

BELEAM LOOSE... PHYSICIAN'S ATTORNEY SECURES... NOTES OF STATE'S TESTIMONY IN WHICH POISONING IS DENIED... COURT AND COUNSEL ENGAGE IN WORDY WAR AND NURSE TESTIFIES OF DEATH

Physician's Attorney Secures Notes of State's Testimony in Which Poisoning is Denied Court and Counsel Engage in Wordy War and Nurse Testifies of Death

No Poison in Swope's Body, Declares Defense

Doctor Hyde's attorney announces that he has secured notes of expert testimony before the grand jury which denied the existence of poison in Colonel Swope's body. Defense refuses to surrender papers which were found in street by negroes.

Prosecution admits truth of defense's statement and demands return of notes lost by state employe and judge and counsel clash. After noisy scene defense agrees to give up documents, but retains copies.

If chemist testifies that he found poison, as state intimates, defense will prosecute him for perjury, which is a capital offense in a murder trial.

Nurse who attended Colonel Swope testifies of medicine being given by Doctor Hyde and death ten hours later.

KANSAS CITY, April 20.—A stormy courtroom scene in which many lawyers addressed the court at the same time and bandied charges of unfair play among themselves marked the trial of Dr. B. C. Hyde for the murder of Colonel Thomas H. Swope this afternoon.

The trouble arose over an attaché of Prosecutor Conkling's office losing the grand jury notes on the testimony of Dr. Walter S. Haines and 42 other state witnesses. A woman found the notes and gave them to Frank P. Walsh, chief counsel for Doctor Hyde.

These notes, according to Walsh, contain statements of Colonel Swope and not enough poison was found in Colonel Swope's viscera to cause death.

PERJURY CHARGE THREATENED If Doctor Haines swears on the witness stand to any alleged facts other than these he will be prosecuted for perjury, said Walsh. Perjury is a capital offense in a murder case.

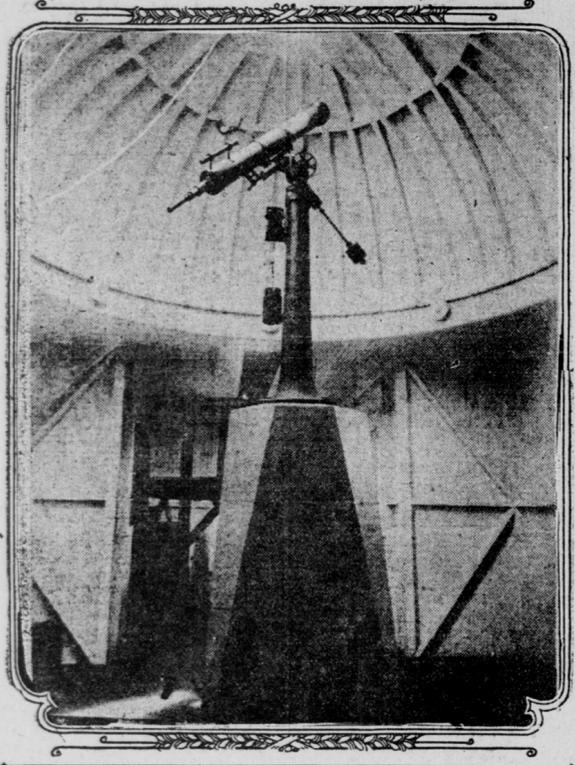
Prosecutor Conkling admits that this is the testimony Doctor Haines gave before the grand jury, but avers later the chemist found traces of cyanide of potassium in both viscera. He will testify to this, says Conkling.

In the defense the papers have been returned to the state and the defense is in possession of carbon copies of the evidence. Judge Latschaw is of the opinion he has no power to deprive the defense of the copies.

Miss Pearl Keller, who attended Colonel Swope in his last illness, took the stand after the upheaval in court. She told about and acted out, in part, the scene in the millionaire's death chamber. As Colonel Swope was unable to speak during a part of his illness, when attorneys asked Miss Keller about his actions during this period she was forced to explain them in pantomime.

