# THE MINNEAPOLIS JOURNAL.

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MINNESOTA HISTORICAL SOCIETY.

## TO BUY ALL THE WIRES

### Government Ownership in Canada.

### TELEGRAPH, TELEPHONE

Purchase Would Involve Something Like $25,000,000,

BRITISH LINE AROUND THE WORLD

**Local Telephone Systems Would Be Leased to the Mnnicipalities.**

New York, Feb. 4.—A special to the Herald from Toronto says:

The Dominion government has practically taken steps to purchase the telegraph systems of Canada, extend them enormously and operate them in connection with the postoffice department. It is also proposed to follow a similar course with the telephone, but municipalities will be licensed, as in Britain, to operate the telephone system within their own areas. With a surplus running from $6,000,000 to $7,000,000 for 1900-01 and a prospect of an equally large surplus for 1901-02, the plan seems feasible.

The great desire of Canadian statesmen is to see cables owned by Great Britain under the Atlantic and Pacific and joined at each ocean to wires owned by the Dominion crossing this country and thus practically girding the globe by a cable absolutely under imperial control. The business men of Canada are unanimously in favor of the scheme.

The Great Northwestern Telegraph company practically control the wires in Canada. The Canadian Pacific system extends to about 10,000 miles and the cost is estimated at from $7,500,000 to $8,000,000. The Great Northwestern system will probably come near this amount, while the Bell Telephone company of Canada has a capital of $5,000,000, so that the purchase of these concerns means a probable expenditure of from $20,000,000 to $25,000,000.

The government owns several short telegraphic lines and in almost all charters there are clauses providing for purchase.

## TO SENTENCE YOUTSEY

**Gov. Beckham Will Send Militia Into the Mountains.**

*New York Sun Special Service*

Frankfort, Ky., Feb. 4.—The case of Henry E. Youtsey will be called to-morrow at Georgetown to pass sentence on a verdict of life imprisonment given last fall. The cases against Holland Whittaker, John Davis and "Tallow Dick" Combs will be continued. Captain C. D. Ripley, indicted as an accessory to the Goebel murder before the fact, will be brought here from Henry county under the indictment. Ripley was in charge of soldiers in the executive building just after the shooting.

Memorial services were held in the chapel at the Frankfort cemetery yesterday on the anniversary of the death of William Goebel.

Lexington, Ky., Feb. 4.—Authentic information has been received here that Governor Buckner contemplates an armed invasion of the mountain districts with a militia force to bring to justice many men now at large, against whom there are felony charges. Berry and John Powers, accused of complicity in the Goebel assassination, will be the particular object of search. That blood will follow an attempt to arrest these men is sure.

It is said that Captain Garnett Ripley, charged with complicity in the assassination of Governor Goebel, will be defended by Colonel W. C. P. Breckinridge.

## KASSON ISN'T DEAD

**But the Metropolitan Club Went Into Mourning for Him.**

*New York Sun Special Service*

Washington, Feb. 4.—John Kasson of Iowa, one of the best-known diplomats in Washington, was at the state department when Secretary Hay received the news of the queen's death. He was much affected, of course, and having the good of the Metropolitan Club, of which he is a member, much at heart, he went directly to the telephone, called up the club, and said in a voice filled with emotion:

"Have the flag lowered at half-mast at once."

"Who for?" was the response.

"Kasson,' was the brief rejoinder.

The attendant ran from the telephone, ejaculating: "Poor Mr. Kasson, only a short time ago he left here in health, and now he is dead."

He wrote the death notice on a heavily black bordered card, as is the custom of the club, and posted it up on the bulletin board.

Members were grief-stricken as the flag fell to half-mast.

"Poor Kasson is dead," said one member to another, who had just come in.

"Dead? Why, I guess that I just left him and I never saw him in better health in my life."

"Who is dead if it isn't Kasson?"

"Why, the queen, of course."

