

BEACH HARGIS TAKES STAND

Young Patricide Testifies as First Witness For the Defense.

Special to The News.

IRVINE, Ky., Dec. 22.—The prosecution unexpectedly closed in the Hargis case at 11 o'clock this morning. An adjournment was taken to 1 o'clock and the defendant, Beach Hargis took the stand as the first witness for the defense.

Hargis was nervous in answering the first few questions but gradually recovered his composure and testified as indicated by the statement of his attorney in opening the case.

IRVINE, Ky., Dec. 22.—The jury to try Beach Hargis, charged with the murder of his father, Judge James Hargis, of Jackson, was completed yesterday morning.

The jury is as follows: W. T. Blackwell, Sampson Curry, Travis Daniel, William Witt, Joel Todd, Tillman Witt, H. B. Garrett, Cash Rice, Daniel W. Duggin, David Winston, Walter Tyree and M. A. Winkler.

Sensational Opening Statement.

The opening statement on behalf of the prosecution was perhaps one of the most sensational ever heard in a Kentucky court, and while Commonwealth's Attorney was relating to the jury the nature of the proof to be offered he was continually interrupted by the attorneys for the defense in an effort to prevent the statements going to the jury.

Judge Adams overruled the objections, however, and all of the sensational facts which the prosecution will endeavor to prove by witnesses were allowed to be given to the jury in advance.

What State Hopes to Prove.

It was claimed by the Commonwealth that it would be proven that on the day of the killing Beach Hargis had made statements in the presence of various witnesses that he intended to kill his father and also Dr. W. P. Hogg, his brother-in-law, and J. Jett, his cousin and a brother of Curt Jett.

He said that it would be shown that a week before the killing Beach Hargis attempted to shoot his mother at the supper table, and that it was necessary for his father, who entered the room unexpectedly, to overpower and disarm him to save the life of the mother.

He said it would be shown that Judge Hargis was killed in his own store by his own son and with his own pistol, which had been stolen by the patricide the night before.

Defense Raises Protests.

It was when Prosecutor Kash took up the question of Mrs. Hargis' action in the defense that the defense counsel were on their feet, raising a storm of protests.

He said it would be shown that Mrs. Hargis had offered Sam Cockrell \$500 and sufficient proof to convict Alex and Elbert Hargis of the murder of Jim Cockrell, if young Cockrell would have the indictment against Ed. Callahan at Lexington, dismissed, and the case against the Hargis brothers continued.

It would be proved, he said, that Mrs. Hargis desired to use this as a club over Alex and Elbert Hargis to prevent them from taking part in the prosecution of Beach Hargis.

Judge Bach Scores Dead Man.

Judge J. C. Bach, of Jackson, counsel for Beach Hargis, began his opening statement for the defense. While he had for years been the legal adviser and friend of Judge Jim Hargis, Judge Bach scored the dead chieftain in a much more bitter manner than was ever done by Byrd during all of his prosecution of Jim Hargis.

Bach Bitter in Denunciation.

Judge Bach was bitter in his denunciation of the dead chieftain, and said that he was even more tyrannical than Louis XIV and more than any man of the Dark Ages.

He said it would be shown that Beach Hargis was reared by his father, not as a son, but as a murderer; that he was taught everything that was bad and nothing that was good; that Mrs. Hargis was allowed no part in the bringing up of the son.

First Witness Testifies.

The hearing of testimony began in the afternoon, James P. Brophy, attorney for the Hargis store at Jackson,

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JUDGE BENTON'S FINAL REPLY

In Answer to Mr. Hays, Gives History of Important Cases He Has Decided.

If I have correctly tracked my friend Mr. Hays' line of campaign he has suggested four reasons why I should not be nominated, but none why the place should be given to him. Is that the correct view?

In 1883 I graduated in law from the University of Virginia. For 18 years I was engaged in active practice at Winchester, and the records of the courts will show that for the last ten years of that time I tried more cases of all kinds than any other member of the bar. I have seen the statement in print, and I have heard that Judge T. J. Scott once said, that in his judgment, there was no man in the district better qualified than I to be Circuit Judge. I do not know that he ever made the statement, but if he did, I consider it the highest compliment ever paid me for he was a fine lawyer, a great Judge and a good man, and I know there are many strong lawyers in this district. If I was qualified then the experience I have since had on the bench makes me better qualified now.

During my term of office it has fallen to my lot to try and decide some of the most important cases in the judicial history of the State, and in none of these important cases have my decisions been reversed.

