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AGE LONG HOURS TO SAVE MRS. BOTKIN FROM THE GALLOWES TO PETTY EVASIONS

Frank McGowan Demands Justice, Not Mercy, in the Name of This Woman Charged With Heinous Crime.

Attorney Hosmer Will Close the Case of the People To-Day.

It Will Hardly Reach the Jury Before Wednesday of Next Week.

THE dying days of the year 1898 will not bring to Mrs. Cordelia Botkin success from the conflicting emotions that beset her as her trial for the murder of Mary Elizabeth Dunning draws near its close.

This charge will be of vital importance, as the construction placed by the court on the law and the evidence in the case will have, if anything, more weight with the jury than anything else.

Senator Frank McGowan had the last say to the jury on behalf of Mrs. Botkin yesterday. Like his co-worker, George Knight, he spread his argument over too great length of time and wasted his eloquence on matters that can have no possible influence on the minds of the jury-men.

The attorneys for Mrs. Botkin take different phases of view regarding certain phases of the case. For instance, Mr. Knight admitted that Mrs. Botkin had lived that life of high ideals that an admirer, but he declared she desired a chance to live down the past and blot from her memory those violations of the code of morality which in part have brought her to the bar of justice and placed her on trial for her life.

One by one he paid his respects to the witnesses for the prosecution. It was thought that by a brief visit to his old home at Kennebunkport, Maine, on January 2 he will deliver an address at the annual dinner of the Boston Merchants' Association against the acquisition of territory remote from our shores.

Pensions have been granted as follows: California: James H. Murray, San Jose, \$5; Joseph Phillips, Red Bluff, \$4 to \$8; Annie Barnish, Napa, \$8; Henry Leifeld, Placerville, \$8; Mary Ann Richmond, Merced, \$8; Martin Beal, San Francisco, \$12; Matthew Robertson, Alton, \$12; Louis Miller, San Francisco, \$12; Joseph P. Welby, Los Angeles, \$5 to \$10; Marvin F. Merrill, Los Angeles, \$12.

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spoken, had been uttered against John P. Dunning. He demonstrated that the limit had not been reached. His compliments to Miss Maggie Smith, coo. of the Hotel Victoria, and she is "a goggle-eyed potato-walker." Then there was that "human jumping-jack, Rosella, against whose wife he had nothing, except that she should have married such a man." Mrs. Ruoff was a "flippant witness," and so on down the long line.

Tears, the relief of the distressed, came readily to Mrs. Botkin's eyes now. Several times yesterday she sobbed convulsively, invariably placing herself where she would show to the best advantage to the men who have her future in their hands.

Senator McGowan commenced his argument upon the opening of court and hammered away at it all day like a faithful artisan. His argument was scattered

ing, going over the same ground again and again, showing the weak places in the case of the prosecution. He paid tribute to his associate counsel and to the Judge, whom he said was endeavoring to hold the scales of justice evenly between the people on one hand and the unfortunate woman on the other. He claimed the case was a peculiar one, as every technicality possible had been employed by the prosecution to thwart what he called the ends of justice. The defense on the other hand admitted everything desired; everything was open and aboveboard, even all the sources of evidence. Had their client been guilty they would have made a vicious, technical fight, shielding and fighting against the evidence.

The speaker reminded the jurymen of the responsibilities resting upon them, but said they never before had so much depending upon their judgment. Here was a human being to be cast either in utter darkness or to once again breathe the pure air of liberty. He asked them, as they decided the woman's fate, to think of "the dimpled fingers of their loved ones that would lead their way into the tendrils of their hearts."

McGowan dwelt long upon the question of circumstantial evidence. He cited the present case as one where there was an unusual amount of doubt as to the reliability of certain testimony. He said that if a fact could be considered either toward guilt or innocence that it must be construed toward innocence, the law not permitting its construction toward guilt. He said his client was not before them cringing for sympathy, but was seeking only justice for the crime against her now proved by the evidence adduced by the prosecution, to such a point as to justify them in taking the life of the woman. He deplored the heinous crime by which the two best estimable women were ended, but their death he said did not afford a reason why that offense should be followed by another one.