## SHOOTS THE PREACHER

**Wife's Confession Results in a Tragedy, Perhaps Murder.**

*New York Sun Special Service*

New York, Feb. 4.—Rev. John Kellar, vicar of the Trinity Mission Protestant Episcopal church of Arlington, N. J., and secretary of the diocese of north New Jersey, was shot yesterday and probably mortally wounded by a man who at one time was one of the minister's closest friends, Thomas J. Barker, one of the best-known residents of Arlington, and a department manager of the Commercial Cable company. Barker said he was maddened by a confession made to him by his wife the night before.

Rev. Mr. Kellar left his home, 160 Beach street, to take a car to Fort Lee, where he was to assist Bishop Starkey at an ordination service. At Midland avenue he was shot down so suddenly that he had not time even to see where the shot came from. Barker had been lying in wait for him. He fired four shots, three while the clergyman was on the ground.

The story told by Barker himself to his friends, who visited him in prison, was that his wife, who has been suffering from a nervous illness for some months, confessed to him Saturday night that she was assaulted by Mr. Kellar about eighteen months ago.

Mr. Kellar denies that he is guilty.

"The charge is false; it is absurd," he cried, as he lay on his bed. "My life and my career ought to exculpate me. I am innocent."

## RODERMUND IS FREED

**He Says He Will Reach Appleton in a Day or Two.**

Milwaukee, Wis., Feb. 4.—Dr. M. J. Rodermond, the Appleton, Wis., physician who exposed himself to smallpox germs and later broke quarantine, and who was arrested here and landed in the isolation hospital after his return from Terre Haute and Chicago, was released this afternoon. He expects to return to Appleton within a day or two.

## IT OPENS A NEW EMPIRE

### Irrigation Bill Very Likely to Pass.

### SOLVES THE PROBLEM

Mr. Hansbrough's Bill Calls for No Direct Appropriation.

IT BENEFITS THE WEST

**Money Will Come From the Sale of Public Lands in the Arid Regions.**

*From The Journal Bureau, Room 45, Post Building, Washington.*

Washington, Feb. 4.—The senate public lands committee at a special meeting today unanimously ordered a favorable report on Chairman Hansbrough's irrigation bill, introduced in the senate last Thursday. It is proposed to attach the bill as an amendment to the sundry civil appropriation bill, and if this is done it will pass at this session.

Various schemes for irrigation have come before congress during the past few years, but every one provided for direct appropriations from the treasury, and on that account was stoutly opposed by senators from New England and the middle states. The Hansbrough bill does not antagonize these eastern interests which, it is said, will support it solidly.

In brief the bill provides that all money derived from the sale of public lands in the arid and semi-arid regions, save those held for educational purposes, shall be set apart in a special fund out of which reservoirs and hydraulic works shall be constructed. Where the receipts from the sales of public lands other than those in the arid and semi-arid regions are insufficient for the support of agricultural colleges, this deficiency is to be made up from the general funds.

The bill has been submitted to several leading eastern senators who have persistently opposed irrigation projects heretofore because of the great expense they entailed, and they have cordially indorsed it, saying they regarded it as presenting the best solution of the irrigation problem yet offered.

North and South Dakota, Montana, Idaho and Washington in the northwest will be directly benefited by this bill. In western North Dakota, for instance, the Missouri river could be tapped during the spring freshets for supplies of water, making that section as productive as the Red River valley.

Senator Hansbrough has worked out the problem without outside aid. He has had no communication with the officers of the irrigation congress, which met in Chicago a few months ago, and he does not know what plan that congress indorsed save that it involved direct appropriations from the public treasury and was, therefore, subject to the same opposition that has been made to all previous irrigation schemes. He does not know how much money his bill will produce, beyond the general statement that within the next few years the sum will be possibly $3,000,000, which is far in excess of the wildest dreams of the irrigation agitators.

In the public lands committee to-day Senator McEnery of Louisiana, speaking for the other southern senators, said he would gladly support the Hansbrough bill. "In a comparatively short time," he added, "under its operation, a larger and more fruitful area will be opened for cultivation than is contained in the entire Philippine archipelago."

