

SLIGHT DELAY IN SCHMITZ TRIAL

Case Will Proceed This Morning, When Prosecution Will File Counter Affidavits.

DEFENSE FEARS THE COURT MAYOR REMAINS UNDER HEAVY BAIL.

San Francisco, May 20.—Mayor Eugene Schmitz appeared for trial at 10 o'clock this morning in Judge Dunne's department of the supreme court on five grand jury charges of extorting money from local keepers of French restaurants. By request of the prosecution, the hearing was delayed one day in order that counter affidavits may be prepared against Schmitz's motion for a change of trial judge. Assistant District Attorney Heney created a surprise by announcing that the state has no present intention of asking the court to take the mayor into custody pending his trial. Schmitz is at liberty under five bail bonds aggregating \$50,000.

Scene in Court Room.

At five minutes before 10 o'clock, the mayor, accompanied by his counsel, Campbell, Drew, Bartlett & Fairall, entered the court room and took a seat between counsel table and the table reserved for the newspaper men. The mayor looked pale and grim. For the prosecution there appeared District Attorney Langdon, Assistant District Attorneys Heney and Harrison, Special Prosecutor Johnson and Attorneys Cobb and Dwyer, Rudolph Spreckle, Elisor Bigsby and Special Agent Burge took seats near the counsel table. The room was crowded, even the aisle spaces being filled. Before taking up the Schmitz hearing Judge Dunne continued by consent for thirty days the case pending against Chief of Police Dinan and the cases of conspiracy against Dinan and Abraham Ruef. Clerk McManus called the names of the seventy-seven talesmen remaining from the last ordinary venire summoned in the Ruef case. Forty-three of them were present.

Case Called and Continued.

"The people against Eugene E. Schmitz, causes 308 to 307, for trial," announced Judge Dunne. "Defendant is ready, your honor," replied Attorney Campbell. District Attorney Langdon stated that on Saturday night last the defense had served on him notice of a motion for change of trial judge, with copies of affidavits in support of the assertion that Judge Dunne is biased and prejudiced against Schmitz. Mr. Langdon asked that the case go over until 10 o'clock Tuesday morning to give the prosecution time to prepare counter-affidavits, and he asked that the witnesses be ordered to appear at that hour. Mr. Campbell asked that the district attorney serve him with copies of the counter affidavits during the day, and this was agreed to. "I shall not argue the motion for change of trial judge," said Mr. Campbell. "We have no desire to delay the proceedings. If we have affidavits traversing the counter affidavits we shall merely file them and rest the decision with the court."

Talesmen Served by Elisor.

Mr. Campbell then asked whether the names of the seventy-seven talesmen called had been drawn from the regular jury box and served by the elisor. "Some of them, yes," replied Judge Dunne. Mr. Campbell replied that the defense would not offer any objection to the summoning of talesmen by the elisor, as they viewed that as a purely ministerial act; "but," he added, "we shall object to any further action by an elisor in these proceedings. If there is going to be any discussion on that question," said Judge Dunne, "we might as well thresh it out now." Assistant District Attorney Heney set the defense at ease by making the following statement: "In view of the unauthorized statements that have appeared in the local press, and on account of the understanding that may have been assumed from them by the defense, I desire to say at this time that the state has no present intention of asking the court to order the defendant into custody pending his trial." Adjournment thereupon was taken.

Whirled Away in Auto.

Mayor Schmitz, accompanied by two of his attorneys, left the court room immediately, elbowing his way through the crowds to his automobile, which stood at the curb on Webster street. He was watched, curiously, out of trial judge. District Attorney Langdon was asked whether the statement by Mr. Heney that the prosecution had no present intention of asking the court to order Mayor Schmitz into custody indicated that such a request would be made later. He replied: "Stranger things have happened."

EDDY CASE POSTPONED.

Concord, N. H., May 20.—The hearing in the Mary Baker Eddy case, ordered for today, was adjourned to tomorrow, owing to the indisposition of Judge Robert N. Chamberlain, the presiding justice. In expectation that the case would be opened today a great crowd assembled at the courthouse. The majority were women, and nearly all of the spectators were followers of the Christian Science faith.

MONUMENT TO BAGLEY.

Raleigh, N. C., May 20.—Twenty thousand people today viewed the unveiling of the monument and statue erected by the people of the United States in memory of Emory W. Bagley, the young officer killed by a Spanish shell off Cienfuegos, Confederate, federal and Spanish war veterans, national guard troops and school children formed the parade. The address was by Congressman Hobson, the hero of the Merrimac, and Captain Victor Blue of the navy.



