

MURDER IN FIRST DEGREE, OR ACQUITTAL IS JUDGE'S CHARGE IN THE DR. KOCH CASE

CZAR'S HEIR IN PERIL IS RUMOR

TALES OF PLOTS ALARM RUSSIANS

Story Goes that Attempt to Kill Kill Czar and Czarevitch Was Blocked.

Admiral of the Russian Navy Is Shot Down by His Orderly.

Paris, May 13.—There was a rumor on the bourse today of an attempt on the life of the Russian emperor. Apparently it was the outgrowth of a dispatch to the Petit Journal from St. Petersburg saying: "Society is agitated over a mysterious drama which has occurred at Tsarskoe Selo. It is alleged that a nurse was about to put the infant heir to the Russian throne into a bath of boiling water when the empress intervened in time to save the child. The dispatch adds that all the domestic servants of the household have been dismissed."

ADMIRAL NAZITOFF KILLED

Orderly Shoots His Superior in Fit of Anger.

St. Petersburg, May 13.—Vice Admiral Nazitoff was shot and killed by an orderly in his room today. The orderly fired three shots from a revolver at the admiral. The crime is attributed to the anger of the murderer at his dismissal from his duties as orderly and being ordered to proceed to the front. The workmen seem determined to make a demonstration tomorrow. The social revolutionists are scattering broadsides the most incensed tomorrow and dare also trying to terrorize the shopkeepers by sending them threats to pillage their stores unless they close up. Many fantastic reports are in circulation to the effect that workmen are drilling in the neighboring forests, testing bombs, etc. Nevertheless, the authorities appear quite calm, saying that the main danger is that the agitators will force the workmen into collisions with the police and troops. Several local societies have formally requested the town council and Governor General Treppoff to permit the workmen to meet, parade and make pacific demonstrations. General Treppoff says he would be glad to agree to this if he had any assurance that the hot-heads would not display red flags, sing revolutionary songs or compel interference which is sure to lead to bloodshed. Strike at Kharokoff.

The workmen at Kharokoff have proclaimed a general strike for tomorrow and the governor is taking special precautions to prevent disorders. The bakers at Lodz, Russian Poland, have struck and no bread can be secured in the town. Neighboring villages are suffering from lack of bread. The domestic servants there have gone on strike. The peasants of the district of Sergaht, government of Nizhny Novgorod, have risen and set fire to several properties. They are preventing all work in the fields. A bomb factory has been discovered in the sailors' quarters of Gdansk. Many bombs ready for use were found.

BRITISH STEAMER SUNK

Strikes Mine Near Port Arthur and Goes Down at Once.

Tokio, May 13.—The British steamer Sobralens, bound for Niuchang to Kobe, struck a mine off Port Arthur yesterday and sank immediately. Boats from Port Arthur rescued all the Europeans aboard, but it is believed that several of the Japanese passengers were drowned. It is also believed that the steamer was inside the zone that ships have been warned to avoid.

JAP TRANSPORT HITS MINE

Chi-fu, May 13.—A merchant vessel which has arrived here contains the report that the Japanese transport Sheyutsu, with 1,800 tons of provisions, bound for Niuchang, struck a mine May 4 near the Miao Tiao islands. The entire cargo was lost. The Sheyutsu signaled the merchantman that she was in distress, but refused aid when she ascertained that the merchantman was a Chinese ship. The Japanese consul at the port states that it seemed impossible that the transport could live in the storm.

JAP CRUISER NEAR FRISCO

Scouting Vessel Expected to Put In There for Repairs.

San Francisco, May 13.—A third-class cruiser of the Japanese navy is reported to be on the way to this port to undergo repairs and a general overhauling. The name of the vessel is not known, but from all accounts it was a warship of the Asiatic coast under orders to come to this port to be repaired, and it is likely that she will, upon arrival, be detained here, as was the Russian cruiser Lena, until the end of the war on the Asiatic coast. The Japanese cruiser is daily expected to arrive. It is presumed that she has been scouting in the Pacific, and that because short of fuel, was ordered to put in here, both for advice and to receive an overhauling in case repairs should be necessary.