Representative Stevens to-day introduced a bill providing for the appropriation of $10,000 for the erection of certain buildings at Fort Snelling and for improving the river bank by making it articulate with the Minneapolis river bank boulevard system.

The bill provides for the erection on the fort grounds of a storehouse, barracks, hospital, office storehouse, railroad track, drill hall, bachelors' quarters, roads and highways, including the establishment, repair and protection of the old fort and its grounds. The $10,000 is to be expended under the direction of the secretary of war.

Representative Stevens will try to pass the bill at this session, but if he fails it will be taken up again next session.

That Justice Harlan has made a qualified denial that he made an anti-expansion speech at the Loyal League banquet in this city last Friday night is not strange. His attention being called to the matter, there was nothing he could do but deny, for the Porto Rican cases are still in the hands of the supreme court, undecided, and his alleged utterances violated every propriety and precedent. Fortunately for the story, however, the justice's words were heard by many gentlemen, members of the senate and house and otherwise prominent in official circles.

Representative Moody of Massachusetts was the man who, on Saturday, at the capitol, first gave the matter publicity. He had written out the language of Justice Harlan, and in order to be sure that he was quoting him correctly submitted his writing to some half dozen gentlemen who, like him, were present at the banquet. They all agreed that Mr. Moody had caught the spirit and almost the exact language of the distinguished jurist. The denial does not count for anything in Washington, where the facts as here set forth are well known.

The Washington Post to-day publishes a statement that the San Francisco Chronicle was wrong in saying that the proceedings in that city against Noyes and McKenzie have been dropped. The Post evidently gets its information from the anti-Noyes pople, some of whom have been in Washington all winter. It says particularly that the contempt proceedings against McKenzie are still pending, and that the efforts to have Noyes dismissed as judge at Nome will not be abated.

Nothing is known here regarding the matter beyond what already has appeared in these dispatches. The information which came to Judge Noyes' friends here last Friday originated in San Francisco and is supposed to state the situation accurately. The efforts to secure the discharge of Noyes must take the form of formal charges in an affidavit with the attorney general before any notice will be taken of them. This the prosecution has known for months and yet the charges are not made.

Within forty-eight hours, it is believed, the subsidy bill's fate will be decided and from the outlook to-day the bill will be unceremoniously killed.

Senator Spooner of Wisconsin is "mad clear through." He doesn't purpose the subsidy bill shall pass if he can prevent it, and his ability to prevent it is honrly becoming more market. It is his plan, as outlined to-day to several members of the Minnesota delegation, to make a final attack in the senate to-morrow or Wednesday using the Grout olemargarine bill as his weapon. He will make a motion that the Grout bill be substituted for the subsidy bill as the unfinished business of the senate. The vote on his motion, he figures, will relegate the subsidy bill to the limbo of all defeated legislation.

All the northwestern senators, especially those from Minnesota, the Dakotas, Iowa, Kansas and Nebraska, while prepared to vote for the subsidy bill under ordinary conditions, would probably desert it when the question becomes one of choice between it and the Grout bill, which is very close to the hearts of their constituents.

At any rate, this is the way Senator Spooner figures it, and he is usually very correct in figures. It is thought a good many senators from the states mentioned will be glad of an excuse to dispose of the subsidy bill in this way. Their adherence to it is only perfunctionary, and but for Senator Hanna's insistence in trying to make the bill a party measure, their lukewarm advocacy would probably have developed into open opposition long ago,

—W. W. Jermane.

**Washington Small Talk.**

Mr. Stevens to-day introduced his bill making Stillwater a port of entry.

Representatives Gamble and Burke have recommended J. C. Mack for postmaster at Bend, Meade county, and Christian Rasmussen at Spink, Union county, S. D.

Postmasters appointed to-day: Minnesota—Benedict, Scott county, William Lochen. North Dakota—Merrifield, Grand Forks county, Halvor K. Leen. South Dakota—Broadland, Beadle county, Edson E. Potter.

The senate public lands committee to-day authorized Senator Pettigrew to report favorably the bill turning over to the Modern Woodmen at Hill City, S. D., certain public land to be used for cemetery purposes by that order.