Are you a physical bankrupt? Are your nerves shattered and your body wasted by overdrafts on your vital resources? Draw on Scott's Emulsion. It is rich in the assets wrecked systems need—cod liver oil to make fat and tissue, and hypophosphites to build nerve and bone.

All druggists, 50c. and \$1.00.

ELEVEN PEREMPTORY CHALLENGES USED UP

Continued from Page 1.

might have said that if the accused were guilty of the things done in Colorado they should have been strung up.

Employed by Defense.

James H. Hawley, leading counsel for the state, questioned Mr. Allen at length and brought from him the statement that he was employed by the defense to poll his precinct, that he was under pay when he worked, and that he was under pay today. Judge Wood failed to sustain the challenge of Mr. Fisher and he remains in the jury box for the time being.

D. Callahan, an attorney of Boise, joined the defense as associate counsel today. He makes the eighth of counsel for the defense participating in the trial.

The trial goes on at 9:30 in the morning and in future that will be the hour of convening, and adjournment will be at 5 o'clock.

Several Men Let Go.

When today's court session opened, Clarence S. Darrow, for the defense, continued the examination of T. C. DeClercq, a rancher, who was called to seat No. 5 in the jury box just before court adjourned last Saturday. After a long examination DeClercq declared that his mind was pretty well made up. He was excused.

Nearly half an hour was consumed in the examination of the next talesman, George W. Masters, a rancher, who came to Idaho from Kansas. He finally asserted that the opinion which at first he had stated was not a fixed one, would require strong evidence to remove. He said he had read the Socialistic papers which had been put in his mail box for several months past. Because of his opinion, Masters was challenged by both sides and stepped down.

Frank Marcellus, a rancher, originally from Illinois, was excused by consent after he stated that he had some prejudice against circumstantial evidence and had expressed an unequal opinion.

George Powell, also a rancher, and a native of Kansas, finally proved acceptable to both sides, and took up his place as juror No. 3. Mr. Powell said he had neither opinion nor prejudice in the matter. He is about 60 years of age, with grizzled beard.

Fifth Challenge of Defense.

The defense then was called upon to exercise its fifth peremptory challenge. It was directed against Joseph Chinn, at No. 8. Chinn is a hackdriver and a Democrat.

George Fletcher, president of a local bank, was the first talesman called to replace Chinn. He said he had a very strong opinion and was quickly excused.

Frank Gees, farmer and stock raiser, declared an opinion as strong as the preceding talesman, and was allowed to go. W. I. Thraikill, telephone manager, had conscientious scruples against capital punishment, and Sumner Dee, a merchant, had expressed too strong an opinion.

The next man up for examination was Forrest See, rancher and stock grower. His opinion was fixed. He stepped aside.

Crawford Moore, another banker, was quickly challenged for bias.

Former Sheriff Questioned.

Lee Scrivener, a farmer, was called into the box as the luncheon adjournment until 2 p. m. was ordered. Scrivener was put through a thorough examination at the afternoon session and was accepted without challenge. Scrivener once lived in Kansas, but was born in Ohio. He served as a sheriff for three years in Kansas.

Scrivener declared he knew of nothing that would prevent his rendering a fair and impartial verdict as between the state and the defendant. The evidence would have to be conclusive, he said, before he would convict in a capital case.

"Did you ever hang anybody while sheriff?" asked Mr. Darrow of the defense. "No, sir; we didn't do much hanging back in Kansas," said the juror.

Witness Called.

Mr. Darrow asked permission of the court to interrogate John Fisher, juror No. 10 as to a conversation he had with a man in his apple orchard last fall. Asked if he knew a man named Allen, he said he did not. Mr. Darrow then called Allen from the spectator's section and confronted the juror. Fisher quickly recognized the man, but said he had not known his name, their acquaintance being limited to one meeting.

"Didn't you say to Allen that you had read about these defendants and they ought to be strung up?" asked Mr. Darrow.

"I didn't say just that, but I'll tell you what I did say," replied Fisher. "I said I had read about men being blown up in Colorado and I said that if these men were guilty of that they ought to have been strung up before they were brought to Idaho."

Fisher declared he had no prejudice against the Western Federation of Miners as an organization, but he had a strong feeling about some of the things charged to it.

"And you accepted the crimes charged to the organization as a part of the history of the industrial troubles of the country?" asked Mr. Darrow.

"Yes, sir, I did."

"Just as you accept the historic incidents of the surrender of Cornwallis at Yorktown or Lee at Appomattox?" "Now you are getting at it right," commented the juror amid laughter. Fisher added, however, that he would not be afraid to be tried for his life by a juror feeling as he did.

