FRENCH LEADER HEADS DEPUTIES

Paul Doumer, Conceded a Brilliant Future, Wins Another Honor.

M. PAUL DOUMER,
Who Has Been Elected President of House of Deputies.

Paris, Jan. 17.—After a spirited contest in the chamber of deputies, M. Doumer was elected president of the house, receiving 265 votes to 240 for M. Brisson.

Paul Doumer is one of the two or three men in France with a future by common consent. When he returned to France in 1902, after his five years' governor generalship of Indo-China, M. Cornely pointed out in the New York Herald that he was a man high in the service of the state. His election to the presidency of the chamber places him decidedly in line for the presidency of the republic.

He completes his forty-eighth year next March 22, having been born at Aurillac in 1857. He made his way to politics thru teaching and journalism. As a member of the budget commission he has presented several masterly reports. In 1895 M. Leon Bourgeois gave him the portfolio of finance in his ministry.

One of the chief measures to which that cabinet was pledged was an income tax bill, and it fell to M. Doumer to take the leading part in advocating that project, so that he was thoroly equipped for criticising, as his budget commission has done, the income tax bill of M. Rouvier, now before the French chamber.

M. Doumer's selection for the post of governor general of Indo-China was due to the necessity of placing an able financier in that office. In the French far eastern possessions, as M. Cornely remarked, everybody, even M. Doumer himself, agreed he had accomplished wonders.

The Fashion Center.
The great Plymouth Clothing House.

SPITE SUIT, SAYS MRS. HUNTER DOLL

Widow of Senator Davis Says She Will Contest St. Paul Case.

By W. W. Jermane.

Washington, Jan. 17.—Mrs. Hunter Doll, formerly Mrs. Cushman K. Davis, said today that the suit entered in St. Paul yesterday by Herman Kretze, an architect, to recover $400, is a piece of spite work on the complainant's part, because he was not employed to design and superintend some flats she and her husband were thinking of putting up on her property in St. Paul.

"My representatives in St. Paul asked Mr. Kretze and other architects to submit plans for flats we were thinking of building on the unimproved Davis property in St. Paul," said Mrs. Doll. "None of the other architects charged anything for their plans, but Mr. Kretze first demanded $200 and then raised the price to $400. Persons consulted by my representatives said that work done by him was worth not more than $25 and payment was refused.

"Subsequently, after we had decided not to build the flats, Mr. Doll lost the Kretze plans and when he went to see Mr. Kretze that gentleman said the plans were worth about $25. I haven't had any notice of suit served on me, but shall contest it when it comes to trial."

DAVIS HOME ATTACHED

St. Paul Architect Sues the Late Senator's Wife.

Herman Kretz, the St. Paul architect, has commenced an action to collect $440 from Mrs. Hunter Doll, formerly the wife of the late Senator C. K. Davis. The plaintiff says the money is due him for plans drawn at the defendant's order. Mrs. Doll is a non-resident of Ramsey county and Mr. Kretz has, therefore, attached the old Davis homestead.

It is so easy to take Piso's Cure for a cough and be relieved and cured. 25c.

STATE AND FEDERAL CLASH

Appeal in Washburn-Bayfield Road Case Argued in Chicago.

Chicago, Jan. 17.—A complicated struggle between varied interests in the Washburn, Bayfield & Iron River railroad of Wisconsin, looking forward to a sale of the road and settlement of its debts, came before Judge Jenkins, Grosscup and Seaman in the federal court of appeals in Chicago today.

The troubles of the road were brought into the federal court of appeals here because of a clash between the state and fderal courts in Bayfield county, Wisconsin.

The case was arguedtoday and will probably be taken under advisement.

Work is Easy
when you eat
Grape-Nuts
the fascinating
Brain Food
And trial 10 days proves.

ESCH-TOWNSEND RATE BILLS ARE IN

Increase Power of Commerce Commission and Create Transportation Court.

New York Sun Special Service.

Washington, Jan. 17.—Representatives Esch and Townsend have introduced the bills regulating railroad rates which they prepared at the suggestion of the president and with the assistance of Attorney General Moody. The two bills will be consolidated.

