

COW CASE ON TRIAL IN DIST. COURT

Play of Legal Acumen Proves Diverging to Crowd; Attorneys Strong on Objections, and Save Several Bushels of Exceptions

VERDICT FOR BANK; INTEREST CUT OUT

Plaintiff is Given Judgment for \$408.63 in Suit for \$800 in Which Usury Figures; Midland Savings Company Wins Case

In the matter of the Farmers' State Bank et al vs. J. V. Hoblit et al, tried in the district court yesterday, the jury brought in a verdict for the plaintiff in the sum of \$408.63. In this case the defendants set up as a defense a plea of usurious interest having been charged. The original suit was for approximately \$800, principal and accrued interest. In arriving at a verdict the jury took the original notes, alleged to have been executed by the defendant, together with the checks for amounts which had been paid upon the notes both as interest and to apply on the principal. From the original notes these amounts so paid were deducted and interest at the legal rate was computed on the proper amounts. No interest was allowed on the notes for the first six months of their lives the jury alleging that the bank had taken out the discount in advance.

After a short deliberation the jury in the matter of the Midland Savings association vs. R. W. Brandon, returned a verdict for the plaintiff company. S. C. Durbin of Chickasha, represented the plaintiff and J. W. Bartholomew of Oklahoma City represented the defendant. The case of Dnd Roland vs. J. S. Brown was called and the following jury empanelled: Lee Fentress, T. J. King, J. W. Hallmark, R. L. Woss, J. T. Gossett, George Mell, I. B. Horn, Hope Dunn, J. A. Dickson, J. L. Curtis, R. E. L. McLain and Peto Bruner. This case will probably occupy the attention of the court throughout the day. Over twenty witnesses have been subpoenaed and each witness has a lengthy story to tell when put on the stand.

According to the petition of the plaintiff, and the testimony thus far deduced, the defendant, on the ninth day of September, last past, at a sale given by the defendant, bought a bunch of steers—eight, or nine in number. The bone of contention, according to the testimony seems to be one small steer of the alleged value of \$49.50. The plaintiff alleges that Brown bought the nine steers at \$49.50 all around; that he told him after the sale and after he had settled for the steers, that he had bought but eight; that the plaintiff told defendant he did not want him to pay for more than he had bought; that defendant was given lack his check issued in payment for the nine steers and gave in lieu thereof another check in payment for eight steers; that plaintiff afterwards found that the small steer had been side-herded from the others and left on his hands; that he demanded of defendant that he take the little fellow and pay for him; that defendant and plaintiff agreed to leave the matter to Col. Hubbard, the auctioneer, and abide by his decision; that Col. Hubbard appeared on the scene to arbitrate the matter; the defendant refused to arbitrate and stated to Col. Hubbard that he "did not care to embarrass him (Col. Hubbard) by having him settle or decide the matter;" that defendant further alleged the matter had better be settled in court.

Attorney Oscar Simpson and A. I. Herr represent the plaintiff, while the interests of the defendant are being looked after by Attorney Ad Melton. The attorneys are exerting every effort to relieve the trial of tedium and are affording great amusement to both the jury and the onlookers and court attendants. From the time the first witness was called to the stand until the court recessed for noon. The case proved very entertaining to all present. When the attorney for the one side would propound a question to a witness it was a ten to one bet that the attorney representing the other side would bounce to his

feet, with the agility of one long fed on a diet of India rubber, and interpose an objection to the witness answering the question. Then the dialogue would start. "Irrelevant, immaterial and so forth," would shout the one attorney, while the other would declaim in sonorous tones that it was no such thing. The witness would sit in palpitating waiting until Judge Jones would either over-rule the objection or sustain, and then answer or not as the case might be. With the ensuing question the same entertainment would be pulled off and repeated by the attorneys. These efforts on the part of those learned in the law aided materially in robbing the case of all dryness and kept the jurors in a good humor with themselves and with the world at large.

Whenever an objection was overruled the attorney who posed as the sire of that particular objection, failed not to save his exception. A conservative estimate, made it is alleged by a court attaché, states that Attorney Melton had, up to the noontime recess saved not less than three bushels, three pecks and a gallon of "exceptions," while Attorney Simpson was running a close second with three bushels and a gallon to his credit.