The Chronicle today says: "There is over a million dollars' worth of munitions of war, contact-explosive shells, unloaded, lying on the wharf on the Pacific coast. The shells are consigned to Kobe, Japan, but were 'made in Germany.'" The work of loading these shells began on two steamers, but was stopped today when the masters of the vessels ascertained the character of their consignment. A conference for the purpose of stopping the shells was held, but the collector of customs declined to follow such a course, as the transportation of the shells is not in violation of the neutrality laws.

WANTED TO START BUMBLEBEE FARM

Evidence in Will Contest Tends to Show Albert Johnson Mentally Incompetent.

The Defense Will Contend That He Was Merely Humoring His Brother.

Was Albert Johnson mentally incompetent when he proposed to his brother that they break the will of the late millionaire, who "remembered" only his niece, Miss Edna Dickerson of Chicago. Was the project to build a steamboat to carry the two brothers down the Mississippi and up the Missouri a sincere vagary, or was it invented for the same benevolent purpose? And was the proposal to trade vacant lots for Dr. Asa Johnson's house the act of a crazy man or the clever suggestion of a man scheming to get the best of both worlds? Upon the answers to these questions depends largely the outcome of the effort of Dr. Asa Johnson and his relatives to break the will of the late millionaire, who "remembered" only his niece, Miss Edna Dickerson of Chicago. Thought Albert Crazy.

Stephen Rogerson, for years the trained nurse in charge of Dr. Asa Johnson, in Probate Judge Harvey's court today testified that he was convinced, beyond the shadow of a doubt, that Albert Johnson was crazy. As reasons for this conclusion the witness told of the above suggestions, made, he said, in all seriousness by Albert to his brother.

On cross-examination, the animus of the witness was shown to be markedly against the defendant, and he admitted, after a leading, that he would not have thought Mr. Johnson nearly as crazy if he had left part of his fortune to Dr. Johnson and the latter's children. The defense endeavored to show that the suggestions of the bumblebee farm, the steamboat and the trading in lots in reality originated with Dr. Johnson, alleged to be a confirmed morphine user, and that Albert simply acquiesced in them so as not to excite his brother. The defense sought to attribute insanity to Asa and not to Albert Johnson.

THE DOCTOR'S DELUSIONS

"You know that Dr. Johnson used to have insane delusions? That he continually thought men were hanging about the garden for the purpose of kidnapping or killing him?" asked Mr. Welsh on cross-examination. "I know that he did talk about such men in 1903, when he was sick."

"Do you not know that he had these delusions at times when Albert called to see him, and that he talked them over with his brother?" "I don't know that Dr. Johnson ever talked about that to his brother."

"When you were in the car with all sorts of strange things that the doctor used to conjure up, did you not?" "He was just joking."

PICKPOCKETS ROB SENATOR BURTON

Kansas Man Begged Chicago Crooks to Be Calm—They Obeyed—It Paid.

New York Sun Special Service. Chicago, May 13.—Senator J. Ralph Burton of Kansas arrived yesterday at the Polk street station. With a satchel in each hand he boarded a Dearborn street car. Four men stood behind the senator or the rear platform. They appeared to be in a great state of mental unrest, and were jostling and gesticulating with one another, jostling the Kansas senator.

JOBBER SAYS FARMER WANTS NO RATE LAW

Washington, May 13.—J. W. Cooper, the St. Paul wholesaler, was beaten in a statement before the senate interstate commerce committee, declares "Minnesota does not want any changes made in existing laws regarding freight rates, as the state is abundantly satisfied."

WAR VETERAN BEATEN AND SHOT TO DEATH

Lakewood, Wis., May 13.—Fred March, an aged veteran, was beaten with steel knuckles and then shot to death at the Forest county home of Mrs. C. M. Hagen. Officers are in pursuit of Otto Geranich, who is accused of the crime.

