

# PROSECUTION CLOSED THE OPENING ARGUMENT

## Assistant Prosecutor Weber Gave an Exhaustive Review of the Samuels Murder Trial Case

# HARTZELL MAKES ELOQUENT OPENING

## Talked For Only Half an Hour Monday Afternoon But Made Deep Impression on the Spectators.

Assistant Prosecutor Weber finished his argument to the jury in the Samuels murder trial at 5 o'clock yesterday afternoon, and was followed by Attorney Hartzell of Carthage, Ill., for the defense. He talked until adjournment at 5:30 p. m.

**Mr. Weber's Close.**  
Mr. Weber claimed that there were not sufficient facts disclosed to justify the suspicion of insanity. Dr. Coffey attended Samuels when injured by a fall but the physician at that time had no suspicion of mental unsoundness and gave him no examination as to insanity. His opinion was based on the assertion of Joe that "he wanted to be taken away." Neighbors and friends can generally tell whether there are any peculiarities or hallucinations existing in a person; they are the persons that will find them out.

**Rudolph Strohmater, a schoolmate of Samuels and who visited at Samuels' home, said he saw no difference in Joe's conduct after the accident; he talked about his children but not about his wife; Samuels' going to Kansas City with a strange woman was not the act of an insane man. You can detect insanity in actions and talk, but those elements are not present; it was not shown in the scaffold, nor by heredity and defective ancestry. Dr. Brown did not think it of sufficient importance to tell Commissioner Gray or Chief Anderson or Mrs. Samuels that he believed Samuels to be insane. There is nothing in the evidence to prove that Samuels entertained the delusion that his wife was unfaithful; because Charles Buss could not attract the attention of Samuels on a busy street was no evidence of insanity.**

**Sympathetic Witnesses.**  
Mr. Weber believed the witnesses for the defense were brought into the courtroom more through sympathy than for what they knew as to the actual mental condition of the accused. It was only during the last three weeks that Samuels said anything about being nervous.

George Yeager said Samuels took his meals at the West Keokuk free station but that was not evidence of insanity; because Samuels rose in his bed at night, that was not an act of insanity.

The distribution of advertising picture cards was not an act of insanity. Martin Heschacher saw a man enter the Samuels' home and he goes and tells Joe, pouring the poison of jealousy in the defendant's ears.

Ben Crowell tells you he met Joe one day and that he was crying; that is all his testimony amounts to; but Samuels did not say anything about his going to Kansas City with a woman. When Joe said he was having trouble and was trying to do right, that was not the act of an insane person.

Because Samuels had said that he

was in worse trouble than ever before was no evidence of mental unsoundness; Samuels returning to kiss Mrs. Cook goodbye could not be received as evidence of insanity. Every act and element was present in the circumstances on the bridge indicating murder in the first degree; there was nothing that showed insanity; there was nothing wrong in Mrs. Samuels going to the skating rink; Samuels trapped and deliberately murdered her.

Dr. Applegate, a competent authority, had testified that Samuels was sane. Dr. Jackman, who said Samuels was insane, said he testified on his own authority; the state has proven sanity by a fair preponderance of the evidence.

**Considered Jackman's Symptoms.**  
Attorney Weber discussing further the matter of the sanity or insanity of the defendant, referred to Dr. Jackman's testimony as to the sluggish eye pupil of the accused as being indicative of insanity. The state had shown that inactivity and life in jail would produce this symptom of sluggishness. He said he purposed to review the testimony that was offered in rebuttal. Fireman Henry Miller met Samuels frequently and twice on the day of the shooting; Miller was with him for hours and had the opportunity of observing Samuels but he saw nothing that indicated insanity. Henry Watson and other firemen who saw Samuels on March 3 detected no acts or symptoms of insanity in the defendant; Fred Glasier's opinion was that Samuels was sane a few days after the fall or accident; Art Meyer frequently met the accused at the West Keokuk station but he believed him to be sane; Owen McQuade says there were no peculiarities observable; Wm. Cameron, who had worked with the defendant, and Policeman Fuqua at the station the night of the shooting discovered nothing indicative of insanity; the letter found shows reflection, deliberation and reasoning. Dr. Dimond testified that Samuels was drunk and that he smelled liquor on his breath. Dr. Applegate said Samuels would have justified himself for committing the crime if he had been suffering from paranoia. A. A. McCormick, a neighbor, frequently met Samuels and he says defendant was sane; Peter Maas and other witnesses said he was sane; Dr. W. W. Holmes who examined Samuels for insurance was of the opinion that he was sane at that time and recommended him for insurance. If there had been peculiar conduct or symptoms of unsound mind some of these acquaintances would have detected them in time past and to do so would not have to have waited until a crime was committed.