In the Berea College Case, I laid down the law and fixed the rule so that for all time to come the white and colored children of the State cannot be mixed in any school. My decision in that case has been affirmed by both the Court of Appeals of Kentucky and the Supreme Court of the United States. The editor of the Philadelphia Inquirer, a devoted friend and graduate of Berea College, wrote me the following letter about my opinion in that case: "I have read your decision with great care. As I am not a lawyer, I cannot be expected to speak of it from a legal standpoint, but in the last thirty years it has been part of my work to examine very carefully judicial decisions on many public questions so that I have more familiarity with the subject than many laymen. I wish to assure you that I consider your opinion a very able document, one which on its ground seems impregnable. If the stand you have taken that the Day act is in pursuance of a proper exercise of the Police Power of the State, I think you have answered every possible point."

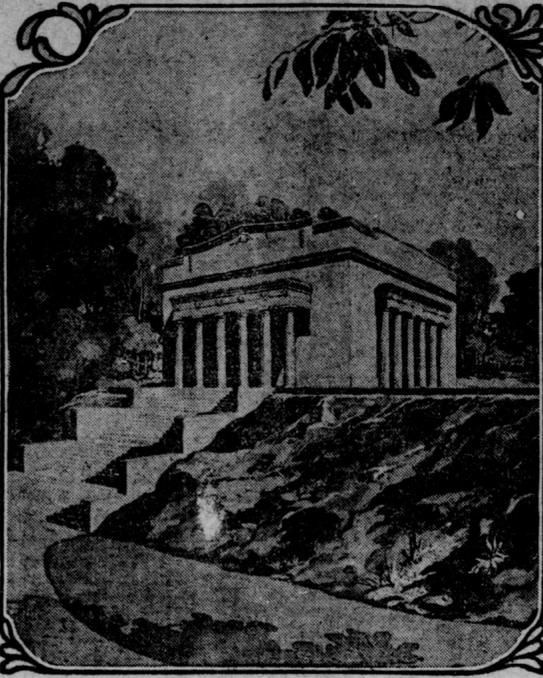
To my firm course when Curtis Jett was arrested and placed in the Winchester jail for the assassination of James B. Marcum, and in the trial of the Marcum-Hargis damage suit, some have given me more credit for breaking up the Breathitt county feuds than to all the other officers and all the State militia. The Marcum-Hargis trial lasted for four weeks. The record made 2,000 pages. Of my conduct of that trial the Court of Appeals, in affirming my action, said: "In this entire record we find no substantial error. The record throughout manifests the fairness with which the trial was conducted by both Judge and jury."

The contempt cases against Felix Feltner and B. F. French in which the former was given two years in jail and fined \$3,000 and the latter fined \$5,000 for spitting witnesses away from the Marcum trial were also historic cases in which my judgments were affirmed by the Court of Appeals. These are only a few of the important cases I have decided.

Many persons erroneously believe that a Judge can and does decide cases from dictates of friendship, that a true Judge cannot do. I have been compelled to decide cases in every county of this district against friends and acquaintances in favor of persons I had never seen, but my oath of office and the dictates of my conscience required me to do it when my personal preference would have often directed the other way. The decision of such cases demands no small degree of moral courage in the Judge, and that I think, I am known to possess.

In the case of Sam Hisle in Clark county, a fiendish negro had committed a horrible crime on a white woman. An infuriated mob, crazed by righteous indignation, demanded

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MEMORIAL ERECTED ON SPOT WHERE LINCOLN WAS BORN.

The Lincoln memorial on the old Lincoln homestead near Hodgenville, Ky., is almost completed and will be the scene of a great dedication ceremony on Feb. 12 next, the one hundredth anniversary of the birth of Abraham Lincoln. President Roosevelt will be the principal speaker on the occasion. The memorial building incloses the little log cabin where the great emancipator first saw the light of day. The new structure was built entirely through popular subscription by the Lincoln Farm association, of which Governor Joseph W. Folk of Missouri is president.

TAX COMMISSIONS ARE NAMED BY GOVERNOR A. E. WILLSON

Leading Citizens of Kentucky Appointed to consider necessary reforms in State's Tax Laws and to Report Findings to Next Legislature.

FRANKFORT, Ky., Dec. 22.—With the desire that the tax laws of Kentucky be revised so as to make for a more equitable system throughout the Commonwealth and thereby encourage foreign capital, Governor Augustus E. Willson yesterday sent out letters to seven men throughout the State, requesting them to serve as members of a State Tax Commission.

He also sent out letters to seventeen others, asking them to serve as members of an Advisory Commission to the State Tax Commission.

No Remuneration Promised.

In his letter to these men Governor Willson says that he cannot promise that they will be remunerated for their time and trouble nor reimbursed for the actual expenses that may be incurred in framing the proposed changes in the present tax system, but he says that he feels reasonably sure that the next General Assembly will be glad to provide some compensation for the work, which will require much study and labor.