WINNIPEG JUDGE IS DEAD

Montreal, May 13.—J. F. Bain, judge of the court of kings bench, who has been here for three months undergoing medical treatment, is dead at the Royal Victoria hospital.



PUZZLE PICTURE. The rooster wonders why Mr. Bryan is so pleased—Do you know?

NAN PATTERSON IN MOTHER'S ARMS

Showgirl Cheered by Crowd on Arrival in Washington—Will Rest Long Time.

Washington, May 13.—Nan Patterson, accompanied by her father and Mr. and Mrs. J. Morgan Smith, arrived from New York at 7:20 a. m., and at once proceeded to the Patterson home on Columbia Heights, a modest two-story cottage. A crowd awaited the arrival of the train and the party was soon surrounded. As the delay continued, the crowd grew.

When Miss Patterson, dressed in a costume of blue, with hat to match, appeared, she looked well and refreshed by the good sleep she said she had enjoyed. As she retraced the car door her father said to a number of newspaper men on the platform: "This is Nan Patterson."

WITHOUT "FRAT" PALE, YALE MAN SELF-SLAIN

New York Sun Special Service. New Haven, Conn., May 13.—Disappointment in not receiving an election to some of Yale's exclusive secret societies, is believed to be the motive for the mysterious death of Arthur W. Hasserot, who was shot to death in his room at the Yale Hotel in New Haven, May 12.

AGED WOMAN THRICE SEEKS DEATH; FAILS

New York Sun Special Service. Lockport, N. Y., May 13.—Mrs. Caroline Truax, aged 91 years, failed three times to end her life at Middleport last night. Imagining her son, Andrew Truax, with whom she lived, was trying to get her money, she bound up her throat with a razor. Her strength failed before she was able to sever the jugular vein. Her son caught her in the act and forcibly bound up her wound.

U. S. MARSHAL OF LAND FRAUD CASES REMOVED

Washington, May 13.—Walter F. Matthews of Portland, United States marshal for the district of Oregon, has been removed by order of the president. It is understood that this action was taken at the instance of the government's attorney in Oregon, who it is said believed that Mr. Matthews was not sufficiently in harmony with the prosecution of land fraud cases now being conducted in that state.

"COXEYITES" GIVE PARLIAMENT SCARE

Bootmakers' Army Reaches London, Creates Scene in House of Commons.

New York Sun Special Service. London, May 13.—In emulation of "General Coxeys" and in an effort to bring their grievances directly before the officers of the government, 115 men, representing the army of bootmakers who have been on strike for several weeks in Nottingham, arrived at Marble Arch yesterday at 3:50 p. m., after a march of 108 miles. From Marble Arch a deputation of ten men was sent forward to the house of commons, and an attempt made to interview Arnold Forster, secretary of war, but the secretary was absent.

The deputation conferred with sympathizing members of parliament, who agreed to try to move adjournment of the house in order to discuss the bootmakers' grievance. Meanwhile Gribble, the strike leader, and his companions, were allowed in the strangers' gallery. After listening impatiently to a long debate on women's suffrage, Gribble rose and immediately led out by attendants. He lost his temper when brought into the central lobby, made a rush and attempted to force his way into the house. Two doorkeepers hurried to the scene, and took half a dozen men to control and eject him. There was great excitement. The government will send an eminent lawyer to investigate the bootmakers' grievance.

LAST SURVIVOR OF WAR OF 1812 DEAD

Hiram Cronk, Aged 105 Years, Passes Away—New York to Honor Him.

Ava, N. Y., May 13.—Hiram Cronk, the last survivor of the war of 1812, died today aged 105. Cronk for years occupied a unique place in American history. As the last survivor of the first foreign war, he had been honored by the national government and his native state. The aged veteran also had another unique distinction. Months before his death and when he pronounced himself to be in almost perfect health, the aldermen of New York city ordered elaborate plans for the disposition of his body after death. Even the spot where his body would find its last resting place was selected.