**Testimony Not Reliable.**  
Dr. Applegate, replying to a hypothetical question, said he did not believe that the testimony of some of the physicians was reliable for the reason that they did not possess sufficient facts and data on which to base an opinion. Dr. George F. Jenkins and Dr. A. B. Hughes testified they believed Samuels was sane. Counsel said Samuels stated to the deputy sheriff when he returned from Kansas City, "You can't make me live with my wife; I love this woman best."

**Other Testimony Reviewed.**  
Dr. Coffey's testimony was reviewed, as well as that of some of the other witnesses, including John Braxill and his evidence concerning the purchase of a revolver and of having received more change than he ought to have had in return. When found on the bridge Samuels was holding the lifeless body of his wife and was kissing and caressing her. Taken into consideration the hypothetical question, which fully covers the testimony in this case, it is the opinion of the state's experts that Samuels was sane on March 3. Mr. Weber believed that under the testimony and instructions of the court the jury could arrive at no conclusion other than that the accused was a person of sound mind. If found guilty, the jury was to determine the punishment, a matter he was willing to wholly trust to the jurors. When considering and dissecting the evidence it did not lead to the conclusion that this man was insane. The circumstances of the crime and the accused's admissions, he believed, were wholly the acts of a sane person.

**Attorney Hartzell.**  
Attorney Hartzell at 5 o'clock in the afternoon began the presentation of his argument to the jury and talked for half an hour, before adjournment of court. Mr. Hartzell is making a great plea for his client.

In his practice Mr. Hartzell said, he had not met a case of the importance this was; he believed the jurors would give it their best conscientious service and that they would give to him the same fair consideration. Every man when he appears before a jury and he is charged with murder and that of a woman—his wife—he realized when he championed the cause of such a man that he would have to present arguments fair and reasonable. No lawyer should attempt to present to a jury for a fact something that is not fact. In this case he wanted to act honorably, because he was a stranger in a strange land. If his reasons were sound and logic just, the jurors should follow those reasons to the jury room. The state says the defense here is a subterfuge; that, gentlemen, is a broad statement. Dr. Applegate tells us he has seen about 10,000 cases of insanity and that there are 900 now in the institution over which he presides. This proves that insanity is a grim reality, and not a subterfuge, as said by the state. He was not here to argue that Essie Samuels was not killed or that Samuels did not kill her. Whether Samuels did or not he did not know and did not think the jury knew. There was no proof in the record that Samuels ever wrote the letter—it was simply found on his person. There is no witness who has testified that Joseph Samuels wrote that letter. He would not be mean enough to argue the policemen put the letter or cartridges in Samuels' pockets. He would not ask the release of this man on the ground that he did not kill Essie Samuels; he expected to argue that Samuels wrote the letter and had the revolver and cartridges.

Before any man can be guilty of a crime, in all criminal cases, there must be two things, committing the act and capacity to know and realize the thing or act he is going to do. It is not hard for any man to know the defense being made in this case, you all told me that you had no prejudice against a man who pleaded insanity as a defense. No man is competent to judge of any one's insanity who has not had an opportunity of observing the person's peculiarities, his business or his occupation. An insane man is different from what he was; things done by Samuels might be absolutely insane, and sane in some other person. Joe Samuels was married in 1891; there was born two bright little girls, and there was a happy home. He would make no at-

HAS NO SUBSTITUTE

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# BAKING POWDER

**Absolutely Pure**  
The only baking powder made from Royal Grape Cream of Tartar  
**NO ALUM, NO LIME PHOSPHATE**

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tempt to question the virtue of Essie Samuels, but so far as Anna Cook was concerned he thought she was a bad one and he said so yet and the record would prove it to any fair minded man. Joe Samuels knew what Anna Cook was, he knew eventually his home would be ruined if his wife continued to associate with her. / At this point in the argument adjournment was taken until this morning.