Asked to Meet Governor.

All to whom letters were sent yesterday, asking them to serve on one or the other of the commissions, have been requested to meet in the Governor's office in this city, Monday morning, January 4, at 11 o'clock.

At that time plans for beginning work on the proposed revision of the present tax laws will be outlined, and the different members of the two commissions will be acquainted with

those duties which they will be called upon to perform.

Two Chairmen Named.

Attorney-General Breathitt has been asked by the Governor to act as chairman of the Tax Commission and Senator Thomas A. Combs, of Lexington as chairman of the Advisory Commission.

It is the Governor's intention to have the Tax Commission prepare the new laws needed, to give special attention to compilation and comparison of the laws now in force in Kentucky and other States.

The work of the Advisory Commission is, in the main, to find what is needed. In his letter to this body, Governor Willson says in part:

"I will ask that the Hon. Thomas A. Combs, of Lexington, act as chairman of this Advisory Commission on Taxation, and be ex-officio a member of each sub-committee, and in order to study the wishes and needs of our people on the various lines of business as to any change of our tax laws, I will ask that Mr. Lucas Proffitt and Mr. H. M. Froman give special attention to the agricultural interests; Mr. Daniel F. Murphy and Mr. O. H. Waddell to real estate; Mr. John B. Atkinson and Mr. J. C. C. Mayo, to mining and lumber; Hon. W. F. Schueramm and Col. Clarence R. Mengel, to manufacturing; Mr. A. T. Pearson and Mr. Alvah L. Terry, to mercantile interests; Col. Charles E. Hoge and Mr. A. Y. Ford to financial interests; Mr. W. O. Davis and Mr. John T. Shelby, to corporations; Col. J. W. McCullough and Hon. C. H. McElroy to personality.

RUSH IS ON AT THE CITY POSTOFFICE

Additional Help Needed to Handle the Rush of Holiday Mail.

The Christmas rush at the local postoffice is on and as a result additional help has been secured. It is said that the business at the postoffice this year is a great deal heavier than it has been for a number of years and the clerks are anticipating a great deal of working over time to be able to handle the holiday business. Whether any additional help will be put on the routes in the city is not known yet; but it is thought that there will have to be some assistance.

ROMAN CATHOLIC BISHOP IS DEAD

John McHaud of the Diocese of Burlington Passes Away in New York.

Special to The News.

NEW YORK, Dec. 22.—Bishop John McHaud, of the Roman Catholic Diocese of Burlington died here today.

WILL BUILD RESIDENCE.

R. P. Taylor sold to O. G. Hadden and W. W. Stevenson, lot on South Main street, for \$1,155 and other considerations. Mr. W. W. Stevenson will build a handsome two-story brick residence on the lot the first of the year.

MAYOR HUGHES HAS FINE GOAT ON HAND

Animal Takes Possession of Part of Stable and Makes Himself Disagreeable.

One night about six months ago, three members of a certain secret society in this city brought a billy-goat to a Broadway livery stable man, asking him to keep the goat for them a few days, and they would return and pay him for keeping him and take him away.

The night the goat was brought to the stable there was a large class initiated into the society of which the goat is a valuable member and plays a prominent part in all initiatory ceremonies, and he looked very much like he had been put through a hard night's work. Thin, hungry, tired and worn out, he was given a place at the stable, and fed, and everything possible done for his comfort that could be done for the comfort of a goat.

Do Not Call For Him.

Time drifted by and the owners never called for him at the appointed time and his present keeper has notified his former owners and brother lodge men to come and get him; but they have given him the laugh each time and said they would get him later on.

The first few months that he was a guest of the stable he was a very desirable one—tame, gentle and always easy to handle; but now that he has grown considerably and gained strength in his new quarters he is getting very undesirable and a speedy removal of him is being planned by his keeper.

Doorkeeper at Stable.

Not forgetting his old duties in the lounge room, he assumed the role of doorkeeper Tuesday morning on the second floor of the stable and stationed himself at the top of the gangway leading to the second floor and held all the stable employees at bay for nearly an hour until he was finally gotten under control.

The goat has been acting badly for sometime, but his "stunt" Tuesday morning had eclipsed all his former ones. He is an exceptionally good-looking one, fat and plump, and of remarkable strength.

Mayor Has Goat.

This goat is now and has been for the past six months in the possession of Mayor J. A. Hughes. Mayor Hughes says he has made his last appeal to the men who brought him there to come and get him, and if he is not called for by Saturday, he will be put up and sold at public auction, and if no one bids on him he will be given to some small boy to take him away.