The bills provide that the interstate commerce commission shall have the power to fix a reasonable rate upon complaint by the shipper or by the railroad and that all appeals from the decision of the interstate commerce commission shall be to a court of transportation to consist of five members, with a chief justice at $9,000 a year and four assistant justices at salaries of $8,500 a year. The members of the court are to enjoy the same privileges of retirement as other members of the judiciary. Appeal from the court of transportation can be taken to the United States supreme court.

The Minority Measure.

Representative Davey of Louisiana, the ranking democratic member of the committee on interstate and foreign commerce, after consultation with the other democratic members of the committee, introduced a bill to regulate railroad rates, which represents the view of the minority of the committee.

It provides that the interstate commerce commission shall have the power to fix a reasonable rate upon the complaint of the shippers or railroad and that the decision of the commission shall be in effect until a decision from a court is received after appeal.

The bill provides that at no time can the interstate commerce commission raise a rate. If two rates are submitted and the lower rate is decided as reasonable, the higher rate must be reduced. This provision was put in on the theory that the railroads would not make a lower rate than they could afford to keep in existence and to prevent any discrimination in favor of large concerns.

How Opinions Differ.

The wide diversity of opinion on the rate and rebate question prevailing in the senate was emphasized at the meeting of the interstate commerce committee. E. P. Bacon, representing the interstate commerce law convention, was given a hearing.

Mr. Bacon said the Elkins law forbidding the giving and receiving of rebates is as complete and drastic as it is possible for congress to make it. It remains for the interstate commerce commission and the department of justice to enforce the act.

"If the law is properly enforced," said Mr. Bacon, "the rebate evil will be entirely eradicated. It may require more machinery to make the law effective. The railroads should be required to produce their books and papers. There should be a continuous system of inspection. I believe there will be no difficulty in obtaining the little additional legislation needed to prevent rebates."

Mr. Bacon said the Quarles-Cooper bill to increase the powers of the interstate commerce commission should not be amended. Congress should take up the one matter of rate regulation now. At the next session, additional machinery can be provided for preventing rebates. Not one-tenth as many people are affected by rebates as by discriminations in freight rates, he said:

Forms of Discrimination.

Bacon named these forms of discrimination against the public:

First—Rebates.

Second—Discrimination as between localities.

Third—Discrimination as between commodities.

Fourth—Discrimination as between distances.

Fifth—Discrimination as between quantities.

"I cannot figure," said Mr. Bacon, "that it costs more than 5 per cent additional to handle less than car lots, while the rates are higher by from 80 to 90 per cent, and in some instances reach 150 per cent in excess of rates charged for car lots. This discrimination as to quantities applies to all the railroads in the country."

Mr. Bacon said there have been made many complaints of this discrimination, but so far as he knew no investigation has ever been made except by the industrial committee.

As It Affects Tariff.

Mr. Bacon said discriminating rates apply as well to imports as to exports. There is no compensation, as the class of goods is different. There is no protection to the people in this matter. The discriminations neutralize the import tariff duties, but the people derive no benefit from it.

Senator Tillman asked: "Does not that amount to tariff protection for the producers?"

"It does," Bacon replied, "if the power we ask is conferred on the interstate commerce commission it will prevent such discriminations."

FOR GOVERNMENT RATE-MAKING

Staples of Minnesota at the House Railroad Hearing.

Washington, Jan. 17.—Charles F. Staples, a member of the railroad and warehouse commission of Minnesota, advocated government rate-making, in an address before the house committee on interstate commerce today.

A report from the New York board of trade and transportation in opposition to the Quarles-Cooper bill for government railroad rate-making, was read to the committee. The greatest evil in the transportation problem, according to the report, is the private car lines. These, it is said, should be placed under the jurisdiction of the interstate commerce commission.

The report suggested a special commission from the two houses of congress to investigate the whole subject, during the recess and report to the next congress, the same as was done regarding the ship subsidy problem.

