he had bought \$123,000 worth of six per cent Comanche county bonds for \$120,000, and a few days later exchanged them for \$123,000 of 4 1/2 per cent Comanche county bonds, selling the latter to the state school fund commissioners, L. C. Coleman, J. K. Burrow and I. L. Dayhoff, for \$123,000 and accrued interest.

That he had induced the county commissioners of Comanche county to refund the six per cent bonds with the 4 1/2 per cent bonds.

That the commissioners had agreed to pay County Attorney Rich of Comanche county \$1,500 to assist him in bringing about the refunding of the bonds; that County Attorney Rich was to use his influence among the people to that effect.

That he, Godard, had gone before the state board of equalization and asked that board to issue the assessment of which J. K. Burrow was a member, Mr. Burrow being a member of the school fund commission which was to buy the bonds.

That the valuation was raised following Mr. Godard's own request by the board in Mr. Godard's presence on the 21st day of July, 1904.

That on the 21st day he submitted his proposition to sell the 4 1/2 per cent bonds on the same day the commissioners agreed to buy the bonds.

That on the next day he secured at a bank in Kansas City, Kansas, according to the valuation of July 16, 1904, the original 6 per cent Comanche county bonds for \$3,000 less than he had agreed to sell to the school fund commissioners.

That he borrowed \$123,000 of the money from a Kansas City, Kansas, bank on his note for three days to pay for the bonds, \$3,500 having been paid in advance.

That in three or four days he came to Topeka, and that T. T. Kelly, the state treasurer, took the money, the \$123,000, in two checks on the funds deposited in Topeka banks, to take up the bonds which Mr. Godard had put up as collateral.

That he, Mr. Godard, had explained the situation to Kelly, and that Kelly agreed to furnish the money.

That he, Godard, had decided that this was not the right thing for Kelly to do, but that the state would be no loser, and that the state treasury had previously advanced money for bond transactions were finally closed.

That about a year and a half following the transaction Mr. Coleman had suggested that he should refund to the state certain interest that the state had paid him in connection with this deal.

That he, Godard, had then advised Attorney General Coleman that he had paid the state treasury about \$340 in interest.

On his direct examination, Mr. Godard was a very good witness for the plaintiff, but on his cross-examination he became such a good witness for the defense that the attorneys for the plaintiff declined to ask him any questions on cross-examination.

Mr. Godard admitted that he was an old friend of Attorney General Coleman; that they lived in Clay Center together for years; and while he decided that there was any truth understanding that the school fund commissioners should buy the Comanche county bonds, he admitted that he had been a purchaser in view.

He admitted that during the term as attorney general no bonds were purchased on the basis of valuation fixed by the state board of equalization.

He stated that he did not count the \$3,000 which Comanche county had agreed to pay him as a part of the county debt, though he subsequently admitted that the \$3,000 was held in the form of county warrants.

ator, and one of the ablest lawyers in the state. He helped defend the Deweys in the celebrated murder case.

It is announced by Judge Dana this morning that as the libel trial seemed likely to occupy a longer time than anticipated, he will declare off all the assignments for next week's docket, and reassign the cases for the remainder of the term.

The examination of Mr. Godard was a check on the terms of the contract. "How long have you known Gen. Coleman?" said Mr. Hessin.

"Since 1879," replied Mr. Godard. "Did you have any connection with him relative to the purchase of any bonds?"

"I sold Comanche county bonds to the state."

"With whom were your negotiations conducted?"

"With the school fund commissioners, as a board."

"Did you make an offer in writing?"

"An offer in writing, accompanied by a check for \$120,000."

"Did you have any other consultation with any members of the board?"

"I did not."

"From whom did you purchase those bonds?"

"The bonds I sold to the state I obtained from Comanche county. The original 6 per cent bonds I bought from H. D. Thompson of Des Moines."

"When did you purchase them?"

"In June, 1904."

"How much did you pay for those bonds?"

"One hundred and twenty thousand dollars."

"After the bonds were registered what further negotiations did you have with the school fund commissioners?"

"I submitted a written proposition."

"On what day?"

"I have no recollection. It was in July."

"At this point a copy of the offer submitted to the school fund commissioners by Mr. Godard was introduced in evidence."

"Did you by any influence, or the payment of money, or any promise, seek to induce the board to purchase these bonds?"

"Absolutely none whatever."

"Do you know of any conspiracy looking toward the buying of the state treasury?"

"No, sir."

"Do you have any conspiracy looking toward an illegal profit?"

"There was not, but on the contrary a benefit was conferred upon the state school fund by the Comanche bonds."

The latter part of this answer was stricken out, as being the opinion of the witness.

Was this proposition submitted on July 21st, as the board of equalization said it was?