OBJECTION TO MEDICINE Doctor Hyde ordered her to give Colonel Swope the capsule upon which hinges the entire case, said Miss Keller. Colonel Swope did not want to take the medicine, she testified. After he had taken it he passed through the convulsion she said and moaned, "Oh, my God, I wish I were dead; I wish I had not taken that medicine."

Hawaii Gets Observatory To Watch Halley's Comet



Interior of observatory built near Honolulu for purpose of observing Halley's comet.

dition and I told him he was dead. He then hid his head under the covers of his bed and moaned "Poor Moss." The show of Hinton's death did not greatly unnerve Colonel Swope, said Miss Keller. He did not do riding that day, out of deference to Hinton, said the nurse. Doctor Hyde was at the house October 2 and again at night, she testified.

"When Doctor Hyde came to the house at night," she continued, "we met in the hall. He asked me if I had spoken to Colonel Swope regarding the appointment of an administrator to succeed Hinton. I told him I had not. The physician made no reply."

The last day of Colonel Swope's life was entered upon at his point. "What was Colonel Swope's condition when you first saw him on the morning of October 3?" asked Attorney Reed for the state.

"He was bright and cheerful," replied the witness. "Spectators were barred from the courtroom in the afternoon as soon as the seats were filled. Disappointed women pounded on the closed doors, demanding admittance. Marshals forcibly removed two women who insisted upon occupying chairs reserved for attorneys."

Attorney Walsh declared that he had in his possession papers containing notes of the testimony of Dr. Walter S. Haines given before the grand jury which showed that no cyanide of potassium was found in the stomach of Colonel Swope.

PAPERS FOUND IN STREET These papers, Walsh said, had been found in the street by a woman and turned over to him. Walsh's assertion followed a demand of the court for Walsh to tell whether he had in his possession papers belonging to the state.

"I refuse to answer," shouted Walsh. "Then bring in the jury," said Judge Latschaw, striking the desk with his fist. Walsh rushed forward to the bench and made the startling statement.

The order for the jury to be returned was a man holding papers belonging to the state is no better than a thief," said a court hully. Pointing toward the rail adjoining the criminal court building, Walsh shouted: "Your honor, do you see those galleons?"

Attorney Lucas interrupted and Walsh did not finish the sentence. PROSECUTOR OFFERS COPIES Prosecutor Conkling broke into the conversation and said: "If these papers are returned we will give the defense a carbon copy of them."

"It is the proof of a man's innocence that we hold," said Lucas. "And the same papers contain evidence of the guilt of the defendant," interposed Conkling. "Marshals, take charge of the defendant," said Judge Latschaw, rising from his chair. "I will look into this matter."

Before Judge Latschaw had left the bench Walsh expressed a desire to explain how the papers came into his possession. An advertisement was inserted in a local paper saying a certain woman had found papers connected with the case. I went to her house and found that they were these notes.

"PROOFS OF INNOCENCE" "They contained proof of my client's innocence. With them in my possession I could prove his innocence. By refusing to take them I thought I might make a move that would cost the life of an innocent man. I took the papers, but told the woman to tell every one who asked that I took the papers to my office."

The woman who found the papers, Miss Eva Finney, a negro, was in the courtroom and was, at the demand of prosecution, prepared to take the witness stand. "When the court held that Walsh should return the papers the witness was excused."

After Walsh departed Attorney Reed asked a juror if he had seen one of the defendant's counsel had intimated that he was a liar.

EVERYBODY CALLED A LIAR "Everybody, including the court, was called a liar during these few moments," said Judge Latschaw, smiling. "When Walsh returned the papers Judge Latschaw spoke calmly and at some length regarding the defense's action in keeping the papers and the tumultuous scene that resulted. He bore no feeling against any one on account of the trouble, he said."

"Let all proof that will tend to show the guilt or innocence of this defendant be secured openly," he said. "The court will call out the militia to obtain such evidence if necessary."