TO CURE A COLD IN ONE DAY
Take Laxative Bromo Quinine Tablets. All druggists refund the money if it fails to cure. E. W. Grove's signature is on each box. 25c.

LAND TEST CASE

Court Decides for Lammers and O'Brien Against Lumber Company.

Special to The Journal.

Stillwater, Minn., Jan. 17.—Judge Lochren of the United States circuit court has decided for the defendants in the case brought by the Northern Lumber company against Lammers Brothers of Stillwater and William O'Brien of St. Paul.

The action involved title to several thousand acres of land north of Duluth and was a test to determine if the plaintiff's purchase from a grant made the Northern Pacific was good. The court found that the land had been withdrawn by the land department from sale or other disposition, and that the plaintiff had no lawful title.

FORMER PUGILIST KILLS HIMSELF.

Winnipeg, Man., Jan. 17.—Samuel Shannon committed suicide in the Clement block today by slashing his throat with a razor. He formerly was an English pugilist.

JEALOUSY AS MURDER MOTIVE

Continued from First Page.

hard was a double-faced —— of a ——. The defendant says that he was a friend of Louis A. Gebhard and a member of the same profession and yet he said to Hjalmer Hoidale the words I have just repeated.

Intended to Kill.

"The state has presented evidence to show that at some time not a long time prior to the death of Dr. Gebhard, the defendant sent him a bottle of deadly poison. That evidence was not produced for the purpose of trying Dr. Koch for the crime of sending the poison, but for the purpose of showing that at a short time before the murder he had an intention of killing him.

"The learned counsel for the defense, in his opening address, said that the defense would admit that the man who sent the poison committed the murder. I think it was very proper for the counsel to admit it, for it would be very difficult for anyone to believe that where a man some time in the month of October had received poison and a few days afterwards was murdered—it would, I say, be hard to believe that the two things were not done by the same man.

Fact Behind Fact.

"Now someone was intending to kill Dr. Gebhard. In the search for the truth, a chain of circumstances was brought out, all tending to show that the defendant, and no other, sent the poison package to Dr. Gebhard. The man who thought ont the scheme of poisoning Dr. Gebhard overlooked the great truth that every fact in his life is related to all other facts. There is not a fact of the human life that is not related to some other fact, and it was because of this great truth that the state has been able to trace back to the hand of the defendant this package of poison.

"When Dr. Gebhard was murdered, the people were set to thinking. What enemies did he have? What circumstance was there in his life that would cause anyone to murder him? Dr. Reinecke remembered that Dr. Gebhard had shown him a bottle which had come in a blue box and which had aroused Dr. Gebhard's suspicion. Dr. Reinecke knew in what form samples come to physicians. They do not come in bottles with a label in that form and when Dr. Reinecke saw the bottle his suspicions were aroused. Now, someone was designing something.

Important Links.

"After the murder a search was made and this bottle was found standing on the shelf. It was the same bottle. All of the contents had not been removed. The bottle became precious in determining who killed Dr. Gebhard. It was sent to the chemist of the state university and was found to contain sulphate of strychnine.

"Dr. Koch is under suspecion, and when the chemist revealed the contents of the bottle were sulphate of strychnine, then the question arose, 'Did Dr. Koch have access to strychnine?' The officers go to Dr. Strickler's office and ask him if he had any sulphate of strychnine. Yes, he kept it in a cabinet near the door of Dr. Koch's office. The combination of the lock on the cabinet was known to the defendant, to Dr. Vogel and to Dr. Strickler. So it was found that the defendant had access to sulphate of strychnine.

"The next question which arose was, 'Did the defendant have access to a bottle like the one in which the poison was sentQ' The state went to Dr. Strickler's and he had several of them. Thus we proved that the defendant had access to a bottle like the one in which the poison was sent. And that was not all. Did Dr. Koch have access to a blue box like this one? The officers went the rounds of the box factories in the city which make paper boxes and found that a box of this nature was made for the Parke-Davis company of Minneapolis. Dr. Koch had received such a box early in October.

Doubt Thrown on the Box.

