

RIBBONS ADORNED WITH GIBBETS ARE DISTRIBUTED

Chicago Populace Still Inflamed Over Fifty-Year Street Railway Franchise.

Mayor Harrison Inclined to Be Less Emphatic in His Advice to the Masses to Resort to Arms and Violence.

CHICAGO, Dec. 9.—Though the agitation on the part of the reformers to prevent the passing by the City Council of the traction ordinance continues, there has been a marked change in the tone and language of the leaders who addressed the twenty or more mass meetings held throughout the city this afternoon and evening.

This afternoon at a mass meeting held under the auspices of the Monticello Club, President Keating, who is the head of the American Branch of the Ancient order of Hibernians, introduced a series of sensational resolutions pledging the club's support to Mayor Harrison in his efforts to prevent the passage of the pending ordinance, and concluding with a demand that 200,000 able-bodied men surround the Council chamber on the fateful night to be told off in regiments of 2000 men each, a regiment to be assigned to each Alderman, to deal with him according to his deserts, the latter to be determined by the way in which he voted for the ordinance.

The resolutions were received with tumultuous demonstrations of approval, Mayor Harrison, who was present, applauding vigorously.

Judge Murray F. Tuley, who presided, refused to put the motion for the adoption of the resolution. A thousand excited men rose at him, denouncing him as a traitor, and for a time it looked as though the life of the aged jurist was in danger. He waited until the fury had expended itself and then explained that while he was opposed to granting the fifty year franchises to the street railway corporations, he was not an anarchist. He declared that the talk of mobbing Aldermen and owners of street railways had gone beyond the danger point, saying in conclusion:

"Think well before pressing the pending resolution to passage. If, as a result of the action taken here to-day, following the incendiary utterances of irresponsible orators and electors for several days past, the city should be overrun by a mob when the Council next meets and blood be spilled and property destroyed, it is more than likely the members of the Monticello Club will be called upon to pay the penalty for this day's business."

The words of the patriarchal old lawyer were impressively uttered and had the effect of bringing the conservatives present to their senses, and finally the resolution calling for the assembling of a mob was withdrawn and others adopted.

Tuley's speech, with its warning, must have had great weight, for at the meetings held to-night there was a remarkable absence of fire-eating on the part of the speakers from whom much of that sort of thing was expected.

At Turner Hall, where Mayor Harrison was the star attraction, a crowd of 5000, mostly workmen who had not read the evening paper account of the Monticello Club resolutions, was gathered. Harrison was particularly mild, and when asked by some one in the audience "How about hanging Yerkes and the Aldermen?" he remonstrated, declaring that all the talk of ropes and mobs and lynching was idle and must stop.

His audience at this began to break up, disappointed that the man who had instituted the talk of mobs to overawe the Aldermen was among the first to take the back track.

John M. Harlan, a son of Chief Justice Harlan and one of the most violent anti-fifty-year franchise men in the city, addressed a number of mass meetings, but for the first time in his crusade refrained from urging violence.

It probably is but just to all the prominent men who in this instance have indulged in incendiary talk of mobs and hanging Aldermen and street car owners to lamp posts to state that they did not mean it and had no idea they would be taken so seriously by the masses, and now that its effect is seen they will be as active in preventing as they have been in inciting the popular storm. Mass meetings will continue to be held daily by both sides, nearly one hundred being assigned for Sunday, but the Mayor has let it be understood that immoderate speeches will no longer be tolerated.

Mayor Harrison called for volunteers to-day to help him win the fight against the fifty-year franchise ordinance on the proposition: "No franchise extension ordinance of any kind until the Allen law is repealed."

To-day he wrote his name to the following:

"Every political, social, religious or other organization which takes action against the proposed traction ordinance is requested to send a delegate to the Independent Anti-Boodle League, room 323, Ashland block. Such delegate shall act as a member of the league's executive committee and shall report the necessity of public action, should such necessity arise, to the organiza-

tion sending him. It is necessary that a permanent and watchful force should follow the people's fight to the end.