The first bill introduced by Senator Clapp provides that the secretary of the treasury shall retain possession of the old public building at St. Paul, which is to be applied to such governmental uses as may be hereafter determined.

Representatives Gamble and Burke to-day presented a memorial of the South Dakota legislature praying for a continuance of the Sisseton Indian agency. The item for this was inserted in the Indian bill in the senate and it will remain.

The sundry civil appropriation bill reported late to-day carries the following items for northwestern public buildings: Clinton, Iowa, completion, $51,000; Fergus Falls, completion, $37,500; Oskaloosa, Iowa, completion, $25,000; Yellowstone Park, $118,000, an increase of $58,000; Duluth, continuing harbor improvements, $320,000; lock and dam No. 2, continuation of improvements between twin cities, $157,000; surveys northern and northwestern lakes, $100,000.

## DARK FOR PAULSON

**His Stories of His Whereabouts After the Murder Contradicted.**

Special to The Journal.

Alma, Wis., Feb. 4.—Testimony has been introduced in the Paulson murder case showing that a skiff was taken from the landing at Stockholm on Lake Pepin, about five miles from Paulson's home, on the evening of the murder, and found next morning at Lake City, across the lake. Mr. Cox and others swore that they saw the defendant at Lake City on the evening of June 16, the day of the murder. This is contradictory to the story told by Paulson shortly after the murder.

Witnesses from Red Lake county, Minn., where the defendant went after escaping from the Durand jail, testified to his spending several $20 gold pieces while there before being rearrested, while the marshal of Pepin swore that Paulson told him two days before the murder that he hadn't a dollar in the world. Among the money taken from the Seldon house were thirteen $20 gold pieces.

## CUTS OUT AN ELECTION

**McDougall's Bill in South Dakota to Be Reported Favorably.**

Special to The Journal.

Pierre, S. D., Feb. 4.—The house judiciary committee will report favorably McDougall's bill providing for the election of supreme and circuit court judges at the regular general elections.

It is practically settled that Editor Shepard of Howard will be deputy insurance commissioner.

Christiania—The premier will ask the storthing to vote 20,000 kroner to relieve the storm-ruined districts in northern Norway.

The Coronation Crown of Edward VII., King of the United Kingdom of Great Britain and Ireland and Emperor of India.

## NATIVES TAKE HAND

### They Rise Against the Insurgents on the Island of Mindoro.

### BATAAN REBELS GET NOTICE, TOO

**If They Do Not Cease Operations in a Week the Natives Will Help Capture Them.**

Manila, Feb. 4.—Natives have reported at Batavia that a week ago the natives of the island of Mindoro rose against the insurgents and killed the insurgent governor. There are no troops at Mindoro.

The federal party of Bataan province, including the presidents of each pueblo, met at Orani yesterday and resolved to notify the insurgents of Bataan that they must cease operations within a week or the people will assist the Americans to capture them.

The provincial government bill will be passed Wednesday and soon afterwards the commissioners will begin their tour or organizing provincial governments in those provinces of southern Luzon which General MacArthur and the commissioners consider sufficiently pacified.

**MABINI'S CASE**

**Secretary Root Replies to the Senate Resolution.**

Washington, Feb. 4.—Secretary Root has answered the senate resolution calling for a statement as to why the Filipino leader, Mabini, had been deported to Guam. He says:

A. Mabini is a prisoner of war captured Dec. 10, 1899. While such prisoner, he was found to be maintaining correspondence with insurgents engaged in armed resistance to the authority of the United States, and his place of confinement has been changed from Manila to the island of Guam.

The secretary supplies copies of the telegrams, including one from General MacArthur, dated Dec. 25, which says:

Expectations based on result of election have not been realized. Progress of pacification apparent to me, but still very slow. Condition very inflexible and likely to become chronic. I have therefore initiated a more rigid policy by issue of proclamation enjoining precise observance of laws of war, with special reference to sending suplies and information to enemy in field from towns occupied by our troops, and also warning leaders that intimidation of natives by kidnapping or assassination must sooner or later lead to their trial for felonious crimes.