At the noon recess hour the plaintiff had not finished the examination of his witnesses. Therefore the probabilities are that the case will lap well over toward the hours of early candle lighting.

FEEL FEARS LARGE DAM MAY BREAK

Torrential Rains in Southern California Continue; Many Families in Danger from Floods; Warnings Send Hundreds to Places of Safety

By United Press. LOS ANGELES, Cal., Jan. 19.—The big Hemet dam in the San Jacinto mountains is reported today to be weakening as the result of renewed rains. If it gives way scores of families will be endangered and many miles of farm lands will be devastated. The irrigation dam below Yuma, Arizona, was blown up to release flood waters. Other dams at the heads of valleys in Southern California and Arizona are reported to be in danger of weakening. Flood warnings have been sent out and hundreds of families have moved to places of safety.

Three hundred and fifty prisoners in the jail at San Bernardino escaped death when a turkey released them as the flood swept away the foundations of their iron cage.

Five days of continuous rain in Southern California have resulted in six known deaths, with three other drownings reported, and property damage estimated at over three million dollars.

WARSHIPS AMPLE TO BLOCKADE

By United Press. WASHINGTON, D. C., Jan. 19.—The navy department has furnished the state department convincing evidence that England has enough warships to make her blockade of the entire German coast effective.

Three admirals told the United Press that so far as international law is concerned the British fleets have the situation completely in hand. It was said that all that is needed to make the blockade of the German coast legal was the formal declaration of a blockade by the British government and turning over the handling of it to the navy.

FINED \$5 AND COSTS. Yesterday afternoon Tim Madlock pleaded guilty to assault and battery committed on the person of one Jack Wainscott about ten days ago and was, by Judge T. P. Moore, fined \$5 and costs, amounting to \$13. The offense was committed at the home of the defendant, near Rocky Ford.

EXECUTION OF BANDITS IS TELLING

Carranza Officials Confident that Campaign Against Outlaws Will Avenge Massacre of Americans; Capture of Villa Main Object of Hunt

REPORT CAPTURE OF 7 U. S. CAVALRYMEN

Fight With Mexicans on American Soil; Fear Felt for Fate; Hot Argument is Staged in Foreign Relations Committee of Senate

By United Press. EL PASO, Tex., Jan. 19.—The public execution of two bandit leaders is said to be having a salutary effect upon Mexican outlaws. Carranza officials are confident that the campaign of extermination which they are now waging will satisfactorily avenge the Santa Ysabel massacre.

It is understood that according to the plans of Carranza authorities, the next Villista leader to pay the penalty will be Enrique Cisneros. After he has been shot in Chihuahua City or Juarez his corpse will be added to the display of those of Jose Rodriguez and Manuel Valles in the yard of the Scares custom house.

The capture of Villa himself is the main object of the great bandit hunt that is now in progress in the mountains of Durango and Chihuahua. Villa was reported in his favorite haunts in the Durango mountains.

Capture of U. S. Troops.

By United Press. DOUGLAS, ARIZ., Jan. 19.—Mexican bandits captured seven U. S. cavalrymen, following a fight on American soil south of Hachita, N. M., according to a telephone message received here today, after cavalry had reached Hachita with the report.

Fifty cavalrymen and a number of cowboys have gone in pursuit of the bandits. It is feared that the Mexicans may execute their captives.

Fight Kept From Floor.

By United Press. WASHINGTON, D. C., Jan. 19.—Following the hottest meetings of the present session of the foreign relations committee the administration forces have succeeded in keeping the Mexican situation from the floor of the senate.