McGowan spoke of unreliable and unworthy circumstantial evidence, saying if one link had to be molded or changed

NEW JAPANESE CRUISER MAKES A GOOD RUN

The Trial Trip of the Chitose Will Be Made Over the Government Course To-Day.

SANTA BARBARA, Dec. 29.—The Japanese cruiser Chitose, just completed by the Union Iron Works, arrived at 3 o'clock this morning from San Francisco, after a successful run of sixteen hours. The machinery worked splendidly. Owing to rough weather outside the trial trip will not be made until tomorrow. It will be an eight hour run, two hours under forced draught and six hours with natural draught. The test will be made over the Government forty-mile course, extending from Santa Barbara to Point Conception.

RECOUNTING THE BALLOTS.

SAN JOSE, Dec. 29.—The Eleventh, Twelfth and Sixteenth precincts of the city were recounted today. The 269 disputed ballots now held up for decision at the close of the count. The 269 disputed ballots now held up for decision at the close of the count.

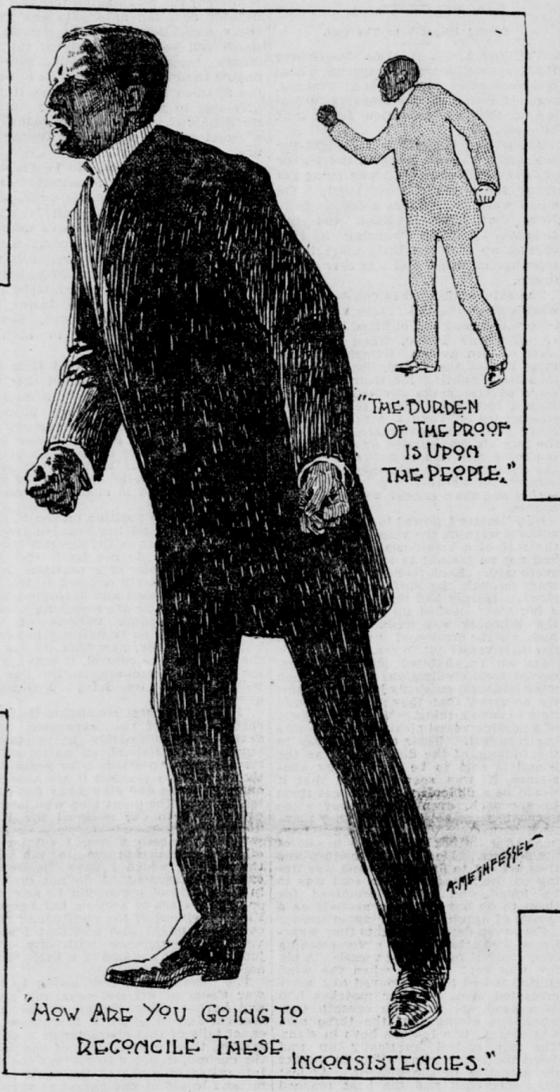
Death of John Meiner.

VENTURA, Cal., Dec. 29.—John Meiner, the millionaire resident of Ojai Valley, died to-day. The deceased owned much valuable property in Milwaukee, Wis., having been a pioneer brewer of that city.

Killed by Wood Alcohol.

SANTA CRUZ, Dec. 29.—Mrs. Laura Rains to-day drank wood alcohol by mistake for pure alcohol and died from the effects. She was aged 40 and a native of Ohio.

He next attacked the theory of the prosecution as to the motive. There was no adequate motive to drive this woman to such a crime or suddenly develop this criminal instinct. He said there was "not a blot on her fair name, not a stain on her escutcheon." The prosecution holds, he said, that this woman was enamored of Dunning and had murdered his wife to get him. He said Dunning was neither mentally, morally nor physically the man that any woman would commit crime for. She had every possession of him. She fed him, clothed him,



ATTORNEY MCGOWAN PLEADS FOR MRS. BOTKIN.