### AMUSEMENTS.

**Pupils' Concert Thursday.**  
Mrs. Marder's seventh annual pupils' concert will be given next Thursday evening at the assembly hall of St. Francis De Sales church. The class consists of forty pupils qualified to fill their place on the program. Among the young men and boys, Carroll Joy, Henry Krueger, Leroy Schulz, Don Vath and Albert Jenkins, are violin soloists for the occasion. Mr. Jenkins has created quite a sensation at some public performances last winter, a beautiful rich tone, coupled with splendid technique are his attainments. The piano solo to be rendered by Mr. George Clink is the "Evening Star," Wagner-Liszt. The musical genius represented in a class of this size, molded into musicianship by Mrs. Marder's thorough instruction, makes it easy to furnish a competent concert program. Mrs. Marder's own musical education began at the age of seven and was completed by a three year course, 1898, 1901 at the Royal Conservatory of Karlsruhe, Baden, during which time she studied instrumental music, harmony, composition, ensemble playing, musical history and theory and also played under the baton of Felix Mottl in the Royal Opera.

**Down the River.**  
On Friday morning at 8:00 o'clock sharp, the steamer Sidney, recently overhauled and painted, will leave this port bound Quincyward with the Unitarian excursion.

Everything has been planned to make the day's outing one of the most enjoyable of the season. There will be music and dancing on board and the return from Quincy will start at 5:30 o'clock with street cars awaiting the return of the excursionists.

On that day at Quincy, the Wright Brothers' aeroplanes will give an exhibition which will be well worth taking a day off to see.

**A Leading California Druggist.**  
Pasadena, Calif., March 9, 1911. Foley & Co., Gentlemen:—We have sold and recommended Foley's Honey and Tar Compound for years. We believe it to be one of the most efficient expectorants on the market. Containing no opiates or narcotics it can be given freely to children. Enough of the remedy can be taken to relieve a cold, as it has no nauseating results, and does not interfere with digestion. Yours very truly, C. H. Ward Drug Co., C. L. Parsons, Sec'y. and Treas. Get the original Foley's Honey and Tar Compound in the yellow package, Wilkinson & Co., and J. F. Kiedaisch & Son.

**As to Mending.**  
It is never too late to mend, unless you are so rich that you can afford a new tire at any time.

## Milk Bulletin

**How to Solve the Summer Milk Problem**

Everybody knows how difficult it is to keep fresh Milk during the heated season.

All this bother—all this loss and disappointment can now be largely avoided if you will use Libby's Evaporated Milk.

You can use as much or as little as you need and the remainder will keep much longer than fresh Milk.

Libby's Evaporated Milk is simply pure country Milk from which part of the water has been evaporated. Add water to a portion as you use it and you have good rich Milk which is cheaper and gives splendid satisfaction in all kinds of cooking.

Libby's is sold in convenient size cans at 5 and 10 Cents each.

Ask Your Grocer for Libby's

## Pure in the Can Pure in the Baking

Do you know that Baking Powder undergoes a chemical reaction in the process of baking which entirely changes the nature of the original substance? It's a fact.

One of the greatest authorities on Chemistry in the country found that a loaf of bread made from a quart of flour, leavened with Cream of Tartar Baking Powder, contained 45 grains more Rochelle Salts than is contained in one Sedlitz Powder.

Remember, this drug was not in the can. It was formed by the chemical reaction that took place in baking.

That is why so many baking powders which produce impurities in the baking can be advertised as "absolutely pure." It may be pure in the can, but it is not necessarily pure in the food.

