

HAGUE IS ARRAIGNED

On Trial the Second Time for Embezzlement.

MOTION TO DELAY DENIED

CASES CONSOLIDATED AND THE TRIAL AT ONCE BEGUN.

Judge Adams on the Bench—Morning Consumed in Impaneling a Jury—Three Witnesses Examined—Attorneys for the Defense Fight Hard to Keep Out Evidence—Trial Not Expected to Consume More Than Three Days—Other Federal Court Business.

In the United States circuit court yesterday Judge Elmer B. Adams, sitting for Judge Marshall, took up the Alma Hague embezzlement case at the opening of court at 10 o'clock. The motion for a continuance made the day before by the defendant's counsel was argued briefly by Attorneys Henderson and King for the defense, favoring the continuance, and District Attorney Judd and Judge Howat for the prosecution. The point raised by the defense in support of the request for a continuance, was the absence of Senator Arthur Brown, chief counsel. Judge Adams overruled the motion and then heard arguments for a consolidation of the cases. Eleven of the indictments being of a similar nature it was decided by Judge Adams to consolidate and try all at once.

The preliminaries being disposed of, the remainder of the morning session was consumed in impaneling a jury. Twenty-six veniremen were examined before the twelve jurors were selected to try the case. They are: Benjamin M. Smith, Hyrum De Fries, Sylvester H. Reeves, Heber A. Iverson, Warren G. Child, Hector W. Haight, George C. Lambert, William D. Robinson, Albert C. Smith, Lidvard M. Bailey, David C. Dunbar and Clinton J. Moon.

The trial proper began with the opening of the afternoon session when Judge Judd explained the indictments to the jury and stated what the prosecution expected to prove. The defendant's statement and examination of witnesses was proceeded with. But three witnesses were examined and the proceedings till the hour of adjournment were mainly devoted to the examination of the defendants to almost every important question. They were generally overruled, however, by Judge Adams, who evinced a determination to go to the bottom of the case in every detail.

At the hour of adjournment the point was raised as to whether the court could sit today, which as Judge Adams is a legal holiday. Judge Adams expressed a desire to pay due respect to state laws, but held that the state statute does not extend to federal institutions and inasmuch as the case is expected to consume several days in trial decided to hold court.

The testimony adduced during the afternoon was practically the same as offered by the same witnesses when the case was tried at Provo some time ago which trial resulted in a disagreement of the jury. Such new points as were brought out were not of great importance.

Three days will probably be sufficient to try the case.

PRESIDENT WHITMORE TESTIFIES

The first witness called was George C. Whitmore, president of the First National Bank of Nephi, the funds of which bank the defendant, Alma Hague, is alleged to have embezzled while officiating as cashier.

Mr. Whitmore had hardly commenced to testify before Judge King, for the defense, began making a determined effort to prevent the admission of any evidence for which there was any ground upon which to question its admissibility. Among Judge Judd's first questions of the witness was: "What relation are you to the defendant?"

Judge King promptly objected on the ground that it was immaterial. The objection was overruled and an exception noted, the witness answering that he was a brother-in-law of the defendant.

Witness being asked when he became president of the bank in question, Judge King objected, the witness testifying that it was outside the case entirely, that the indictments for which the defendant was on trial were for alleged offenses committed in 1893 and hence any question going beyond that time was irrelevant.

Judge Adams overruled the objection, taking the position that it would be impossible to take up the case as though the action for which the defendant was on trial were a new one. He has explained the history of affairs connected with the transactions the question was allowed an exception being noted.

Mr. Whitmore testified to taking the place of Hague as cashier of the First National bank and the Nephi Savings Bank and Trust company while the latter came to Salt Lake to attend the session of the legislature to which he had been the fall previous elected. It was at this time that he found some discrepancies in the defendant's accounts and had instructed Bookkeeper Hyde to telephone Hague to return to Nephi.

Hague had done so and had explained that the moneys which appeared to be missing were for a deposit he had given him permission to use. He had returned to the legislature and had been gone but a few days when more discrepancies were found. Again the defendant had been telephoned in the same manner and again he had explained matters in the same way and apparently satisfactorily.

JUDGE KING TAKES A HAND. At this point Judge King was given permission to ask a question of the witness which was granted. He asked if the moneys of which he had just testified were specified in any of the counts. Upon being informed they were not he moved to strike out the testimony, the motion being denied on the ground that it was a part of the history of the case.