Just as the jury was filing into the room the court asked Walsh if he had copies of Doctor Haines' testimony. Walsh said that he had.

"You might as well have kept the original, but I doubt my authority to force you to produce the copies," said the court. "But I will decide that later."

for the Columbia contract company at Fisher's Island, which sailed this morning for San Francisco with freight and passengers. The steamer Rampe, which sailed last evening for San Francisco, carries a cargo of 2,600 tons of lumber, 11,150 tons of lumber loaded at St. Helena, 290,000 feet of lumber loaded at Goble and 20,000 feet loaded at Oak Point.

NEWS OF THE OCEAN Tonnage Engagements The British ship Buccleuch, which arrived here from Hongkong yesterday, is engaged for charter by the United Kingdom at 24s 3d, with option of merchandise to Liverpool at 27s 6d, having chartered prior to arrival.

A Quarter Million Dollar Cargo The steamer China sailed for Hongkong and way ports via Honolulu on Tuesday with cargo valued at \$250,000, consisting of treasure, and other articles as follows: For \$42,000; East India, \$11,700; Nantokostok, \$400; Korea, \$400; Philippine Islands, \$127. The following were the principal exports:

Change of Masters Steamer Falcon—Old master, John Ramejohn; new master, John Dahlquist. Steamer President—Old master, Arthur Ravens; new master, V. Iverson. Steamer Gaslight—Old master, A. E. Olsen; new master, Charles M. Lewis and John S. Steamer W. D. Nutt—Old master, Earl Schamacker; new master, William H. Walker. Enrollment—Bark Olympic, T. H. Evans.

BUILD TOWER FOR VIEWING WANDERER

Honolulu People Construct Observatory to Look at Heavenly Body in Kaimuki

[Special Correspondence of The Call] HONOLULU, April 19.—The observatory built in the Kaimuki section of Honolulu has been opened and the public has been invited to inspect the structure. The building was erected by popular subscription for the special purpose of watching Halley's comet, which should have made its appearance here early this morning, but was not seen on account of the heavy clouds in the direction it was expected to appear.

SHIPPING INTELLIGENCE

ARRIVED Tuesday, April 19. U. S. stmr Sequoia, Bowman, 40 hours from San Diego. Wednesday, April 20. U. S. stmr Sheridan, Healey, 27 days 10 hours from Manila, via Nagasaki, 22 days 15 hours 48 minutes and Honolulu 7 days 10 hours 40 minutes; 205 cabin and 832 steerage.

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CRESCENT CITY—Sailed April 19—Stmr Westport for San Francisco. Arrived April 20—Stmr Mandalay, hence April 18. Passed in April 20, 7 a. m.—Stmr Tiverton, hence April 17 for Ludlow. BIRKBECK—Arrived April 20, 11 a. m.—Stmr F. A. Richards, hence April 15 for San Francisco. Sailed April 20, 9 a. m.—Stmr San Pedro, for San Francisco.

WESTPORT—Passed out April 20, 9:30 a. m.—Stmr Daisy Mitchell, for San Francisco. Barbood April 20, 12 m.—Stmr Edward R. West, for California. BARBOOD April 20—Stmr Edward R. West. WIANGELL—Arrived April 19, 1:30 p. m.—Stmr City of Seattle, from Seattle. SAN PEDRO—Arrived April 20—Stmr Governor, hence April 18; stmr Centralia, hence April 18; stmr Santa Barbara, from Grays Harbor; stmr Chehalis, from Santa Barbara.