"CARTER H. HARRISON."

A score of men started out to-night distributing white badges, on which were printed a gibbet, from which dangled a noose. The words printed on the badge were "Anti-fifty-year steal." Before the theater crowds had reached home these badges were all over the city. One of the men distributing the ribbons said over 200,000 had been printed.

Politicians who have been booming Mayor Harrison for the Democratic nomination for the Presidency in 1900, and who believed they would be able to land him in the place if the failure of silverism made it out of the question for Bryan to be again named, are disgusted with the weakness displayed by their champion when the crisis in the street car agitation was reached to-day.

At the Monticello Club meeting the incendiary resolutions which were introduced were shown to Harrison and approved by him. It must be understood the primary object of the organization of the Monticello Club was the nomination of Harrison for the Presidency and its membership contains many of the most prominent Democrats of Illinois.

It was supposed when he approved the resolutions he would stand by them. He did applaud vigorously their reading, and no doubt would have voted for them, but after the dramatic interposition by Judge Tuley, Harrison meekly subsided and allowed the paragraph calling for the mob to be stricken out. His followers and henchmen were dumfounded, and at the conclusion of the meeting denounced their idol for his lack of nerve. He is charged with having induced his friends to commit an indiscretion that, in the light of Tuley's arraignment, approximates one of the gravest crimes in the calendar, in order to afford him an opportunity to score a victory that would prove him the real leader of the masses and then basely deserting them. His popularity cannot but suffer from the indecision which has marked his course in this crisis. The Monticello Club will probably disband as a result.

Ex-Congressman M. V. Cannon said to-night, referring to the inflammation of the popular mind on the question of granting fifty year franchises to street car companies:

"As I stood in the banquet hall in the



W. L. HARPER

Tremont House to-day and heard men ordinarily sober-minded and conservative calling for the blood of men who may be doing what they believe to be right, my thoughts ran to what I had read of the events preceding the reign of terror in Paris. I wondered if the time had receded a full century and if I were attending a meeting of the Jacobin Club. All that is lacking to make Chicago the Paris of the nineteenth century is a modern Mirabeau or Robespierre. This incendiarism must be discouraged or there will be serious trouble."

ASPIRES TO BE CHIEF JUSTICE OF HAWAII TERRITORY Judge Zane of Utah Has Been Promised the Place by Senator Cullom.

SALT LAKE, Dec. 9.—Chief Justice Zane of Utah, who was defeated for a second term at the recent State election,

is an aspirant for the Chief Justiceship in Hawaii, in the event of the islands being made a Territory, and it is believed here that he has been promised the place through Senator Cullom, chairman of the Hawaiian Commission, and a lifelong friend of Judge Zane. Judge Zane was Chief Justice several years of Utah Territory, and has probably sentenced more people to the penitentiary than any other Judge in the country, as during his incumbency most all the convictions of Mormons under the Edmunds-Tucker act for polygamy occurred. Judge Zane in an interview this afternoon, while stating that he had made no application for the position, said he would take it if offered. The inference drawn from the talk was that a tender had really been made.

PETITION TO STOP THE TRIAL OF MRS. CORDELIA BOTKIN

Sensational Affidavit Will Be Filed This Morning in the Supreme Court to Test the Legality of the Proceedings.

W. L. Harper Anticipates the Defenders of the Accused Woman and Seeks to Prevent Judge Cook From Taking Action in Litigation That Must Prove Fruitless.



LOUIS P. BOARDMAN

WASHINGTON, Dec. 9.—The discussion of the details of the administration of the government in Cuba, Porto Rico and the Philippines, under the treaty of peace, which is about to be signed in Paris, occupied a large part of the time at to-day's Cabinet meeting.