CALUMET is absolutely free from every impurity. Food leavened with it contains no Tartaric Acid, Rochelle Salts, Alum, Lime or Ammonia. It is chemically correct.

CALUMET is the only high-grade baking powder sold at a moderate price. Do not confuse it with the cheap and big can kinds, or the high-priced Trust brands. It stands alone.

Ask your Grocer for and insist on having

# CALUMET BAKING POWDER

Received highest award World's Pure Food Exposition, Chicago, 1907.

# FOLEY'S KIDNEY PILLS

for backache, rheumatism, kidney or bladder trouble, and urinary irregularities. Foley's Kidney Pills purify the blood, restore lost vitality and vigor. Refuse substitutes. FOR SALE BY WILKINSON & CO. AND J. F. KIEDAISCH & SONS.

**ALBERT E. SMITH SUCCEDED SUNDAY**  
Death of Young Nineteen Year Old Boy Followed Operation For Appendicitis.

Suffering intensely from acute appendicitis and surviving an operation made in an attempt to save his life, Albert E. Smith died at Graham hospital Sunday night at 9:15 o'clock. A physician examining the case of the young man on Friday, found that removal to the hospital was necessary and upon operation it was found that toxemia was general through the system. The crisis was reached shortly after half past eight and the condition of the patient took a change for the worse at that hour Sunday evening.

Born four miles west of this city, September 24th, 1892, Albert E. Smith came to Keokuk with his parents several years ago. "Bert," as he was familiarly known to his many boy companions, was formerly a carrier boy for The Gate City and his gentlemanly disposition and bright alertness in discharge of his duties, won for him a large host of companions.

Bert was elevator conductor at the Young Men's Christian Association several years ago, and up until the time of his recent illness had been employed as an apprentice electrician at the cereal plant.

The young man had been attending

of the Christian Sunday school department and was highly thought of in that institution.

Those who survive are the parents, Mr. and Mrs. Frank Smith, of 908 Johnson street; a brother, Roy W., and a sister, Ethel L. Two grandmothers, Mrs. Greta Smith and Mrs. May Hayden, and two aunts, Mrs. Anna Hayden and Mrs. Frank O'Brienness, of Amarilla, Texas, are among the surviving relatives.

**Foley's Kidney Remedy**  
is particularly recommended for chronic cases of kidney and bladder trouble. It tends to regulate and control the kidney and bladder action and its healing, strengthening and bracing. Wilkinson & Co., and J. F. Kiedaisch & Son.

Whooping cough is not dangerous when the cough is kept loose and expectoration easy by giving Chamberlain's Cough Remedy. It has been used in many epidemics of this disease with perfect success. For sale by all dealers.

**Strength In Nature.**  
The looest weed that drifts and waves under the heaving of the sea or hangs heavily on the brown and slippery shore, has a marked strength, structure, elasticity, gradation of substance; its extremities are more finely fibred than its center, its center than its roots; every fork of its ramification is measured and proportioned; every wave of its languid lines is love. It has its allotted size, and place, and function. It is a specific creature—Ruskin: "The Seven Lamps of Architecture."

**KAHOKA WON FROM REVERE**  
Missouri Team Defeated Opponents By Pounding the Ball Hard.

REVERE Mo., June 13.—The Revere ball team was defeated Sunday afternoon to the tune of 19 to 4, by the team from Kahoka. Kahoka undoubtedly has the fastest team that has played on our local diamond this season. At all points in the game Revere was at the mercy of the visiting aggregation. All of the runs made by the home team were made on errors. Only four hits were made off of Townsend, Kahoka's pitcher, while Davidson was pounded all over the field. In the sixth inning Kahoka batted around, getting three triples and two doubles. The game was called in the seventh inning because of rain. The score by innings: R. H. E. Revere..... 1000201—4 4 4 Kahoka..... 4240063—19 17 3 Kahoka plays at Gorin next Sunday and at Hamilton July 4th.