WORKED AS SHOEMAKER

Cronk learned the trade of shoemaker, by which he gained a livelihood for many years. He was married in 1825 to Miss Mary Thornton, of Western, N. Y., and they lived together for 60 years on the old farm. They had seven children. During the last years of his life Mr. Cronk received from the state of New York a special pension of \$72 per month, in addition to his federal pension.

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CASE GIVEN TO JURY AT NOON

Young Dentist Is Remanded to the Custody of the Sheriff While His Destiny Hangs in the Balance.

(Final argument for the defense on page 11.) By W. P. McGuire.

Mankato, Minn., May 13.—Judge Gray having charged them that they should consider carefully all of the testimony and evidence, and from it determine the one question whether Dr. George R. Koch killed Dr. Louis A. Gebhardt, the twelve men who have sat thru the twenty days of the trial retired this afternoon. The defense called loudly for the adjournment until the last. For several days the sessions have been long, beginning at 8:30, with a noon intermission of but one hour, and continuing until 5:30. The arguments of the lawyers lasted eleven and one-half hours, of which Mr. Brown, for the defense, occupied six. Mr. Brown closed his argument at 11 o'clock, and Judge Gray then read his charge.

GEHARDT'S MEMORANDUM BOOK

Now that the trial has ended, it is notable that one feature which the defense made much ado about some time ago never saw the light of day. That is Dr. Gebhardt's memorandum book. The defense called loudly for the adjournment until the last. For several days the sessions have been long, beginning at 8:30, with a noon intermission of but one hour, and continuing until 5:30. The arguments of the lawyers lasted eleven and one-half hours, of which Mr. Brown, for the defense, occupied six. Mr. Brown closed his argument at 11 o'clock, and Judge Gray then read his charge.

BEHEMISHED WITH BLOOD

The book will always be to the relatives of Dr. Gebhardt a sad reminder of his terrible end. It is bespattered with his blood, and there upon the pages, in Dr. Gebhardt's handwriting, is evidence that he did not know of his approaching death—appointments with several persons for dental work extending as far into the future which he never saw.

NETURAL VISIT TO KOCH'S

Some members of the town council of New Ulm who came to Mankato Thursday intending to testify as to what they saw or did not see on the Koch hill the previous evening, have related the story of their nocturnal adventures which they couldn't tell in court.

NO PRESUMPTION AGAINST KOCH

It is incumbent upon the prosecution to prove every material allegation of the indictment as therein charged, beyond a reasonable doubt; nothing is to be presumed against the defendant; notwithstanding the fact that he has been indicted, the law presumes him innocent until he is proven guilty beyond a reasonable doubt of the defendant's guilt, then it is your duty to acquit him.

WARNED TO KEEP OFF

"We got up in Hermann park," said one of the councilmen, "and thought we were progressing nicely, when a voice from out of the darkness warned us not to step on the Koch property. We are the lawmakers for our city, you know, and decided that we should be law abiding, so we retreated to the Hermann monument and went into committee of the whole."

GRAY CAP NEVER FOUND

"Mr. Silvester said that since it was a light gray cap, and not so dark as the rabbit Dr. Koch saw just over the fence in the courtyard, it must be an easy matter to find it. But continued failures prompted them to give up the search for the cap. We all scrutinized the ground for yards around. The moon came out from behind a cloud as tho to aid us in our search. But no use. We never found that gray cap."

COCH IN SHERIFF'S CHARGE

When the jury had retired, Judge Gray, on application of the state, remanded Dr. Koch to the custody of the sheriff. The defense did not fight the order, but contended it was entirely unnecessary. Judge Gray advised one of the jurors that he could be near to receive a verdict until 10 o'clock tonight, and also until the same hour on Sunday night.

JUDGE GRAY INSTRUCTS

Jury May Not Convict of Less Than First Degree Murder.