"I do not remember."

ENA LEAVES HOME

Will Meet Her Royal Lover at Spanish Frontier.

Her Departure Made the Occasion of Demonstration.

KING EDWARD THERE.

He Conducts the Princess to Royal Car.

Cries of 'Long Live the Queen of Spain.'

London, May 24.—Princess Ena and her mother, Princess Henry of Battenberg, left London today for Spain at the frontier of which King Alfonso will await his future bride.

The departure of the princess from Victoria station was the occasion for an enthusiastic demonstration on the part of the Spanish colony here. While the platform also was crowded with English friends who gave the future queen of Spain a hearty send off.

King Edward, Queen Alexandra, the Prince and Princess of Wales, the Duke and Duchess of Connaught and other members of the royal family and the staff of the Spanish embassy were among those present.

The king conducted the princess to the royal saloon car which was filled with flowers.

Loud cries of "Long live the queen of Spain" were raised as the train left the station.

Alfonso Leaves Madrid. Madrid, May 24.—King Alfonso, accompanied by Premier Morat, the minister of war, Lieutenant General De Lague and a brilliant suite of officials and court dignitaries left Madrid this afternoon for the frontier whither he will meet the future queen of Spain.

Spain's crown prince, the king's departure which inaugurated auspiciously the events attending the royal marriage. The king will arrive at Irún at daylight tomorrow morning and the bride will reach there an hour later.

The station at Irún is elaborately festooned and decorated with Spanish and British flags.

Spanish peasants playing futes and tambourines and dressed in their quaint local costumes, will welcome the bride, the municipality will offer her homage and a regiment of the Castilian guard will act as her military escort.

The royal train will return to Madrid at 5 o'clock Friday morning, arriving at the Pardo palace at 5:30 Friday night.

Spanish soldiers playing futes and tambourines and displaying the royal arms has been erected near the palace. Thence the royal heralds will conduct the bride to the castle of San Juan where she will await the marriage ceremony.

WAR ON JURY DODGERS. Cook County Officials Say Prominent Citizens Must Serve.

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Chicago, May 24.—War on jury dodgers and the public officials who aid and abet them has been declared by Cook county officials.

Following an order issued by Sheriff Pease yesterday that employees of his office should not aid citizens in escaping jury service, it transpired that a grand jury list was being compiled by several judges has been in progress with a view to eradicating the evil.

Scandalous disclosures of the case with influential citizens evading jury duty year in and year out have been the result of the inquiry. It is the belief of the jurists who have taken up the investigation that the entire system of jury service in Cook county should receive a thorough overhauling.

A condition of affairs seriously reflecting on the honor and integrity of many public officials as well as well known lawyers and prominent citizens has been laid bare.

The existing conditions have been brought to the attention of Sheriff Pease, the court clerks and other branches of the county service by several judges who quietly have been seeking the causes of the miscarriage of justice principally in criminal cases in Chicago. A resolution was introduced in the county board that the investigation and charges made that jurists, dodgers and the public officials who aid them are responsible for the prevalence and spread of crime in Cook county and of the general disregard of the law on the part of criminals.

NEAR TO A LYNCHING. Rosedale Police Appear in Time to Cut Down a Negro.

Kansas City, Mo., May 24.—At Rosedale, Kan., near here early today a crowd attempted to lynch a negro. The police appeared in time to cut down the mob. The negro was taken to the jail and will be held for trial.

WE GOT THE MONEY

Senate Committee Takes an Advanced Stand.

Government Will Protect Historic Ruins.

PROVIDES HEAVY FINE.

Also Imprisonment for Those Who Mutilate.

Examinations May Be Made for Public Museums.

Washington, May 24.—A measure for the preservation of American antiquities which has the endorsement of a score or more societies in this country has been ordered reported favorably by the senate committee on public lands.

The proposition has been before congress in various forms for several years, but always some objections were urged against it, until the present congress, when Senator Patterson introduced a measure previously introduced by the archeological and anthropological societies interested.

Under the bill ordered reported any person who shall appropriate, excavate, injure or destroy any historic or prehistoric ruin or monument, or any object of antiquity situated on lands owned or controlled by the United States, shall be subject to a fine not exceeding \$500, or imprisonment for not more than 90 days or both.

It is intended that the president by proclamation shall declare historic landmarks, historic and prehistoric structures and other objects of historic or scientific interest that are situated on federal government lands to be national monuments.

Permits may be issued by the heads of the several departments for the examination of ruins, the excavation of archeological sites and the gathering of antiquities and objects of scientific interest.