"The defense produced a box like this. Whoever heard of it before the witnesses appeared upon the stand? Now, if this defendant had been innocent of this crime, the first thing that he would want would be to have the officers find a box like this in his cupboard. The box was brought into court, by Henry Somsen, his brother-in-law, and they tell you that it was taken from Koch's office on Friday after the murder. Do you believe that Mr. Somsen has had this box in his possession all this time and not spoken about it?"

General Childs next took up the discussion of the address on the box of poison. He told how the officers had hunted for the typewriter on which the address was written and ridiculed the experts sworn for the defense.

The handwriting on the bottle also received attention, and the bottle as well as samples of Dr. Koch's writing were presented to the jury.

"We will submit," said General Childs, "that the evidence shows beyond a reasonable doubt that the package of poison was prepared by the defendant and sent by him to the dead man."

Will Disown the Kerchief.

Perhaps the greatest surprise of the whole trial will come this afternoon, when L. L. Brown is summing up the case to the jury for the defense. He will deny emphatically the ownership of the handkerchief found in Gebhard's office and will hand to the jury the bloodstained handkerchief and Dr. Koch's handkerchiefs which have been introduced in evidence as all that he had. He will ask the jurors to compare the handkerchiefs and will contend that the blood-stained handkerchief is not of as fine a fabric as the Koch handkerchiefs, and that the hem of the blood-stained handkerchief is fully one-sixteenth of an inch narrower than those of the other handkerchiefs. He will ask them to compare the handwriting of the laundry marks and note the differences.

The foundation for this was laid yesterday, when Ida Koch swore she had not marked the handkerchiefs in question.

Brown to Plead for Koch.

L. L. Brown of the counsel for the defense will make the argument for Dr. Koch and will begin speaking about 4 o'clock.

Closing Bits of Evidence.

After having introduced Professor W. K. Mulliken of St. Paul yesterday afternoon, who identified the handwriting on the poison bottle, the state addressed itself to the remainder of its impeaching testimony. Anton Richardtz was called and asked if E. G. Koch had told him that George Koch came home on the night of the murder at 10 o'clock. That conversation was held on Nov. 22, altho the alibi statement was made public on Nov. 6.

Henry Schnobrich testified that he was in the shoe shop of Anton Horsak on the night of the murder. He went there a few minutes after 8 o'clock. He did not know how long he was there, but he left the shop before 9 o'clock.

The state designed to prove that Horsak was in his shop at the time he said he saw a man go up the stairs to Gebhard's office, but failed signally.

Dr. G. F. Reinecke and G. W. Murfin were called to impeach Asa P. Broobs, because he had made contrary statements out of court. The defense objected to the impeaching testimony on the ground that proper foundation had not been laid and the state withdrew the witnesses.

KOCH NOT CONFUSED

Sustains Cross-Examination Without a Contradiction.

From a Staff Correspondent.

New Ulm, Minn., Jan. 17.—The closing hours of the defense yesterday afternoon were the most sensational of the trial. In them were crowded the statement that someone had stolen the black cravanet coat, which Dr. Koch had worn the night that Dr. Gebhard was killed, the testimony of the defendant himself that the handkerchief found in the murdered dentist's room and which bore his initials was not his, and the searching cross-examination of Dr. Koch by General Childs.

These matters made a visible impression upon the minds of the jury, especially when Dr. Koch's cross-examination was completed without a single contradiction.

After Dr. Koch left the stand his attorneys were highly elated, for it began to look as tho the state's case had been entirely broken. Three or four witnesses were sworn. The box which Koch received from the Parke-Davis company in Minneapolis shortly after Oct. 7, and which the state claims was the identical box in which the poison was mailed, and the leadpencil, which Koch received from A. J. Vogel the night of the homicide and which the state had maintained was the one found in a pool of blood at the murdered dentist's side, were introduced in evidence. Dr. Koch swore that it had been in a drawer in his desk since shortly after the murder, when he heard that the pencil found in Gebhard's office was one of the clews which the state proposed to use against him.