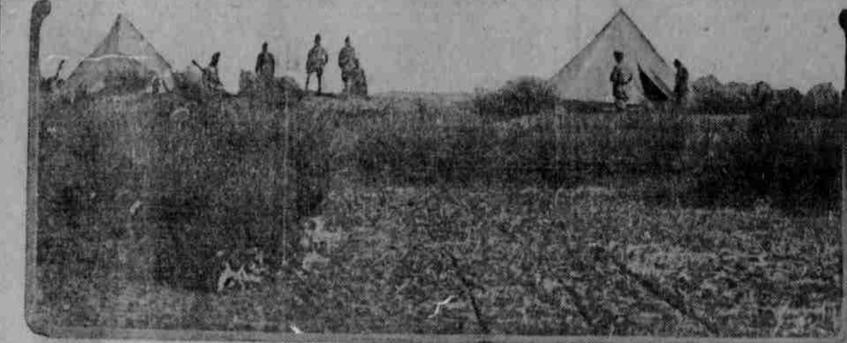
The house foreign relations committee has indefinitely postponed action upon the Dyer and Moss resolutions. Congressman Treadway read a letter purporting to have been written by an American on the Mexican border, charging Villistas with executing Americans, particularly women. No comment was made upon the letter.

ROBERT CAPELLE



Robert Capelle is a German steamboat agent on the west coast, who was sought by government agents because he was suspected of having disbursed \$350,000 for purposes that violated United States neutrality. After being in seclusion for several weeks he returned to his home in Mill Valley, Cal.

OUTPOST OF THE ALBANIAN REBELS



This is a view of an outpost of the Albanian rebels on a hilltop near Durazzo. These Albanians, it is believed, are ready to join forces with the allies against the Teutonic armies, while Prince William of Wied, who was king of Albania for a short time, is said to be organizing tribesmen to aid the Teutons.

REPORT ON LIVESTOCK IS ISSUED

Government Bureau Gives Estimates of Number of Horses, Mules, Cattle, Sheep and Swine on Farms and Ranges January 1

By United Press. WASHINGTON, D. C., Jan. 19.—A summary of estimates of numbers and values of live stock on farms and ranges on January 1 for Oklahoma and for the United States, compiled by the Bureau of Crop Estimates (and transmitted through the Weather bureau), U. S. Department of agriculture, is as follows:

Horses. Oklahoma—Number, 743,000, compared with 752,000 a year ago and 755,000 five years ago. Value per head, \$55, compared with \$53 a year ago and \$55 five years ago.

United States—Number, 21,200,000, compared with 21,155,000 a year ago and 20,277,000 five years ago. Value per head \$101.69, compared with \$102.33 a year ago and \$111.46 five years ago.

Mules. Oklahoma—Number, 282,000, compared with 269,000 a year ago and 278,000 five years ago. Value per head, \$98, compared with \$96 a year ago and \$113 five years ago.

United States—Number, 4,580,000, compared with 4,479,000 a year ago and 4,325,000 five years ago. Value per head, \$113.87, compared with \$112.35 a year ago and \$125.92 five years ago.

Milch Cows. Oklahoma—Number, 519,000, compared with 494,000 a year ago and 501,000 five years ago. Value per head, \$55, compared with \$52 a year ago and \$37 five years ago.

United States—Number, 22,000,000, compared with 21,262,000 a year ago and 20,823,000 five years ago. Value per head \$33.99, compared with \$35.33 a year ago and \$39.97 five years ago.

Other Cattle. Oklahoma—Number, 1,190,000 compared with 1,119,000 a year ago and 1,295,000 five years ago. Value per head, \$37.90, compared with \$25.40 a year ago and \$21.50 five years ago.

United States—Number, 39,500,000, compared with 37,007,000 a year ago and 39,879,000 five years ago. Value per head, \$33.49, compared with \$33.23 a year ago and \$20.54 five years ago.

Sheep. Oklahoma—Number, 95,000, compared with 76,000 a year ago and 71,000 five years ago. Value per head, \$5.00.

FERRIS BILL IS PASSED

A telegram from Congressman Scott Ferris, received by the Express early this morning, announced that his home-stead bill passed the house yesterday afternoon. The bill provides for 640-acre homesteads in arid, semi-arid and mountainous regions for stock raising purposes.

Mr. Ferris said, "This bill has already been favorably reported from the senate committee and will in all probability become a law within a month. It applies to seventeen states. I regard it as an exceedingly important bill for the development of the west."