Challenged for Bias.

Mr. Darrow challenged the juror for actual bias and called C. P. Allen to the witness stand. Allen said he was a rancher and a carpenter. He came to Idaho five years ago from Cripple Creek, Colorado. Allen declared that Juror Fisher told him he knew what Moyer, Hayward and Pettibone had done in Colorado and they "ought to be strung up."

On cross examination Allen said he had been in the employ of the defense for ten days or more, his business being to poll a given precinct. He declared he did most of his polling at home.

"Are you a Socialist?" asked Mr. Hawley of counsel for the state. "I was born a Republican," answered Allen.

"But now?" insisted Mr. Hawley. "Yes, I've been a Socialist for two years."

"All you Socialists are taking a deep interest in the defense, aren't you?" Mr. Darrow objected and was sustained by Judge Wood.

Mr. Hawley then drew from the witness

the fact that he was being paid by the defense at the cost of \$3.50 a day.

"Getting money for today's work?" asked Mr. Hawley.

"Doing anything but appearing as a witness today?"

"No, sir."

The witness was excused and Judge Wood then questioned the juror. Fisher told the court that he had not expressed an opinion as to whether the defendants were or were not guilty of the Colorado murders, but merely said that if they were guilty, "they ought to have been strung up."

Judge Wood overruled the challenge against Fisher and the defense noted an exception.

Protest of Defense.

The next peremptory challenge being with the state, Attorney Richardson, for the defense, registered another formal protest against the state being allowed ten challenges under the new law. He declared that the old law, allowing the state but five challenges, was in force and effect when the Hayward case was set for trial.

Judge Wood overruled the objection and again the defense noted an exception.

The state exercised its sixth peremptory challenge against William H. McGuffin, at No. 6. Mr. McGuffin is a Boise real estate dealer.

Joseph H. Breshers, a farmer, called to the place vacated by McGuffin, declared he was opposed to circumstantial evidence in capital cases. He was challenged by the state, and excused by Judge Wood over the protest of the defense.

George Fisher, a patriarchal rancher, with a flowing white beard, was next called, and he also declared he had a prejudice against circumstantial evidence in capital cases.

"I do not form conclusions very easily, either," volunteered the elderly Mr. Fisher, "but when I do, they stick."

He was challenged by the state, but Mr. Darrow resisted. He and Senator Bohan questioned the talesman time and time again along various lines until Judge Wood finally sighed and said: "Whenever you gentlemen are through the court is ready to rule."

Refusal Against Defense.

The challenge was sustained and the defense noted the usual exception. Five talesmen next were excused in rapid succession. Four of them had firmly fixed opinions and the other was opposed to circumstantial evidence.

John Whitlock, a nurseryman, was under examination as a possible juror for No. 6 when court adjourned until tomorrow morning at 9:30 o'clock.

MURDERED BY TERRORISTS

Odessa Superintendent of Police and Two Chief Detectives Victims of Infernal Machine.

Odessa, May 20.—The superintendent of police of Odessa and the two chief detectives of this city were killed and seven other persons were seriously injured by the explosion of an infernal machine in the central police bureau this morning.

The machine was deposited in the bureau just before it exploded, by two men and a girl.

The police pursued, wounded and captured the man, but the girl escaped. The leader of the trio turned out to be a terrorist, named Telshoff.

The two detectives killed were bitterly hated by the terrorists, one of them for participation in inciting the outbreak of 1906 here, and the other, who was nicknamed "The Hangman" because he had tortured political prisoners.

Following the assassination of the three police officials here today, serious rioting occurred, and at 8 o'clock in the evening the Black Hundreds were running wild through the streets mercilessly beating people, particularly Jews, more than 100 of whom were seriously injured. The police apparently remained passive, making no arrests, and the Black Hundreds continued their work of revenge unchecked.

NOTICE TO OUR CUSTOMERS.

We are pleased to announce that Coley's Honey and Tar for coughs, colds and lung troubles is not affected by the National Pure Food and Drug law as it contains no opiates or other harmful drugs, and we recommend it as a safe remedy for children and adults. F. J. Hill Drug Co. "The Never Substitutors."

TEACHER! TEACHER!

Special rates for you to Los Angeles June 1st to July 2nd, Salt Lake Route News just received. Please call at 163 S. Main St. for full information. It will interest you.

COURT SENT DOCTOR TO INVESTIGATE MATTER

New York, May 20.—The trial of Frederick A. Burnham, president of the Mutual Reserve Life Insurance company, on charges of grand larceny and forgery growing out of alleged frauds and abuses in the management of the institution, was temporarily postponed owing to the case was called today. Affidavits of four doctors were submitted to show that Burnham is seriously ill and that it would endanger his life to compel him to attend the trial at this time. The court appointed a physician to go to Burnham's home and make a report upon the defendant's condition.