Point Made by State.

When the defense rested its case it looked like a clear victory for Dr. Koch, but a minute later, when the state started the work of rebutting the testimony, a ruling made by Judge Webber changed the status of the case materially. The first witness General Childs called in rebuttal was Professor W. K. Mulliken of St. Paul, an expert on handwriting. Mr. Brown at once objected on the ground that it was not proper rebuttal and was really a reopening of the case of identifying the handwriting.

Judge Webber heard his argument and then listened to General Child's statement.

General Childs said that when the state had rested its case it had been unable to secure a single specimen of Dr. Koch's handwriting, and for that reason had been compelled to rest with the testimony of the Hanska editor. He thought that the court should allow the swearing of expert witnesses on the ground that several specimens of Dr. Koch's handwriting had been admitted in evidence by the defense and that now the state's expert would have an opportunity to make a comparison. Judge Webber overruled the objection and the defense took an exception.

Professor Mulliken then testified that the specimens of the defendant's script on exhibit and the word "sample" on the bottle were written by the same hand.

The only expert testimony that seems to stand unblemished is that of Professor H. C. Carel of the state university, who said that the poison he analyzed contained 9.85 per cent strychnine. It appears that if the defense had drawn him out far enough, there would have been different testimony on this subject. He said that he examined less than a quarter of a grain of the substance in the bottle. He found it contained a sweetish substance that reduced like sugar, some caffeine and 9.85 per cent of strychnine. The state went ahead on his testimony and claimed that the strychnine tablets Dr. Strickler lost had been ground to powder, mixed with bromo caffeine and sent to Dr. Gebhard.

Professor Richard Fisher, state chemist of Wisconsin, and a professor of chemistry in the university at Madison, said that the strychnine tablets contain only 10 per cent strychnine. In his opinion the strychnine in the bottle which was sent to Dr. Gebhard was not composed of hyperdermic strychnine, but of the pure drug.

Evidence Threshed Over.

Dr. Koch was cross examined by General Childs and was subjected to a perfect storm of questions.

"Did you see any light in your office when you left Hoidale & Somsen's offices?"

"No, sir, I did not look that way."

"Was there any light in Strickler's office at that time?" "No, sir."

"You had not turned out the light in Dr. Strickler's office, had you?" "I had not."

"How long did you remain in that room the last visit?"

"Just long enough to turn off the light."

"After you had turned off the light and gone down stairs, where did you go?"

"I stood on the street in front of Alwan's drug store."

"How long did you stay there?"

"Just long enough to say 'good evening' and talk a word or two about the weather before going on."

"Then where did you go?"

"On down the street, past the State bank, over to the corner at Max Berg's cigar store and south on Minnesota street. As I passed Feasenmeier's hardware store I looked in and saw Schilling. I saw young Heinze in front of Pfefferle's drugstore."

"Were you not walking north when you talked to the Heinze boy?" "No, sir, I was walking south."

"Did you or did you not walk north on Minnesota street past the Heinze boy up as far as the hardware store, then walk back and talk to him?" "No, sir."

"What did you go into the barber shop for?"

"To talk politics with Stamm."

"Had you been talking politics with him before?"

"Yes, that same evening."

"Did you talk politics when you were in there?"

"Just as I came in Simmet said, 'Here is a man who says that Strickler is going to vote for Johnson.'"

"Now, what time was it that you went out of there?"

"They say it was about 9:20 when I went in. It must have been about 9:22 or 9:24 when I left."

Route Taken Home."

"Now, what route did you take on the way home?"

"I went up on the north side of Center street to State street, then crossed Center street and walked on the south side to the first road below the monument, thru Hermann park and thru our cowyard."

"Where were you in the cowyard when you saw the rabbit?"

"Near the barn."

"You say that the rabbit was near the park fence?" "Yes."

"You went into the house, took off your overcoat, took a drink and then you thought you would shoot the rabbit?"

"I thought I would try."

"Now, you went from the house to the shed where you keep your gun?" "Yes."

"Did you keep your gun in that shed?"