Mayor Hughes said this morning, while talking to a News reporter regarding the different antics of the goat that he did not believe the lodge which owns the goat would let him be put up for sale for two reasons, one was that he thought that the fraternal principles of the order were too strong to allow one of their brothers to be put up and sold at auction, and the other was that the goat knew too much about the initiatory ceremonies of the order to be turned loose.

MARRIAGE LICENSES.

The following marriage licenses were issued Monday afternoon by the County Clerk:

Walter Lowrey, of Powell county, to Miss Josie Dawson, of this county.

Alfred Cruse of Madison county, to Miss Emma Epperson, of this county.

Jesse T. Rye to Miss Zizzie Smith, both of this county.

OFFICERS ELECTED.

Daniel Boone, Council No. 1070, Royal Arcanum, on Friday night elected the following officers:

O. M. Flynn, Regent.
W. J. Cone, Vice Regent.
Roy Smith, Orator.
S. Dinelle, Past Regent.
Dr. E. R. Bush, Secretary.
Robert C. Prewitt, Collector.
C. E. Lyddane, Treasurer.
L. A. Nevius, Warden.
J. T. Luman, Sentry.

O. M. Flynn, Representative to Grand Council. C. E. Lyddane Alternate.

A woman would rather a man make love to her without meaning it than mean it without making love to her.

WOMAN TELLS OF WHIPPING

Dragged From Bed By Masked Men and Thrown Across Log.

Union City, Tenn., Dec. 22.—The state practically completed its case against the eight alleged night riders on trial for the murder of Captain Ranken, when it drew from Frank Fehringer, a member of the band, a detailed statement not only of the murder itself and those who committed it, but of a score or more of other outrages. And then, just to add the finishing touches, it called to the stand Mrs. Emma Thurman Johnson, one of the two women known to have been whipped by the band, and had her tell her story. It was a dramatic close to a day of sensational developments.

As Mrs. Johnson's name was called a murmur of satisfaction arose. Nearly every one knew she had been whipped, but except the grand jury and prosecuting officers, no one had heard her story. A tall, slender young woman, attired in black and heavily veiled, walked rapidly to the stand. Mrs. Johnson had married Joe Johnson, a man 30 years older than she was. She lived with him four years and a child was born. Last August she sued him for divorce, charging cruelty, and asking maintenance. Early in September the riders visited her father's home and left word that she must withdraw the suit. She failed to do so, and on a second visit her father was whipped.

On both occasions she was at her sister's home. The riders seemed to have realized this, for on Sept. 24, about 11 o'clock at night, they went to the sister's house. Mrs. Johnson awoke from a sound sleep beside her babe to find her bedroom filled with masked and armed men. A man, whom she recognized as Fred Pinlon, one of the defendants, was standing so close that she could touch him.

"We have come to tell you for the last time that you must dismiss that divorce suit," said Pinlon, whom she had known for years and who lived scarcely a mile away.

"I will not withdraw it," she replied. "You will before we get through with you," replied Pinlon. "If you dismiss it now we will see that he supports the child, but you must not touch his property."

Mrs. Johnson obstinately insisted that she would press the case. Then the bandits filed out into the yard to consult. In a few moments they returned. Pinlon stepped over to the young woman's bed and said, "Come with us." Two others of the band seized the young woman, dragged her roughly from the bed in her night clothes and out into the night. They hurried her about 250 yards away. They threw her on a log in the woods and one of them beat her across the shoulders with a strap. After the first beating they asked her if she would dismiss the suit. She said no. Then she was again whipped. This time her fighting spirit was broken and she sobbingly said she would give in to their demands.

"Let's give her another," said one of the band.

"No," replied Pinlon. "She has had enough."

In bed with the young mother, when the riders dragged her out into the forest in her night robe, was her two-year-old baby.

Mrs. Johnson told her story under strong objections from the defense. She broke down as she described how she was torn from her baby by the black-masked men. She pressed her case and won her suit.

Judge Jones sent out the jury before court adjourned, and said: "There are eight defendants here charged with a capital offense. They are not handcuffed and are under guard of only two deputies. I do not think this safe. Therefore I order the sheriff to handcuff these men and ask the military to detail ten armed men to serve as guards."

The defense offered vigorous objection, and the attorney general declared that this objection proved to him that the precaution was necessary.

Later Attorney General Caldwell said: "The order was made advisedly upon the information which reached the officers of the court, which information was serious enough to justify us in taking every possible and legal precaution."

Taft Favors Open Caucus.

Columbus, O., Dec. 22.—Charles F. Taft made a statement in which he declared himself in favor of an open caucus on the senatorial question. He said he not only favored an open vote, but also a public caucus, subject to stenographic report for publication, if desired. Other senatorial candidates are believed to be in opposition to an open caucus.