Counsel for the accused woman claims that the prosecution has not formed a chain of circumstantial evidence connecting her with the Dover tragedies. Contrary to expectations, he consumed the entire day with his argument. He attacked the credibility of the witnesses for the people, and demanded justice, not sympathy, for the woman on trial for her life.

It was a confession it was not consistent with the case. He claimed that there had been a tampering with and a manufacture of evidence in the case. A discussion of the testimony was then commenced and doubt was cast upon all presented by the prosecution. He doubted whether the candy box had ever gone through the mail—from its unbroken appearance he did not believe it had. He said Postmaster Goodin did not know it went through the mail because he did not lift it out of the mail sack himself. He spoke of Chief Lees as "Ah Lee engaged in ironing out the wrapper and thus effectually removing the evidences that would show whether it had ever been wrapped around another box."

put shoes on his feet and provided a house to shelter him in the storm. How would the killing of his wife bring him back to her? Didn't the jury think she would have suggested divorce before murder? She did not suggest that he discarded the wife of his bosom. All the acts of friendship she did for him were held against her as acts of criminality by the prosecution. The motive was a mystery and the solution of it was held by Dunning, he declared. Dunning should have been forced to tell and must have sealed his lips to protect the identity of some one who might have had a deadly affection for him.

"He swore Mrs. Botkin's good name away," continued McGowan, "and only

WONDERFUL DISCOVERY IN ELECTRICAL FORCE

One Million Volts Can Be Diffused in the Body and All Forms of Bacilli Destroyed.

Call Office, Riggs House, WASHINGTON, D. C., Dec. 29.

There will soon be filed in the Patent Office an application for a patent on a discovery in electro-therapeutics which promises to create a tremendous sensation in the medical and electrical world. It will be shown that glass is the conductor of an electric current of wonderful electro-motive force, but by means of the intervention of glass plates. It is positively asserted that by the process to be patented 1,000,000 volts of electro-motive force may be diffused and evenly charged to all parts of the human body, not only without physical sensation to the patient but so as to bring sure death to all forms of bacilli, including tuberculosis.

Parasites to Destroy Pests.

LOS ANGELES, Dec. 29.—The Supervisors of this county have received a report from George Compere, their commissioner in Hawaii, who was sent there for the purpose of securing parasites for tree pests. He states that he has forwarded parasites which destroy aphids and also the pests which have been attacking the English walnut trees. The success of the new acquisitions will be watched with interest by fruit men.

Suicide of a School Boy.

LOS ANGELES, Dec. 29.—Horace B. Todd, 18 years of age, a pupil at the High School here, committed suicide about 1 o'clock to-day by shooting himself in the head with a revolver. No cause is known for the act. The boy's father, Dr. B. Todd, is a dentist in Aspen, Colo., and he and his mother and sister are traveling in Europe. He was living here with a younger brother in the family residence. The brother can offer no reason for the deed.

from his lips comes the testimony of improper relations existing between them. He comes with malice in his heart and strikes her down." He poked some quiet fun at Dr. Bishop of Dover, Del., saying the only patients in the Pennington household who died were those upon whom he attended. The children who did not take any of his potions recovered. He gave the two women whisky and digitals, both irritants, but never used the stomach pump or gave any antidote for arsenical poisoning. This closed the morning session, and the afternoon saw all this gone over again and again, until every grain had been thrashed out.

The speaker took up the question of motive first, and soon dismissed it, going on to a discussion of arsenic. He said that while the box of sweets was in the possession of Detective McVey of Delaware the arsenic in it changed in some unaccountable manner from lump to powder, to fit the theory of the prosecution. This inconsistency he left for the jury to explain away.