It is difficult to convince people, especially natives, that any of the volunteers will be replaced. Early information of purpose of department in regard to army legislation and the prospect of the passage of an army bill would greatly strengthen my administration here.

In another telegram General MacArthur says:

Mabini deported, a most active agitator; persistently and defiantly refusing amnesty and maintaining correspndence with insurgents in the field while living in Manila, Luson, under protection of the United States; also for offensive statement in regard to recent proclamation enforcing laws of war. His deportation absolutely essential.

## JAPANESE IMMIGRATION

**Mikado's Consul Leaves for Ottawa to Secure a Veto.**

Special to The Journal.

Vancouver, B. C., Feb. 4.—Consul Shimizer of Japan has left here for Ottawa in order to secure the Canadian government's veto on British Columbia's legislation in restriction of Japanese immigration and labor. He will, it is feared, succeed, as eastern Canada has no real knowledge of and little sympathy with British Columbia's attitude in regard to oriental immigration and settlement.

Meanwhile, however, Japanese immigration to British Columbia is almost suspended, and the white fishermen of the salmon industry hope that they may this season obtain a fair amount of employment, instead of being ousted by hastily and illegally naturalized Japanese.

HAVE YOU NOTICED?

Philadelphia Press.

"This snail-like pace," growled the first trolley car passenger, "is enough to rile a saint."

"Yes, these cars are peculiar," replied the philosophic man. "When you're in a car it simply crawls, but when you're trying to catch it it flies along at top speed."

## THE LAW VIOLATED

### Letter by Public Examiner Pope to Hennepin Co. Commissioner.

### IT RELATES TO OVERDRAFTS

**These Are Said to Have Been Without Authority—A Reply Being Framed.**

A bomb shell has been exploded among the county commissioners of Hennepin county by the receipt of a letter from E. M. Pope, the state public examiner, calling attention to the fact that certain subdivisions of the county revenue fund have been overdrawn and to the law regarding drafts upon the funds. The county commissioners have had the letter under secret discussion, but as yet have not made public either the letter or the reply they are framing. It is not even known what line their reply will take, but it is understood that it will be an attempt to show that the examiner is wrong.

**The Letter.**

The letter, which is addressed to Chairman Sweet, is as follows:

Dear Sir—I have before me the statement showing the amount credited to each of the subdivisions of your county revenue fund, which amounts were available for use during the fiscal year 1900. I notice in several cases that you have overdrawn some of these funds, which I deem a violation of the provisions of chapter 31 of the general laws of 1899.

| | |
|---|---|
| The fund for salaries and fees was overdrawn | $2,306.39 |
| Books and printing | 1,630.02 |
| Interest on C. H. & C. H. bonds | 1,353.75 |
| Emergency fund— | |
| For books and stationery | 721.09 |
| For books and printing | 2,182.84 |
| For incidentals | 2,348.26 |

**Contrary to Law.**

These are in my judgment all made without authority of law. The wording of the law concerning the emergency fund is:

"But no money shall be expended from the emergency fund except in cases of actual emergency arising from unforeseen demand upon some other designated fund which has become exhausted."

I do not think that a demand created by the voluntary action of the commissioners during the year could be considered as an unforeseen demand.

Concerning the overdraft of interest I find that it is impossible that an error has been made in charging the several interest funds, as the total of the four interest funds shows no over payment, but if no error was made, I am disposed to condone an over payment of interest on bonds, and would suppose that may be a case where the emergency fund might properly have been used as a correction for errors in figuring the interest.

**Doesn't Intend to Prosecute.**

I also wish to call your attention to the provisions of section 6 of chapter 31 of the general laws of 1899. This department has no intention of instituting prosecution against county commissioners under the provisions of that section, but I feel free to say that the conduct of the commissioners should be such that no party could find justification for commencing such prosecution if they desired.

We are now enforcing a system of accounting in the county offices which was long ago ordered, and I think the results will help you to a clearer understanding of the condition of each of the funds at all times. I should say that I have every reason to believe that the county treasurer and the county auditor are entirely in accord with this system.