Continuing his testimony to find out how the moneys were being used, claiming they had never been uttered by them. The defendant had been recalled a third time and upon his arrival at Nephi witness had asked the defendant what was the matter with the affairs of the bank. Hague had replied: "I have been deceiving my friends. Witness had demanded defendant's keys and had told him to go home and return after business hours and explain. Witness had at that time revealed his peculations saying they aggregated, not to exceed \$30,000 and that the money had been lost in mining speculations, etc.

ACTER WERE SHOWN THE WITNESS WHO IDENTIFIED THEM AS HAVING BEEN PRESENT FOR PAYMENT WHICH HAD BEEN REFUSED AND WHICH THE DEFENDANT HAD SAID HE WOULD PAY. A BATCH OF EIGHT OTHERS WHO TESTIFIED THAT THOSE MENTIONED WERE ALSO IDENTIFIED BY THE WITNESS.

On cross examination nothing of importance was elicited from the witness.

TESTIMONY OF L. S. HILLS.

L. S. Hills, president of the Deseret National bank of Salt Lake, was the next witness. He testified that the time of the transactions involved, he had been a director in the First National bank of Nephi; that on February 4, 1894, he had arranged to Nephi by telephone; that he had gone and that upon his arrival there he had been taken to the residence of George Whitmore, where he held a conversation with Hague, who had admitted that he had embezzled the funds of the bank. He had asked defendant if he did not know it meant his ruin and Hague had replied: "I know it did. Witness testified that Bookkeeper Hyde had been present during the whole of the interview and that George C. Whitmore was present during the latter part of it.

Witness explained that the Deseret National was the Salt Lake correspondent of the First National of Nephi and that the two banks had an agreement by which eastern correspondents of the Deseret National paid the drafts of the Nephi bank and charged them to the Deseret National but the latter, the Nephi bank advising the Deseret National whenever it issued a draft.

Witness was then shown two drafts and was asked to state whether or not they had been paid by the Deseret National. One was for \$1,929.10 on the Deseret National in favor of J. C. Lester and signed by Hague, and the other was for \$1,000, on an eastern bank in favor of Louis Hecht, Jr. The former witness identified by memorandum on the back as having been paid by the Deseret National but the latter he could not say had been paid by his bank as it bore no memorandum to that effect. He supposed it had, however, as he had seen the same between the two banks previously mentioned, and the fact the Nephi bank may have failed to advise the Deseret National promptly.

The defendant objected strenuously to the admission of the answer, but it was allowed by Judge Adams, who maintained that in the general order which such things were understood.

JAMES C. CLINTON.

James C. Clinton testified to having deposited \$1,000 with the Nephi Savings Bank and Trust company; that subsequently he had been asked by Bookkeeper Hyde how much his interest amounted to; that Hyde had hesitated before replying and had then informed him of the amount, whereupon he had called for his interest in money and for a draft for the \$1,000 payable to Louis Hecht, Jr., of Boston. He had received his interest and the draft for the \$1,000 from the First National. He had not seen Hague pass a note to Hyde when the latter hesitated to reply.

In this connection, the prosecution will endeavor to show that Hague had used the \$1,000 and that Bookkeeper Hyde had hesitated because he knew Clinton had no money on deposit in the savings bank according to the books and that he only replied upon receiving a note from Hague that he would make it all right. This the prosecution will undertake to show when Hyde is called.

At the conclusion of Mr. Clinton's testimony the case was continued until today at 10 o'clock.

Judge Marshall resumed the bench to order that the names of thirty-two veniremen be drawn. They were: Henry Ball, William Southwick, Sr., Francis Armstrong, W. G. Phillips, Nathan Montgomery, M. A. George, J. W. East, S. B. Atwood, Thomas E. Viessing, B. F. Knowlton, Jr., R. C. Pratt, Henry Selgel, J. S. Snow, M. E. Hunter, James W. Hunter, William E. Hugh, Daniel W. Hunter, William E. Stoker, Joseph H. Snow, W. E. C. Lund, Herbert J. Folger, S. H. Hill.

The clerk was ordered to issue a venire for the first twelve to be returned next Monday as grand jurors, and another twenty as grand jurors, returnable May 4th.

In the intervals of the morning session in the case of the Commercial bank vs. the Victoria Copper Mining company, the defendant's counsel filed, and supplemental complaint filed, and summons ordered issued.

William Kahn was admitted to practice in the circuit and district court on motion of Judge Howat.

A HARD LUCK STORY.

It Was Told to Police Court Clerk Shoup Yesterday.

"Where is the man that issues warrants?" "It was a lady plainly dressed with features indicating that she had seen the dark side of life who thus addressed Police Clerk Shoup.