He attacked the testimony of the candy girls and their methods of identifying Mrs. Botkin as the woman to whom they sold the candy on that Sunday afternoon in July. He could not understand why a woman of Mrs. Botkin's intelligence would say she wanted some candy left out so that she could put in a handkerchief, when it would fit there without any being removed, and her request would surely be a hint that she was the woman who was wanted for a crime if it had been committed. He claimed that the defense had impeached Kitty Dettner and the prosecution did not try to strengthen her standing by calling reputable witnesses who knew her.

The lobby gave vent to its amusement when he referred to the cook of the Hotel Victoria as the "goggle-eyed potato-walker," and Judge Cook thereupon ordered that those who could not find seats be removed. He maintains dignity and decorum at any cost. By this time Mr.

McGowan had again reached the candy box on his rounds, and attacked it with his old vigor. Later on he ridiculed the detectives who had examined Mrs. Botkin's room and found no evidence. Later Rosella found the bit of pasteboard. "A detective who could not find that seal," he said, "could not catch an afternoon train if he had a schedule in his hand."

Discussing Mrs. Harris, the saleswoman of the City of Paris, he quoted, "O, what a tangled web we weave when first we practice to deceive."

When he finally came to the matter of expert testimony, Attorney Hosmer objected to his reading from a law book to the jury. Judge Cook told him the jury must take its law from the Judge and not from the attorney. He quoted from the testimony where Ames said "the note in the candy box was most clearly disguised; it is drawn, not written, and the letters are distorted." Expert Eisen-schimmel had said: "There are no dis-guises in it whatever. It represents the natural handwriting of defendant, the only change being in the slant of the letters." He asked the jury not to take a human life on a matter of handwriting; it was too frivolous a pretext.

In closing, he asked the jury not to take a stain on the fair name of the accused woman's family (Brown). He warned them of the terrible penalty of their taking an innocent life and to spare the fair name of the State from an unjust verdict; to decide in the light of the evidence as sanctioned by the law, which was founded on justice.

Mr. Hosmer will make the closing argument for the prosecution to-day.

CHURCH THE VAGRANT NOT MURDERER DUNHAM

So the Columbus Prisoner Escapes With a Sentence of Five Days' Imprisonment.

COLUMBUS, Ohio, Dec. 29.—The police reached the definite conclusion to-day that Church is not Dunham. The prisoner was sentenced to five days for vagrancy, the motive for the detention being a telegram from Milwaukee asking that Church be held until officers from that city can be reached. Church is wanted at Milwaukee to answer to several charges of swindling in connection with a closing-out sale. He interested a Milwaukee citizen to such an extent that the latter mortgaged his property for \$200, which was lost to him and later Church appeared at Waukesha, where he swindled another man.

GOLD THE ACTUAL MONETARY STANDARD

The Nation's Policy Should Be Such as to Insure Its Stability.

NEW HAVEN, Conn., Dec. 29.—At the morning session of the American Economic Convention, now being held in this city, the report on banking and currency was presented. Following is an extract: "Under existing conditions the only wise and consistent policy for the United States is the frank recognition of the fact that the actual monetary standard is now and for some time to come will be, gold, and the adoption of legislation which shall insure the actual stability of that standard, until such time as the nation may have decided to establish some other."

Slated for the Russian Mission.

GAGE NOW RESORTS TO PETTY EVASIONS

He Is Here Asked a Plain, Straightforward Question and an Answer Is Desired.

Proofs Are Offered to Establish the Fact That He Seeks to Retain Gunst in Office at the Request of Colonel Dan Burns.

GOVERNOR-ELECT GAGE does not take kindly to criticism. He is shocked and grieved because The Call has related in detail the manner in which he proposes to carry out his promise to Dan Burns to keep Burns' gambling partner, Moses Gunst, in office as a member of the Board of Police Commissioners in this city.