An official denial is authorized that the sale of the Philippine Islands to any other nation has ever been considered by this Government, and it is stated that the published statements to the effect that their sale to Japan had been under discussion are altogether false.

AN effort will be made this morning to prevent the continuance of the trial of Mrs. Cordelia Botkin for murder. W. L. Harper, a citizen and taxpayer of this city, will file before the Supreme Court this morning a petition asking that tribunal to enjoin Superior Judge Carroll Cook from trying Mrs. Botkin for the horrid crime of which she is accused. The petition is made with no purpose of subverting justice, but to determine two vitally important issues to this community.

The legal defenders of Mrs. Botkin have intimated that they intended to spring some surprise upon the prosecution. This surprise is nothing more or less than the assertion that the courts of this State have no jurisdiction in the Botkin case. The Supreme Court of California has decided that Mrs. Botkin could not be extradited. This decision made the trial of the woman in this State a necessity. The opinion of the Supreme Justices, however, did not determine the legality of the trial of the woman in California. It is this question that W. L. Harper will ask the Supreme Court this morning to consider. Mr. Harper has considered the question with such men as I. J. Truman, Treasurer-elect; Asa R. Wells, Auditor-elect, several members of the Merchants' Association and other prominent citizens.

The trial of Mrs. Botkin has already assumed a farcical stage. The legal defenders of the woman have interjected into the case a theatrical element which they take no pains to conceal. They were confident, even to the point of carelessness, in the selection of jurors. They displayed an unusual unconcern and declared that at the proper time they would secure from the court a decree of acquittal. They were basing their position upon the belief that the courts of this city had no power to try Mrs. Botkin for the crime of which she was accused. This assertion, made with exceptional insolence, has excited the interest and indignation of some of the most prominent men of this city. They determined to anticipate the legal defenders of Mrs. Botkin and to have the Supreme Court of this State decide the legal issues involved.

Two points were immediately suggested. One was whether or not the people of this city should bear the financial burden of a very expensive trial and then learn that this State had no jurisdiction in the case. The other and by far the more important issue of the two, was whether or not a person could be convicted of any crime in any State of the American Union under certain legal conditions. As already indicated it was the plan of the legal defenders of Mrs. Botkin to permit the introduction of all the evidence against her and then to assert that the Superior Court had no right to try the case. This plan, had it been carried into effect, would have meant the expenditure of many thousands of dollars of public money.

It is estimated that the trial of Mrs. Botkin would cost at the lowest estimate \$30,000. In the history of criminal affairs in California several trials have cost more than this and it is safe to say that the estimate in this instance is no exaggeration. Members of the Merchants' Association and men who will take public office at the beginning of the next year are determined to save, if possible, this sum of money. As already indicated William L. Harper has been in consultation with these men. He shares their belief and is in a position to ask for the restraining order that will determine whether or not Superior Judge Cook may proceed with the trial. With that purpose in view he will demand this morning from the Supreme Court a writ of prohibition forbidding Judge Cook to proceed with the trial of Mrs. Botkin. This writ will at once determine the two vitally important issues involved in the Botkin case.

The Supreme Court of this State has already decided that Mrs. Botkin cannot be extradited. She cannot therefore be tried in Delaware unless she voluntarily goes to that State. The public prosecutors after that decision were forced to try her in California. No appellate court has yet determined whether or not this trial is legal. W. L. Harper, as a citizen of San Francisco, and the people that are supporting him in his efforts are determined to test the question before the defenders of Mrs. Botkin do so. It is no longer a secret that the woman's attorneys will make such a contention. They do not intend to do so, however, until after many thousands of dollars have been expended on the trial. It was their purpose to make the trial a dramatic spectacle, even if it were farcical, and at the same time make the people of the city pay for the show. It was for this reason that the public officers already mentioned interested themselves to the extent of supporting a legal action in the Supreme Court. As far as the trial of Mrs. Botkin has progressed none of the terrible issues involved have been discussed. The horrid murder of two innocent women has been forgotten in the effort of lawyers

to show that the laws of this State and of the United States are inadequate to punish any one, for any crime, committed under certain conditions. This is the second point that prominent citizens of this city seek to have determined.