It is provided, however, that such examinations shall be undertaken for the benefit of reputable museums, libraries, colleges or other recognized scientific or educational institutions with a view to increasing the knowledge of such objects and that the material gathered shall be for permanent preservation in public museums.

SPIER A SUICIDE. Coroner's Jury Finds That Standard Oil Man Wasn't Murdered.

New York, May 24.—A verdict of suicide was rendered tonight by the coroner's jury in the case of the death by a pistol shot of Charles L. Spier at his home at St. George, Staten Island, on the morning of Monday, May 23.

Spier, who was the personal representative of H. H. Rogers, of the Standard Oil company, was found by his wife shot through the heart in the dining room.

The coroner's jury, which consisted of a pistol shot wound of Charles L. Spier at his home at St. George, Staten Island, on the morning of Monday, May 23.

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ANOTHER LIGHT SHOWER.

That Is All the Rain Recorded for Today.

Heavy banks of light feathery white clouds are floating in the sky high above the 15 mile an hour wind which is blowing from the southeast and fanning the superheated air which is nearer the earth. The same threatening indications which have been so much in evidence lately are as plainly observable as in an applied to more effect upon the earth than to lay the dust and that not very thoroughly as the high wind of an hour or so later swept the street in blowing which drove the particles aggressive and by hourly observations were:

7 o'clock.....65	11 o'clock.....76
8 o'clock.....65	12 o'clock.....79
9 o'clock.....65	1 o'clock.....80
10 o'clock.....74	2 o'clock.....80

BURTON SEES BURROWS

Contents That His Case Is in Same Status as Before.

Washington, May 24.—At the request of Senator Burton, whose case recently has been decided by the supreme court adversely, a conference was held yesterday between himself and the chairman of the senate committee on privileges and elections, Senator Burrows.

Senator Burrows was to gain some knowledge of the proposed procedure by Senator Burton's committee regarding the resolution introduced by Senator Hale.

Senator Burton does not contemplate resigning. The fact that a stay has been granted by the supreme court granting him stay questions in which leaves his status, he contends, just as it was previous to the decision of the court and that no action is necessary.

Those senators who favor that there be necessary before the recent opinion was rendered.

Senator Burrows said the committee would take up these questions in consideration when it met to take up the resolution.

Senator Burton left for home last night.

Senator Hale, acknowledged to be one of the leaders of the senate, and to dispute with Senator Aldrich the title to the majority leadership at times, expressed his belief that Senator Burton would be action by the senate at this session of congress expelling Senator Burton of Kansas from the senate.

Senator Hale and another senator to be the leader of those senators who believe that there should be action in the direction of expelling Senator Burton.

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BURROW EXCITED.

Secretary of State Creates a Scene in Court Room.

Shakes Fist at Capt. Waters and Calls Him Scoundrel.

QUIETED BY THE JUDGE

'The Court Will Umpire This Game,' Said He.

Interesting Developments in Coleman Libel Suit.

"You're an infamous scoundrel! You're no gentleman! Don't you dare to intimate that I am a perjurer! I say you have no right to ask such questions, and I appeal to the court to protect me!"

Red and shaking with passion, his face contorted into a malignant snarl, Mr. Joel R. Burrow, secretary of the state of Kansas, stood on the witness stand, shaking his fist and hissing these words in the face of Capt. J. G. Waters who had been putting him through a severe cross-examination in the district court on the trial of the Coleman libel suit against the State Journal Wednesday afternoon.

Mr. Waters' question, which so aroused Mr. Burrow's ire, was that he had been involved in a conspiracy to unload this issue of Comanche county bonds on the state, would you admit it on this witness stand?"

It was probably not so much the question itself as it was the generally intense feeling in the situation that caused Mr. Burrow to lose his self-control. The cross-examination which he had been undergoing, and which his hands was not of the most gentle character. Capt. Waters is not much of a pacifier when it comes to questioning hostile witnesses. He and Mr. Burrow had clashed severely in the first-shaking episode. Burrow had showed a disposition to dodge, and Waters had been standing close to the railing in front of the witness chair.

Then Judge Dana rapped sharply on his desk, and checked whatever disposition the belligerent witness and the stubborn attorney had to "get together."

"Gentlemen, gentlemen," said the court, "let's have order. The court has come to umpire this game. There is no use in getting excited about this matter. Just keep cool."

"I am not excited," said Mr. Burrow, "I am only angry because of the way you have treated me. I don't want anybody intimating that I am a perjurer," said Mr. Burrow.

"Proceed with your cross-examination," said Judge Dana.

The examining cross-examination was concluded without further outbreak of hostilities, though the repartee was rather acrimonious at times.

Following the cross-examination, which was reported in Wednesday's State Journal, Capt. Waters took Mr. Burrow to court for cross-examination.

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