Being loth to remain in a bad light before the people of the State to whom he made such glowing promises during the recent campaign, Mr. Gage has been requested by the Examiner, Colonel Burns' organ, the interview being evidently intended to soften the fall which the Governor-elect seems to think he is about to experience in the minds of those who voted for him and who supported him during the campaign. Among other things Mr. Gage says that the question of the reappointment of Gunst had nothing to do with the fixing of the date of his inauguration for January 4. To prove this he quotes at length from his own words in this and other States relative to the status of Mr. Gunst's incumbency, thus proving beyond a doubt that he had never given a thought to the question until the moment he was approached by the interviewer. A careful reading of the interview discloses the fact that Mr. Gage did not deny that he had promised Colonel Burns to keep Gunst in office; that he did not deny that he had told Governor Budd that he (Gage) had fixed January 4 as the date of his inauguration because he had been requested to do so by the executive committee of the Republican State Central Committee; and that he did not deny that he sent Governor Budd the following message some days ago:

"Do you intend to appoint a successor to Police Commissioner Gunst?"

"Colonel Burns has been very kind to me, and I feel that I am under obligations to him. He wants Gunst to continue in office, and now that I am in a position to handle this matter for him I feel that I ought to do it. I am in no hurry to be inaugurated, and would prefer to let matters take their usual course, but if it becomes necessary I can be inaugurated in time to handle this appointment. Unless I get the proper assurances I feel that I ought to take such a course as will prevent any mistakes."

Governor-elect Gage did not see fit to deny that he sent to Governor Budd such a message as the above, though he had previously saying that the question of Mr. Gunst's reappointment had nothing to do with the fixing of the date of the inauguration.

Mr. Gage is now given an opportunity to deny that he sent such a message to Governor Budd through the Governor's private secretary. If he has a sufficient disregard for the truth as to deny that he sent such a message The Call will produce the proofs of his untruthfulness.

The issue is plain and no honest man will seek to avoid it. He is to be asked if he sent such a message as the above, though he had previously saying that the question of Mr. Gunst's reappointment had nothing to do with the fixing of the date of the inauguration. Mr. Gage is now given an opportunity to deny that he sent such a message to Governor Budd through the Governor's private secretary. If he has a sufficient disregard for the truth as to deny that he sent such a message The Call will produce the proofs of his untruthfulness.

The "proper assurances" were not forthcoming, for Governor Budd refused to promise that he would not appoint Mr. Gunst's successor. Thereupon Mr. Gage fixed the date of his appointment for January 4, "in time to handle this appointment," and so prevented the liability of there being "any mistakes," because Mr. Gunst's term of office expires, if it expires at all, on January 5.

It is all a very simple matter. Mr. Gunst and Colonel Burns are personal friends and gambling partners. Colonel Burns and Mr. Gage are personal friends and political associates. Mr. Gunst wishes to retain the office of member of the Board of Police Commissioners. Colonel Burns has promised to aid him to that end. Colonel Burns has asked Mr. Gage to retain Mr. Gunst in office and Mr. Gage has promised to do so. After communicating with Governor Budd he ascertained that he would be unable to keep his promise to Colonel Burns unless he fixed the date of his inauguration for January 4. This date was fixed upon accordingly and for the reasons mentioned.

The Call knows little and cares less concerning the legal status of Mr. Gunst's incumbency. If there is a difference of opinion between gentlemen learned in the law regarding the expiration of Mr. Gunst's term of office the question can be easily and finally determined by resort to the courts. It is very evident that Mr. Gage has studied the matter carefully, because of his ability to refer in detail to numerous judicial decisions bearing on the point at issue. It is equally apparent that he believes that Mr. Gunst's term of office will expire on January 5, of the purpose of his message to Governor Budd and his subsequent action in fixing the date of his own inauguration for January 4, thus giving himself the privilege of allowing Mr. Gunst to remain in office.

During the campaign that resulted in Mr. Gage's election The Call did what was in its power to promote his candidacy, believing that the assurances of his honest intentions to serve the best in-

terests of the people—such assurances being made both privately and publicly—were made in good faith and would be carried out. Whatever course this paper or its proprietor has taken with reference to the matter that forms the subject of this and previous articles has been done for the sole purpose of preventing Mr. Gage from violating his ante-election pledges and making the mistake that put a smirch upon the closing days of Governor Markham's administration.