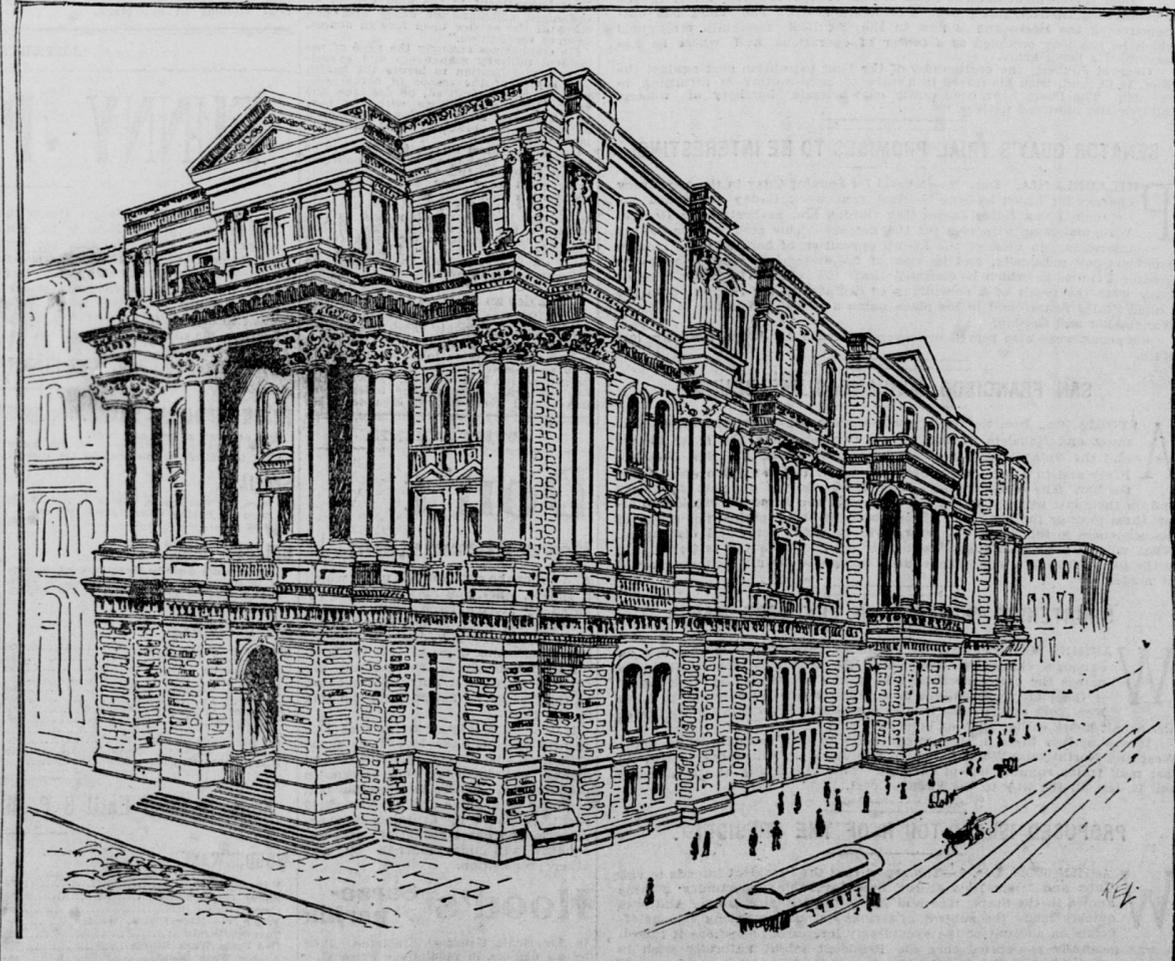
The case in which Mrs. Botkin is the central figure is an anomalous one. A murder has been committed, a woman has been accused and the fact remains that punishment cannot be inflicted because the laws of the United States are insufficient. In the petition for a writ of prohibition that will be filed this morning W. L. Harper will ask the Supreme Court of this State to declare if the laws of this State and of the United States are actually inadequate to the conditions presented by the Botkin case. It is probable that the terrible dignity of the issue involved will prompt the Supreme Court to postpone the trial of Mrs. Botkin until the question has been settled.