"Yes; and I always keep some shells on the railing. I looked for some, but there were none there."

"Then you went from the old house to the granary to find the shells. Did you keep the gun in the granary?"

"No; in the old house. I thought there might be some shells in the granary."

"All this was done with a view to shotting that rabbit?" "Yes."

"Now, if you had intended to shoot the rabbit, why did you go into the house first?"

"Because I wanted to take off my coat."

"When you did not find the shells you did not get the gun?" "No."

"After that search you returned to the house?" "Yes."

"What did you do?"

"I went to the table to read. I stood there reading. I read quite a bit. I stood there ten minutes reading. Then I thought I would go to bed."

"What time was it?"

"Three minutes past ten by our clock."

"How do you know?"

"I looked at the clock."1

"When was your attention first called to the fact that you had looked at the clock?"

"When I got to thinking about it."

"You went down stairs to the bedroom and found Paul Hippauf there?" "Yes."

"Why did you not go to bed?"

"I thought that I would go back upstairs and read some."

"What time did you go to bed?"

"Between 11:30 and 11:45 by our clock."

"Why do you say it was between that time?"

"Because I looked up at the clock and it was past 11:30. I waited a while before I went to bed."

"Now, Dr. Koch, how did you come to go to Hanska?"

"I wanted to get acquainted down there."

"Did you not go at the instance and solicitation of Dr. Wood?" "No."

"Did not Dr. Wood request you to come and open dental rooms in connection with his office?"

"He wanted some one to come, but I went to him and asked him if I could get in there."

"Why did you not give Dr. Wood previous notice that you were going to leave Hanska?"

"I made up my mind that day when I learned that he was going to move into another office."

"Did you give him as your reason for leaving because he was moving his office?"

"He found out when he came back from the country."

"Before you began to pack up your chair had you given him any reason for leaving Hanska?" "No, sir."

Did Not Write the Word "Sample."

"You say you did not write the word 'sample' on this bottle." "I did not."

"It is not your handwriting?" "It is not."

Here General Childs produced several exhibits of Dr. Koch's handwriting, being pages torn from his account books and one or two letters he had written.

Dr. Koch looked at them carefully and identified them as his own handwriting. General Childs then said:

"In exhibit 52 I find a capital 'S.' Is that the style you usually write?" "I think not."

"It is the other style of a capital 'S'? resembling that 'S,'" showing him a sample.

"I think the only time I make that kind is when I write the abbreviation for 'Saint.'"

"In this exhibit is the letter 'S' in there the form you usually make?"

"I make that kind sometimes."

"The capital 'S' there is not used in connection with the letter 't'? "No, it is not."

"Now I show you the word 'sample' and ask you if the letter 'p' is the form you make?"

"I make one something like that."

"You left New Ulm for Hanska on the night of Oct. 27?"

"I went Thursday evening."

"And you remained there until Friday?"

"Yes; I came back Friday noon."

"Had you been down to St. James in the month of October?"

"I have never been there."

"On the first of November how many overcoats did you have?"

"My cravenette and my winter coat. My winter coat came a little below the knee."

Burns on His Hands.

"You burned your hands on what day?"

"Friday evening after the homicide."

"Where were you at the time?"

"In our kitchen at home."

"What time in the evening was it?" "About 8:45."

"What had you been doing before that?"

"Sitting there."

"Was there anybody in the room with you?"

"No; my father and sisters were in the dining room."

"Had you put any wood in the stove before you burned your hands?"

"Yes; I put some in a little after 8 o'clock."

"What kind of wood do you burn?"

"Wood cut from the trees that grow around our house."

"Did you have a stovelifter to take the lid off?" "Yes, sir."

"Where did you keep your alcohol?"

"In a bottle in the cupboard."

"How did you put it on your hands?"

"By pouring it on."

"And then you rubbed it in?"

"I did the first time, but after that I just poured it on."

"How long was it that you put the wood in the stove after you put the alcohol on?"

"It was done right away."

"Now, were there any flames in the stove when you put the wood in?" "Yes."