I would be obliged if you will acknowledge receipt of this communication, and submit it to the board of county commissioners at their next meeting.

**To-day's Board Meeting.**

Bonds in the sum of $30,000 of the Tribune company for publishing the forthcoming delinquent tax list and the proceedings of the board were approved. The bill of the Tribune company for printing an abstract of the votes at the primary election, amounting to $135 was turned down, the attorney of the board giving it as his opinion that there is no law authorizing the publication in question.

FIRST INFERENCE.

Indianapolis Press.

First Politician—Did you see that Weisaker has been announced to discuss a few public questions from a high moral plane?

Second Politician—Yes. I wonder what the old geezer is sore about?

## FRANK H. HAMILTON IS NOW ON TRIAL

### Man Accused of the Murder of Leonard R. Day Brought Before Judge Brooks This Morning.

### Great Crowds Strive for Admission---E. F. Pabody, First Talesman Called, Is First Juror.

The curtain in the second act of the West hotel tragedy was rung up this morning. A crowd began to block the corridor outside the main courtroom by 9 o'clock, an hour before the time set for the trial of Frank H. Hamilton, charged with the murder of Leonard R. Day.

The throng steadily increased until it overflowed the passage way and was compactly massed on the broad stairway. All confusion was avoided when a deputy sheriff took his stand at the main entrance to the room at 9:30 and quietly began to admit the audience. Those who had an immediate interest in the case had a hard time squeezing their way into the room through the crush. Those who had only a curious interest in the drama were forced to form a "box office" line in the pasage and await their turn to pass the guard. People stubbornly contested the right to precedence in the line. The most aggressive ones were two women. The proverbial curiosity of women was not much in evidence. There were only a few others of the fair sex in line. They seemed almost ashamed of their presence and were careful to take back seats where they were least conspicuous.

All of the seats in the room except the three front rows, which had been reserved for the witnesses, were occupied soon after the doors were opened. The standing capacity of the galledy was also being taxed to its utmost.

A big delegation of newspaper men were on hand early, and were assigned to special seats near the judge's bench.

**Hamilton Is Brought In.**

Frank H. Hamilton was brought in quietly by Deputy Sheriff DeLaittre a little before 10 o'clock. Clean shaven, and attired in a natty blue tweed suit, he was the picture of self-possession. He chatted pleasantly with those about him, and exchanged greetings with his newspaper friends, who crowded about him and pressed his hand. He was accompanied by Robert L. Penney, who, with Frank J. Nye, will defend him.

Hamilton has contracted the grip, and although he looks well, complained of feeling badly. He says it has centered in his back. He is thinner than at the time of the arrest and his face has lost some of its fullness. In the interim between his arrival and the opening of court he busied himself consulting one of Mr. Penney's voluminous books.

"I'm looking up the law in the case," he explained.

**Hamilton's Play.**

An idea of the prisoner's easy state of mind can be had from the fact that during the last few days of his confinement he has been contributing to the "native drama." He has written a curtain raiser, entitled, "Driftwood," born of his experience in the county jail. Harry Corston Clarke, of the "What Did Tomkins Do?" company, now at the Metropolitan, is said to have expressed the wish to use the piece with his larger production.

"It's a lot of rot," is Hamilton's criticism of his first dramatic creation. "It might be called a 'crust of society' skit. I wrote it just to kill time, and you know I've had an awful lot of that commodity to squander."

The Rev. William Wilkinson, who has taken a close interest in Hamilton's welfare since his incarceration, was one of the first to enter the courtroom.

**The Attorneys Appear.**

County Attorney Fred Boardman and Al J. Smith, first assistant, arrived early. A large delegation of attorneys, to whom the purely legal aspects of the case appeal, strolled familiarly about the enclosure or took seats assigned to them in the front rows in good season.

The only witnesses whose testimony will be of any importance on hand before the opening of court were ex-Detective Joe Lawrence, who arrested Hamilton the night of the stabbing, and Charles Ferris, billiard attendant at the West hotel. Ex-Chief of Police James G. Doyle, had a front seat.