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ATT'S A WRONG IDEA

To suppose that Nature alone will correct any disturbance of the Stomach, Liver or Bowels. Very often assistance is needed, and it is then you ought to take the Bitters. You'll find it Nature's best aid in cases of Poor Appetite, Heartburn, Sour Stomach, Indigestion, Dyspepsia, Costiveness, Biliousness, and Malaria. Always insist on having

OSTETTER'S CELEBRATED STOMACH BITTER. Have your ticket read "Burlington" Dr. Wong Him, 1288 O'Farrell Street, San Francisco—Dear Doctor: After suffering for a number of years from Bright's disease and Stomach Trouble, I came to you for examination and treatment. Your diagnosis of my case by simply feeling the pulse gave me confidence, and after taking your herb treatment for a few months I am entirely well and free from pain. Fully yours, HECTOR BEAULA, 1622 Kearny Street, San Francisco.

Don't Persecute your Bowels

Cut out cathartics and purgatives. They are hard—hard—unnecessary. Try CARTER'S LITTLE LIVER PILLS. Purely vegetable. As gently as the breeze. They soothe the delicate membrane of the liver. They cure Constipation, Biliousness, Sick Headache and Indigestion, as millions know. Small Pill. Small Dose. Small Price. GENUINE MUST BEAR SIGNATURE: Carter's Little Liver Pills.

DR. WONG HIM 1288 O'FARRELL STREET Between Gough and Octavia OFFICE HOURS: 10 a.m. to 1 p.m., 2 to 5 and 7 to 8 p.m.

The Emporium Record Breaking Ribbon Values At a Money Saving Sale Almost half saved on both plain and fancy ribbons. Beautiful quality and colorings in an unlimited array of designs. 3,900 Yards at Only 15c Yard A jobber's surplus of 2,500 yards offers: 15c the yard 5 in. black and white stripes 4 in. moire and satin stripe 3 1/2 in. Persian tafetas 4 in. moire and satin stripe with self-dotted border 3 1/2 in. checked tafetas 3 1/2 in. Dresden brocades 4 in. satin and Persian stripe, black and colors. 3 1/2 in. satin edge Dresden. 1,400 Yards of Plain Ribbon These are all silk tafetas, 5 1/2 inches wide, offered in such colors as white, cream, pink, turquoise blue, navy, red, green and brown. Unusual bargains at the sale price. 15c the Yard Bows Made Free of Charge Sale commences at 8:30 a.m., First Floor—Special Sale Section.

SALE OF Children's Shoes Splendid footwear at cut prices for the little folks. All sizes, but not all sizes in each style. \$1.00 the pair At the pr. \$1.49 Numerous styles in high and low cut. A splendid assortment of high-grade shoes radically underpriced. Many sizes in the lot especially suitable for growing girls. Pr. \$1.49. Great bargains, as every pair is worth half again the sale price of \$1 pair.

Sales in Progress Pretty One Piece Dresses for Ladies Reduced for Clearance The odd numbers left from the season's selling offer all sizes from 16 to 44 in both silk and wool frocks at the clearance price, \$12.75

SALE OF WASH GOODS Another of the famous 9c sales, with equally as famous European values in summer wash fabrics. 9c

Sale of Ladies' Dress Skirts Four distinct styles in the new all-wool summer models. Bargains. \$3.95

Sale of Summer Silks Oriental Pongees, 34 in. wide. White Jap Silks, 27 in. wide. 3 Priced very special, the yard, 89c. Qualities, the yard, 39c, 59c, 79c.

THE BURLINGTON They Speak for Themselves San Francisco, Nov. 21, 1909. Dr. Wong Him, 1288 O'Farrell Street, San Francisco—Dear Doctor: After suffering for a number of years from Bright's disease and Stomach Trouble, I came to you for examination and treatment. Your diagnosis of my case by simply feeling the pulse gave me confidence, and after taking your herb treatment for a few months I am entirely well and free from pain. Fully yours, HECTOR BEAULA, 1622 Kearny Street, San Francisco. Very Low Round Trip Rates from California to practically all the East this spring and summer. Send for new leaflet showing in detail, destinations, rates, routes and the best train service. Ask for the Burlington's red folder—the map shows the great diversity of routes open to you. All routes from California include the Burlington. W. D. SANBORN, General Agent 795 Market St., San Francisco, Cal.

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