AWFUL CRIME CHARGED.

Raleigh, N. C., May 20.—Dr. R. S. Rowland, a prominent physician here, was arrested today on a warrant from Henderson, Vance county, charging him with poisoning his 11-year-old son near Kittrell, to obtain money and property left to the boy. The boy died after taking a walk with the woods with his father, and it is alleged that the lad said his father had given him an orange which tasted bitter. Rowland's wife, to whom he was married last week, was arrested as an accomplice.

Will Not Stain Hair

Ayer's Hair Vigor, new improved formula, does not stain or change the color of the hair, even to the slightest degree. If your hair is blond, gray, or even snow-white, Ayer's Hair Vigor, the new kind, will not make it a shade darker. Ask your doctor if this is not so.

We publish the formulas of all our preparations. J. C. Ayer Co., Lowell, Mass.

"Now on the Market."

Westminster Heights

Located on the East Bench. Salt Lake's First Modern Improved Subdivision.

No home costing less than \$2000 will ever be built on this tract. This costs you nothing, but will double the value of your lots in short time.

\$20,000 IN IMPROVEMENTS ARE BEING PUT IN ON THIS TRACT

City water, standard graded streets, cement walks over the entire tract, car service, magnificent view of the city and valley are only a few of the advantages of buying and living in

Westminster Heights

YOUR CHOICE OF ANY LOT IN THE TRACT, EXCEPT CORNERS, \$250.

Which includes all improvements. Investigate before the choice sites are gone.

WESTMINSTER INVESTMENT CO.

Capital stock, \$50,000, fully paid. References: Commercial National Bank.

EARL DUNSHEE

503-4 Tribune Bldg. Phone 939-K.

THOS. E. ROWAN

Under Des. Nat. Bank. Phone 4410.

Has a Woman any Interest in Life Insurance?

Let the woman say. For her needs it was devised, for her protection it is carried. It extends the marriage promise to protect and cherish beyond the lifetime of him who promised. Thousands of women live happier and sleep better because those on whom they depend have been thoughtful enough and good enough to insure in

The Mutual Life Insurance Company

The woman who is the beneficiary of such a policy should take pride and comfort in it, watching that nothing deprives her of it. The woman who has no such protection should endeavor at the first possible moment to place between herself and the hour of need and darkness the obligation of the largest and staunchest life insurance company in the world.

The Time to Act is NOW.

For the new forms of policies consult our nearest agent, or write direct to The Mutual Life Insurance Company of New York, N. Y.

Dandelion

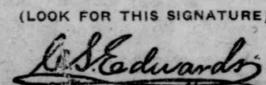
was used by the Arabs four hundred years ago

as a blood purifier. Many people, especially those whose work confines them indoors, suffer from impure blood. It takes many forms; eczema, scrofula, pimples, sallow complexion, itching, sores, anaemia (poor watery blood) are all a sign that your blood is in an unhealthy condition. The life of the body depends upon rich, pure blood, and the only way to become strong and well is to get at the root of the disease and remove the cause. Dr. Edwards' Compound Dandelion Pills are prepared from a famous old prescription. They contain nothing but vegetable matter and are unequalled as a remedy for the cure of all blood diseases. Get a box today. Guaranteed under the Pure Food and Drugs Act, June 30, 1906. Serial number 3517.

Sold by all Druggists, 25c; Schenck Chemical Co., Manufacturers, 54-56 Franklin St., New York and (LOOK FOR THIS SIGNATURE)

F. C. SCHRAMM,

Corner 1st. South and Main Streets, "WHERE THE CARS STOP."



Hamilton's SMART SHOP

Grand Display of Summer Goods

WHITE SERGE SUITS
WHITE LINEN SUITS
WHITE MULL AND EMBROIDERED GOWNS

Special Sale of Imported Waists

Lace and Nets, Batistes and Linens. All over Embroidered Mulls, \$10, \$15 and \$20. The handsomest waist models ever shown in this city. Sale waists on tables.

Specials in Walking Skirts

White and Colored Serge, White Linens and all the Fancy Mixtures.

New Effects in Auto Veils. Smart Hats, Neckwear and Belts.



CORRECT DRESS FOR WOMEN

216 SOUTH MAIN ST.



ROYAL BREAD

Ask Your Grocer for the Bread Made in a Clean Bakery.

The Above Label on Every Loaf