**RESULTS TELL**  
There Can Be No Doubt About Results In Keokuk.

Results tell the tale. All doubt is removed. The testimony of a Keokuk citizen. Can be easily investigated. What better proof can be had? Martin Kelleher, 309 N. Twelfth St., Keokuk, Iowa, says: "Six years ago I caught a heavy cold and soon after I began to suffer from pains in my limbs and back. My kidneys became weak and I had to get up several times at night to pass the kidney secretion. For four or five years I continued to suffer and despite all my efforts, I failed to get relief. One day a friend insisted that I try Doan's Kidney Pills and I accordingly got a supply at Wilkinson & Co.'s Drug Store. This remedy restored my kidneys to a normal condition and removed the backache." (Statement given August 13, 1906).

**Re-Endorsement.**  
On May 4 1910, Mr. Kelleher was interviewed and he said: "I can recommend Doan's Kidney Pills just as highly today as I did some years ago. I have had no serious recurrence of kidney complaint."

For sale by all dealers. Price fifty cents. Foster-Milburn Co., Buffalo, New York, sole agents for the United States.

Remember the name—Doan's—and take no other.

**BADE MEYERS IS SUSPENDED**  
Quincy Manager Draws Indefinite Rest For Calling Umpire on Decisions.

QUINCY, Ill., June 13.—Bade Myers, manager of the Veterans, has drawn an indefinite suspension for his mix-up with Umps Cusack in the games Saturday and Sunday. That means that Bade will be out for perhaps three to five days or maybe a week. His loss will be felt, though Skeets Hartman can play the bag in good shape. President Tearney notified the local association officers last night after having received Cusack's report.

**Woman's Reason.**  
Elliott R. Hooten of Indianapolis was questioning a woman who was a reluctant witness, and he inquired: "Why did you leave that hotel?" "I object," shouted her attorney. Then began a wrangle concerning the admissibility of the question, which the court finally decided to be perfectly proper. Mr. Hooten then said: "Now, madam, please tell us why you left that hotel." "Well," she said, "just because."

**GROWING GIRLS NEED A TONIC**  
When They Become Thin and Pale If Proper Development and Healthful Womanhood Is to Be Assured.

Poverty of the blood, scientifically called anemia, is common in young girls and in persons who are overworked or confined within doors and makes its approach in so stealthy a manner that it is often well developed before its presence is recognized. Taken in time the disease is readily curable, the specific being a tonic medicine which increases the number of red blood corpuscles thus enabling the blood to carry the life-giving oxygen to all the tissues of the body.

Mrs. Nellie E. Roscovius, of Tulalip, Wash., was strong and healthy until her fourteenth year, when she went into a rapid decline. For the next year she suffered from anemia and was not cured until she gave Dr. Williams' Pink Pills a trial. She says: "When I was fourteen years of age I went into a decline and was miserable for a year. I had not a particle of color and my blood was turning to water. I was very weak and could not walk up stairs without great effort. I had dizzy spells and headaches all of the time and was compelled to leave school.

"The doctors pronounced my trouble anemia but I did not receive much benefit from them. Through a neighbor, who had given her daughter Dr. Williams' Pink Pills, I began their use. After a short treatment with the pills I was stronger. I quickly regained my health and strength and have had no occasion to use the pills since."

The tonic treatment with Dr. Williams' Pink Pills is successful because it acts directly on the blood, purifying and building it up to its normal health. It thereby keeps the body healthy even under unusual conditions.

Dr. Williams' Pink Pills have been found invaluable in a wide range of diseases of the blood and nerves such as rheumatism, after-effects of the grip and fevers, neuralgia, nervous debility, St. Vitus' dance and even partial paralysis and locomotor ataxia.

Dr. Williams' Pink Pills are for sale by all druggists, or will be sent, post-paid, on receipt of price, 50 cents per box; six boxes for \$2.50, by the Dr. Williams Medicine Co., Schenectady, N. Y. Send today for a copy of our free booklet, "Diseases of the Blood."

Wide awake Captains, Lieutenants and Privates on the firing line of affairs know Western Union Day Letters and Night Letters as quick, sure, economical business ammunition.

These 50 word letters sent by telegraph are revolutionizing even modern business methods.

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