Special to the Journal. Mankato, Minn., May 13.—Judge Gray's instructions to the jury were given immediately after Mr. Brown finished his argument, and were, in part, as follows:

I need scarcely impress upon you the gravity and seriousness of your duty upon this occasion, because you must already understand that there rests largely upon you, the responsibility of doing exact justice between the people of Minnesota upon the one side, and the prisoner at the bar of this court, charged with a most grievous offense, upon the other.

Upon one side it is your duty as good citizens and as jurors, to see to it that the dignity of this state is maintained, that its people be secure in life and limb from the unlawful violence of any person, to see to it that the willful taking of an innocent human life is met with proper punishment, to see to it that homicide is met with due retribution, swift and sure, and to see to it that the laws of this commonwealth for the protection of its citizens are promptly, willingly and courageously enforced, no matter who or what the offender may be.

On the other hand it is as well your duty to see to it that no innocent man shall suffer punishment; to see to it that the laws of this country, enacted for the protection of all its people, are so administered that every man may rest secure in the assurance that if he is innocent of crime, he is absolutely safe in the hands of the law; and that the strong arm of the law is thrown as a protecting shield around every man, whatever or whoever he may be, provided only that he be innocent of wrong.

Take with you to your juryrooms these injunctions and do your duty thoughtfully and honestly, with an eye only to the due administration of the law and let the consequences be what they may. Do not allow yourselves to be swayed one hair's breadth from a straight line, either by popular clamor, public sentiment or human sympathy.

Be governed in your actions by your own conscientious convictions as to what is right and what is wrong, and if you err, the fault is not with the state, but with you, and the consequences be what they may.

At the outset, in this, as in all other criminal cases, the defendant is presumed to be innocent of the offense with which he is charged until he is proved to be guilty. In order to justify you in finding by your verdict that the defendant is guilty, it must appear by the evidence introduced upon the trial, beyond a reasonable doubt, that the defendant is guilty of such offense, and if the evidence fails to satisfy your minds as reasonable men, of the defendant's guilt, beyond a reasonable doubt, then it is your duty to acquit the defendant.

No Presumption Against Koch. It is incumbent upon the prosecution to prove every material allegation of the indictment as therein charged, beyond a reasonable doubt; nothing is to be presumed against the defendant; notwithstanding the fact that he has been indicted, the law presumes him innocent until he is proven guilty beyond a reasonable doubt of the defendant's guilt, then it is your duty to acquit him.

It is possible to account for the death of the deceased Louis A. Gebhardt upon any reasonable hypothesis other than that of the guilt of the defendant, then it is your duty to see to it that you do not find the defendant guilty of such offense, and if the evidence fails to satisfy your minds as reasonable men, of the defendant's guilt, beyond a reasonable doubt, then it is your duty to acquit the defendant.

What Reasonable Doubt Is. What is a reasonable doubt, within the meaning of the law? It is not a mere possible doubt, because everything relating to human affairs, and depending upon moral evidence, is open to some possible doubt. A reasonable doubt is that state of the case, which, after the entire comparison and consideration of all the evidence, leaves the minds of the jurors in that condition that they cannot say that they feel an abiding conviction to a moral certainty that the charges made are true.

Absolute certainty is not required in order to justify the conviction of a person charged with crime, but when the evidence establishes the truth of the charge against the accused to a moral certainty, a certainty that convinces and directs the understanding and fully satisfies the reason and judgment of those who are bound to act conscientiously upon it, then the proof is beyond a reasonable doubt.

Gray Cap Never Found. "Mr. Silvester said that since it was a light gray cap, and not so dark as the rabbit Dr. Koch saw just over the fence in the courtyard, it must be an easy matter to find it. But continued failures prompted them to give up the search for the cap. We all scrutinized the ground for yards around. The moon came out from behind a cloud as tho to aid us in our search. But no use. We never found that gray cap."

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