The resumption of the trial has been set for Monday morning. If the writ of prohibition asked for by W. L. Harper be granted the Botkin case will not proceed until the Supreme Court has passed on the question that has now been raised. The jury in the case has already been selected, the Prosecuting Attorney has made his opening statement, and everything is in readiness for the re-ception of evidence. The trial has already cost the State thousands of dollars. Chief of Police Lees has received from the Treasurer, by order of the Superior Court, a sum far exceeding \$2000. Mr. Harper will continue his petition for a writ of prohibition that the award of this money was absolutely illegal, because the cause in which the money was advanced was beyond the jurisdiction of the court. Other sums of money, greatly exceeding the expended, will be awarded, and to prevent this as well as to circumvent the plans of Mrs. Botkin's attorneys, the writ of prohibition will be demanded. In this demand Mr. Harper seeks no personal notoriety.

As spokesman and representative of many of the leading men of the city he desires to know whether or not the city will uselessly expend money in a fruitless action. He seeks also to know whether or not it is possible for a person, under the laws of the United States and this State, to commit a murder and escape unpunished. Mrs. Botkin, it has already been determined, cannot be extradited. If it is true that legally she cannot be tried in this State W. L. Harper, I. J. Truman, Asa R. Wells, members of the Merchants' Association, and other prominent citizens demand to know. If the Supreme Court shall decide that the courts of this State have no jurisdiction then some means will be employed to remedy the defect in the laws. This is possibly the first time in the legal history of this State or any other American State that an appellate court has been asked to prevent a court of inferior jurisdiction from proceeding with the trial of a person accused of an offense. It is not the first legal anomaly that the Botkin case has presented.

Under the usual rules of legal procedure a person not directly interested in the issue of a trial has no right to interfere. Mr. Harper will contend in his affidavit, however, that as a citizen and a taxpayer of this State he is personally interested in the expenditure of public money. He will claim that in his capacity as a citizen and a taxpayer he has a right to know that public moneys are legally disbursed. If Mrs. Botkin is not being submitted to a legal trial it necessarily follows that public funds are being illegally spent. This is the first point that the Supreme Court will be asked to settle. It happens that no Federal question is involved in this case. If the Supreme Court of this State decides that Judge Cook has legally the power to try Mrs. Botkin no other court can interfere. The woman may then be tried and must accept the decision, even if it be at the sacrifice of her life. It is claimed that the laws of this State and of other States hold that a trial for murder must be held where the instrument of death took effect. In the Botkin case this consummation of the crime took place in Delaware and not in this State. Under the laws it would seem, therefore, that the woman should be tried in Delaware. The Supreme Court of this State has refused to extradite the woman. Her defenders have planned to raise the question of jurisdiction.

It is their purpose to permit the State to expend a vast sum of money on what they believe to be a useless trial. Harper, and those supporting him in his petition to the Supreme Court, seek to prevent this waste of the public funds, if it be a waste, and to determine now, rather than later, the question whether or not a person accused of murder under the conditions that Mrs. Botkin is charged may be tried. If the Supreme Court decides that the woman cannot be tried in this State and cannot be extradited to Delaware, the Supreme Court in its decision will have rendered a great public service. If the laws, as they ex-



CITY HALL, CHICAGO, WHERE TROUBLE IS EXPECTED MONDAY.