"What did the flames come from?"

"From the wood I put in the first time."

"At this juncture General Childs had the defendant point out where his injuries were on his fingers. Dr. Koch pointed to each finger on his right hand and showed the size and extent of the blister.

"Now, some time before that you had had an accident of spilling carbolic acid on your hand. Where were your injuries?"

"On the backs of three fingers of my right hand, some on my thumb and a little on the palm of my left hand."

"What did you do?"

"I shut off the blowpipe and went to the sink and washed by hands, using a brush."

"Now, you are quite sure that there was a flame in the stove when you put the wood in?"

"Yes, sir; I did not look particularly. All I know is that the fire came around my hands."

"Now, you say you have arsenic in your office, in what form was it?"

"In a powder form."

"Is it put up especially for dental use?"

"I don't know about that, I can buy it at the drug store."

Pfaender Ruled Out.

At this point Mr. Pfaender wanted to cross-examine the witness relative to an epithet which it had been sworn was made against Dr. Gebhard, but which Dr. Koch in his direct testimony had said was used toward Pfaender. The attorneys for the defense insisted that the rule of evidence which allows but one attorney to cross-examine a witness be enforced. Judge Webber granted the request and General Childs continued the cross-examination.

"Now you had an old hammer on the premises. How long have you seen the old hammer there?"

"I don't know."

"When do you first remember of seeing the old hammer there?"

"A long time ago."

"Is the last time you saw it a long time ago, or have you seen it lately?"

"I don't remember when I saw it last."

"You saw it more or less thru many years?" "I did."

"You have used it?" "I have."

"Now did the hammer you had look like this hammer?"

"It did not have a handle like that."

"Was the iron part like this?"

"It had one claw broken off and the head of the hammer was broken more than this one. You could not use our old hammer."

"Now, you say you used words against Mr. Pfaender because he was becoming active against you?"

"Not because he was active against me, but because he was trying to get Hoidale to resign."

"Who told you about it?"

"It was talked about generally in our block."

"Now, did you not know that as a matter of fact that on the day of the homicide, and for a few days after that, Mr. Pfaender was not in the city."

"Perhaps not."

"Did you not know that Mr. Pfaender was away most of the time that week?"

"Well, I know that I made that remark after the homicide."

"And you made that remark because you had heard that he was working against Hoidale?" "Yes, sir."

"And you cannot tell who it was that told you that Mr. Pfaender was working against Hoidale?"

"I did not say that I could not tell who told me. I said that I would not tell."

"Now, while you and Professor Reim and Mr. Krook were in the alley at the rear of the Ottomeyer block, did not Mr. Krook say that that is a long way for a man to jump and not get hurt, and did not you reply with a grunt?" "I do not know."

"When you went into Dr. Reinecke's office did you not lean up against the table?" "I do not know."

"While you were in that room did you have any conversation about the homicide?"

"I don't know but I talked about it down on the street."

"Were there not several persons in that room?" "Yes."

The Missing Coat.

"You had your cravenette coat stolen?" "It is gone."

"And the only person you ever mentioned the fact to was your brother-in-law, Mr. Somsen?"

"Yes, sir. I was told not to say anything about it."

"Now, Mr. Koch, when did you first learn that a handkerchief had been picked up in the office of Dr. Gebhard?" "Thursday."

"When did you learn what the initials were?"

"I think it was in the afternoon. Dr. Vogel came up and told me that the initials were 'G. R. K.' I think it was that same evening that Alfred Vogel told me that the initials were 'G. R. K.' We were laughing about it."

"And do you say that when you learned that the initials were 'G. R. K.' you laughed about it?"

"Yes, there was a crowd of us in Alwin's drugstore and they were all laughing about it."

"You know it was light enough up there to shoot a rabbit at night in your yard?"

"I did not know it. I saw it."

"You know from your experience as a hunter that after you got your gun the rabbit would be there?"

"eYs, sir. I thought it would."

"When did you and your sister Ida take the cat out there?"

"Shortly before I was arrested."

"Why did you do it?"