There was a thin showing of acquaintances of the principals who have more than a passing interest in the case. West Hotel circles were scarcely represented; none of Day's friends were in attendance.

The impaneling of juries in other court rooms greatly delayed the case.

**His Honor Comes.**

Judge Brooks entered the courtroom at 11:20. The members of the petit jury filed in simultaneously and took the seats reserved for them. Deputy Sheriff Gordon Bright rapped for order and Judge Brooks called:

"The case of the state against Frank H. Hamilton."

"Ready, you honor," said the county attorney.

The court appointed Lewis R. Larson, Samuel L. Baker and Elijah Barton as triers.

He gave the attorneys for the state and counsel for the defense their instructions as to the lines along which they were to proceed in calling a jury.

The first man called was E. F. Pabody, of 28 Thirteenth street S., a draughtsman in the employ of the Gillette-Herzog company. Mr. Penny explained the nature to the case, reading the indictment charging Hamilton with having murdered Day on Nov. 25. Hamilton leaned forward, his face resting on his hand and attentively watched the proceedings.

FRANK H. HAMILTON, THE DEFENDANT, AS HE APPEARED IN THE COURTROOM TO-DAY.

Mr. Pabody had known "Gene" Day, a nephew of Leonard Day, for fifteen years. They had boarded at the same place. He had seen no member of the Day family since the stabbing. He was also acquainted with the parents of Eugene Day, but knew no other relatives of deceased.

M. Penney challenged for actual bias, which was denied by the prosecution. He had read an account of the homicide, but not all of the accounts. He had taken a special interest in the case. He had read about the coroner's inquest and it had been discussed in his family. He could not state positively as to whether he had formed any convictions as to the guilt or innocence of the defendant. He had received an impression as to the guilt of "some one" present, but it "hardly amounted to an opinion." He was not conscious of any leaning for or against the accused.

"Do you think you could try this case fairly, unbiased and unprejudiced, considering your condition of mind bearing on it?" asked Mr. Penney.

**Pabody Thinks He Won't Do.**

"No, I think not."

"Do you honestly feel that you could act as a juror and render a verdict without being influenced by anything you have read or heard about the case?"

"No sir."

"You have some doubt about your ability to do so?"

"Yes, sir."

"Do you have a serious doubt about your ability to return a verdict solely on the evidence submitted in this case?"

"I don't know that they are serious doubts; I have certain doubts."

"Challenge withdrawn," said Mr. Penney.

**Pabody Is Juror No. 1.**

The state had no challenge to make and Mr. Pabody was sworn as the first juror.

Charles T. Waterbury was called next. He lives at 3600 Nicollet avenue, and is assistant manager for the J. I. Case company. He knew Leonard R. Day by sight, and had known his father years ago, but not personally. He had not seen the son in years. He had expressed an opinion as to Hamilton's guilt or innocence. It would take strong evidence to remove it. Mr. Waterbury was excused.

Edwin H. Lindsay of 2207 Portland avenue, a clerk for Lindsay Brothers, was the third man called. He was acquainted with Eugene Day, W. H. S. Day, Frank, Fred and Addie Day. He had gone to school with 'Gene Day. He knew Bert and Al Robinson, uncles of Leonard, but had seen neither since the murder.

Mr. Penney challenged for actual bias, which was denied. Mr. Lindsay had read of the case and had discussed it. It would take strong evidence to remove that opinion. He was excused.

**Noon Recess.**

An adjournment was then taken until 2 o'clock, the sheriff being instructed to take charge of the single juror and allow no one to communicate with him during the noon recess.

**Leonard Day's Grandfather.**

A white-haired little old man occupied a conspicuous seat by the side of the state's atorney upon the resumption of the case this afternoon. His frame was almost bent double with the weight of years and he shook as with the palsy. He watched the trend of the case with the utmost interest.

"I am Leonard Day's grandfather," he said in a voice trembling with emotion. It was J. L. Day, one of Minneapolis' pio-

Defective Page