The people of San Francisco gave Governor Budd a majority of about 12,000 votes. They gave Mr. Gage a majority of about 4000. Under his proposed leadership the city changed from a Democratic community to a Republican community. This fact alone should entitle its people to very thoughtful and careful consideration at his hands.

When Governor Markham appointed Moses Gunst Police Commissioner mass-meetings composed of the best and most highly respected business men, capitalists and wage earners of this city were held to protest against the insult that had been put upon the people of San Francisco. Unfortunately the law was so construed as to render these protests futile. Now will permit of the retirement of Mr. Gunst to the society of the associates from which he was elevated at the request of Dan Burns Governor-elect Gage steps forward, again at the request of Dan Burns, and proposes to prevent the retirement.

Is this the way Mr. Gage proposes to keep his ante-election promises? Is this the manner in which Mr. Gage intends to reply to the people of San Francisco for supporting him so handsomely at the polls on election day? During the campaign and since Mr. Gage asserted that he would not be dominated by any person, newspaper or corporation. Now that he is put to the test is he going to permit himself to be dominated by the person or persons who wish to retain Mr. Gunst in office? The Call does not ask of Mr. Gage that it be allowed to dictate who shall or shall not be appointed Police Commissioner for San Francisco. It does propose, however, that the people of this city shall be made aware of the manner in which their interests are being considered by the chief executive of the State, and it reserves for itself the right to criticize his acts and to adopt such measures as it deems necessary to reveal his motives and make them plain. It is to be that there is good ground for believing that such motives are not for the best interests of the city.

EMBASSADOR ROMERO DIES AT WASHINGTON

Recently Underwent an Operation for Appendicitis—Remains Will Be Taken to Mexico.

WASHINGTON, Dec. 30.—Embassador Romero of Mexico died this (Friday) morning at 4 o'clock, aged 62 years. The remains will be taken to Mexico for interment. He had just undergone an operation for appendicitis.

JIM CORBETT SAYS SHARKEY WILL WIN

But the Sailor Thinks That Kid McCoy Will Give Him the Battle of His Life.

NEW YORK, Dec. 29.—Jim Corbett tips Tom Sharkey as the winner over McCoy in their fight January 10. When asked to give his opinion, Corbett said: "Sharkey will win, of course. He ought to put McCoy to sleep before the twentieth round is reached." Corbett said he would bet at the fight.

McCoy is still a slight favorite in the betting at 100 to 90, and unless something unforeseen happens he will remain at these odds up to the time the men begin their fight. McCoy is visited every day by sporting men from this city, and if their statements of the Kid's condition are true, it certainly looks as if he stands a chance of defeating Sharkey. The fact that he is being visited every day by the glowing reports he hears of McCoy's condition, and says he feels as confident of getting the decision as McCoy does. Sharkey's spending money has been a winning from McCoy, said: "I feel pretty sure that I will beat McCoy, but I don't expect to spend money from this fight. The hardest fight I have experienced, McCoy I consider a great fighter, and as I regard him as being a better fighter than Corbett I am sure he will make me fight the battle of my life before I finally beat him."

CHANDLER AND LOUD CLASH IN COMMITTEE

Heated Colloquy Between the Senator and the California Representative.

WASHINGTON, Dec. 29.—At to-day's session of the joint committee appointed to investigate and report to Congress on the compensation paid railroads for transporting mails there was a heated colloquy between Senator Chandler and Representative Loud of California. C. W. Ernst of the Boston Postoffice was on the stand, being cross-examined by Mr. Loud, whose questions were objected to by Senator Chandler.

"The Senator seems to have constituted himself an attorney for the witness," said Mr. Loud, with asperity.

"The Representative from California seems to have constituted himself an attorney for railroads," retorted Chandler. This led to further controversy of such a character that it was deemed proper to close the doors, and in other words, an executive session was moved and carried. What transpired is not known, but afterwards Senator Chandler said apologetically: "I regret this occurrence. No one would intentionally impugn the character of Mr. Loud."