"Because people were saying I couldn't see a rabbit at night."

"Did you not know that it would be better to have some one other than a member of your family there?"

"I did not care what people thought. I wanted to have my family know that it was all right."

"When did you receive the blue box like the one in which Gebhard received the poison?" "About Oct. 7."

"When did Henry Somsen get that box?"

"Friday afternoon, after the homicide."

"Why did he take the box?"

"Because it was said that Gebhard had received the poison in a blue box like that."

"Was not the object of taking the box away to keep it from the authorities of this county?"

"I don't know."

"You had no recollection of seeing Ole Ulen in your office at Hanska?" "No, sir."

"You don't want to swear that he was not there?" "No, sir."

Miss Ida Koch was recalled and identified the handkerchief which she had marked. She was shown the handkerchief which was found in Gebhard's office which bore the initials 'G. R. K.' She examined the letters carefully and then said that she had not marked that handkerchief. The state did not cross-examine.

Denies Mailing the Poison.

Dr. Koch was recalled to identify the pencil which was put in evidence and General Childs continued the original cross-examination:

"Did you send Dr. Gebhard from Hanska a package mailed on the train?" "No, sir."

"Did you, at Hanska, some time in October, have in your hands exhibit 15 (the box of poison) and endeavor to put it in the letter box, failing to put in the box because the aperture was not large enough; did you hand it to the mail clerk and did the mail clerk ask you what it was, to which you replied, 'It is a package for a Dutch dentist in New Ulm'?" "I did not."

"Did you have such a conversation with the mail clerk about such a package?" "No, sir."

"Did you, in September, send this package to Dr. Gebhard?"

"I never sent him any package."

"Did you, in September or October, hand a package to the station agent to be put on the train?" "No, sir."

Henry Somsen was called and testified to getting the box from Koch's office and the box was placed in evidence. Dr. Koch was recalled and swore that he never received any box of a similar style.

RUSSIANS DEMAND PEACE OF CZAR

Continued from First Page.

Arthur prior to the surrender, which was obtained from Russian generals at Nagasaki. According to this account, twelve generals assembled at General Stoessel's house. Asked the reason for two additional vacant chairs, General Stoessel, bursting into tears, explained that they formerly belonged to departed beloved ones; and, having paid a tribute to the gallant dead, General Stoessel abruptly exclaimed:

"Well, gentlemen, I presume we will fight till the end."

The discussion which ensued showed that the only alternatives were prompt surrender or speedy annihilation. Then champagne glasses were filled and the emperor's health was solemnly honored. Meanwhile the artillery thundered outside, and as several shells burst in the vicinity, General Stoessel ordered the removal of the emperor's photograph, the sole adornment of the bare walls, remarking: "It is not right that his majesty should witness such proceedings."

The decision to capitulate being unanimously reached, each general signed the record, many sobbing aloud. Finally General Stoessel stood at attention, silently offered a prayer, brought his sword to salute, shouted "Long live the czar," which the others repeated in chorus, and the council ended.

It is stated that Mme. Stoessel seemed stunned and cried aloud when she heard of the decision. It is added that acute estrangement exists between General Stoessel and his men owing to the arrangement of favorable terms for the officers, but not for the men.

FLEET LEAVING MADAGASCAR

Rojestvensky Sails Without Waiting for Balrovski's Division.

Special to The Journal.

Paris, Jan. 17.—The St. Petersburg correspondent of the Matin says that Rojestvensky has telegraphed the minister of marine that a junction has been effected between the two divisions of the Baltic fleet, commanded respectively by Volkersam and himself, and that he is about to leave Madagascar with the fleet as it is, without waiting for the squadron which recently sailed from Suez under command of Botrovski.

Coal Cargo Captured.

Tokio, Jan. 17.—A Japanese torpedo boat destroyer captured the Dutch steamer Wilhelmina, which was carrying Cardiff coal to Vladivostok, in the Tsushima straits, Monday, and brought her to Sasebo.

A first class armored cruiser is being constructed at the naval dock at Kure.

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FACE HUMORS

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