"Well, what can I do for you?" "The man that issues warrants is being treated is enough to drive a person to the wall," the woman began. "My husband has been in the work shop for months. He has not had a lick to eat all winter and now to have such a thing happen is simply awful. And big tears began to roll down the wan cheeks of the little woman.

"Well, madam, what is it you want?" rejoined the clerk a bit impatiently. "I want a warrant, a warrant I want and this quick, too. You see it's this way. A week ago last Monday my husband bought a horse from a man who lives in the southwestern part of the city. He paid \$5 for the creature. It was the best piece of money he had in the house, but we thought by buying the horse my husband could go out in the country and peddle. The horse was guaranteed sound, but last Sunday he died. Now I want a warrant sworn out for the man who sold the animal to compel him to come and take the carcass away."

The police clerk reached for a copy of the laws and after a few minutes a few moments afterwards the woman was seen descending the stairway muttering something about no protection for poor people.

But we may prolong our continuance on earth by keeping in good working order the physical organs which providence has vouchsafed to us. Among the more important of these is the liver. Either through neglect or provocation, let this great secretory organ remain in or get into disorder, and you will soon find an Asiatic change in your complexion, you will feel very uneasy in your right side, under the right shoulder, blade, your tongue will take on an unreasonable coat of fur, sick headache and nausea will ensue. Don't resort to a powerful purgative, but begin and pursue a course of Hostetter's Stomach Bitters. Then you will get well speedily and thoroughly. This great household remedy for biliousness also relieves and cures many other ailments, such as indigestion, flatulency, incipient rheumatism, dyspepsia and the infirmities begotten by an enfeebled condition of the system. It promotes sleep and a tranquil state of the nervous system.

AFFAIRS OF THE STATE

Deseret News Gets a Contract for Printing Laws.

EXAMINING BOARD MEETS

GOVERNOR SIGNS THE COUNTY GOVERNMENT BILL.

Matters Connected with the Militia Discussed—Two Vacancies on the Staff—The New Brigadier-General Has Not Yet Qualified—Action of County Officers in Refusing to Turn Over Fees Will Be Enacted by Outside Counties—Other State News.

Today is Arbor day, a state holiday under the provisions of the law and as a result business generally will be suspended at the state offices, although the force engaged in the room of the secretary of state will be employed in packing up for removal tomorrow.

Of course, while nominally closed, the state board, consisting of the governor, secretary of state and attorney-general, will doubtless hold a few meetings. Under the rules which are established by law it is an easy matter to hold three or four board meetings per day. For instance, the board of land commissioners, and the board of public lands, when the work for which the assembling was had is completed the two outsiders, Reese and Walton, fall out, and the governor announces: "The state board of examiners will please come to order. The state board comes to order with all members present and there being no business on that table, the board adjourns and so on. Yesterday the state board of examiners had a meeting on the matter of printing the laws, and the board of printing and supplies is then called to order and after doing what has on hand dissolves and the state board adjourns. The Deseret News company carried off the printing of the laws, and the board of printing and supplies is then called to order and after doing what has on hand dissolves and the state board adjourns.

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COUNTY BILL SIGNED. The governor yesterday signed the county government bill which was passed during the closing hours of the legislature. Although the bill has an emergency clause, it is not likely to take effect until the date of approval, on account of not having the necessary two-thirds vote of the legislature. There are now three bills in the hands of the executive which remain unsigned; the estray bill, the drainage district act, and the interest on state warrants bill.

MILITIA MATTERS. Up to date two of the appointees on the staff of the governor have declined to serve. There is a vacancy in the position of inspector general and state inspector of rifle practice. The governor has not yet announced his selection for the position. The National Guard has not as yet qualified. On this account the officers of the militia organizations in this city are somewhat anxious. Early in the morning of the 14th, the colonel of the First Infantry has asked the adjutant general to provide him with a place for holding drills and in his quest made at the officers' meeting last Sunday, suggested that he did not expect to be able to hold drills in a position to give the matter any attention; hence he made the request of the adjutant general to provide him with a place for holding drills and in his quest made at the officers' meeting last Sunday, suggested that he did not expect to be able to hold drills in a position to give the matter any attention; hence he made the request of the adjutant general to provide him with a place for holding drills and in his quest made at the officers' meeting last Sunday, suggested that he did not expect to be able to hold drills in a position to give the matter any attention; hence he made the request of the adjutant general to provide him with a place for holding drills and in his quest made at the officers' meeting last Sunday, suggested that he did not expect to be able to hold drills in a position to give the matter any attention; 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