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AUSTRIANS PLAN UNION OF NATIONS

Propose to Put Two Conquered Powers Together Under Protectorate; Rome Says Report of Montenegrin Army Surrender is Premature

By United Press. ROME, Jan. 19.—According to reports received here, Austria is planning to unite Montenegro with a part of old Serbia in a new kingdom under Austrian protectorate. The plan is said to have the sanction of Germany.

Emperor Franz Josef is reported to be looking for a ruler who can conciliate both Serbs and Montenegrins and thus remove permanently the danger on Austria's right flank.

Dubious Report. LONDON, Jan. 19.—Peace negotiations between Austria and Montenegro, which were reported to have been initiated a few days ago, have been broken off, according to unconfirmed wireless dispatches from Rome.

One dispatch said the reports of the surrender of the Montenegrin army were "premature."

The Rome reports are accepted here with the greatest reserve inasmuch as the Montenegrin diplomats in Paris and Rome had previously confirmed the surrender.

Greek Troops Withdrawn. By United Press. ATHENS, Jan. 19.—It is reported today that all Greek troops will be withdrawn from the Bulgarian frontier because of the difficulty in obtaining provisions for them.

Officials stated that England had agreed to export five thousand tons of coal to Greece, thus eliminating the possibility of a tie-up of Greek rail roads.

ARM IS BROKEN BY FALL ON ICE

Mrs. Joseph Buckley met with a serious accident yesterday afternoon which will result in her possible confinement to her room for a number of days. She had started to the Methodist church to attend the funeral of Jacob Good and, when in front of the library, slipped and fell on the ice, fracturing one of her arms.

A physician was called in and reduced the fracture, following Mrs. Buckley's removal to her residence at 414 South Sixth street. This morning the patient was reported resting as easily as might be expected.

DISCOVER PLOT TO KILL EMPEROR YUAN

By United Press. PEKIN, Jan. 19.—Numerous arrests were made today following the discovery of a plot to kill Emperor Yuan Shi Kai. The plotters had placed explosives in the palace of the emperor. Summary justice is expected to be meted out to all implicated in the conspiracy.

SOCIALIST CHAIRMAN IS SUICIDE

J. O. Weldon Ends Own Life With Bullet at Kinkade Hotel in Oklahoma City; Motive for Desperate Deed is Mystery

WAS TO HAVE BEEN MARRIED TONIGHT

Sends for Friend to Come to Room and is Found Dead; Leaves Three Letters Tragedy

By United Press. OKLAHOMA CITY, Jan. 19.—J. O. Weldon, state chairman of the Socialist party, shot and killed himself today in his room at the Kinkade hotel.

Weldon was to have been married tonight to Miss Olive Todd, a daughter of a prominent local oil man. At one time Weldon was a teacher in the public schools here, but objections to his retention in the position arose when he became active in the Socialist party. For some time he has been the Oklahoma editor of the Appeal to Reason, the Socialist paper published at Girard, Kan.

At 10:05 o'clock this morning Weldon telephoned H. M. Sinclair, state secretary of the Socialist party, requesting him to come over to his room at the hotel as he had something important to tell him. Sinclair left his office, which is four or five blocks from the hotel, and reached the room about ten minutes later. He knocked on the door and on receiving no response opened it and walked in, finding Weldon dead as a result of a bullet wound.

No motive for the suicide of Weldon is known. He left three letters, one addressed to Sinclair, one to W. O. Moore, a teacher in the local high school, and the other to John M. Hale, of the Wilkins-Hale bank. All of them referred entirely to business matters, making no mention of the deed which the writer was about to commit. The letters were read before the coroner's jury this afternoon. The one to Hale gave instructions concerning an insurance policy held by the deceased, directing that his room rent at the hotel be paid, that a note for \$100 be taken up and his funeral expenses be paid.

Miss Todd declined to believe the report when told that her fiance was dead and later when convinced it was true she became hysterical.

Weldon was a member of the high school faculty, being in charge of the department of mathematics at the time when J. G. McMasters was principal. He lost his position when the latter was let out, having taken a prominent part in the political mixup in school board affairs.

Weldon was about 30 years of age and as far as known was in the best of health. If he had any financial troubles his friends knew nothing about them.

CLUB MEETING POSTPONED.

The regular meeting of the Norge Women's club has been postponed to a future date to be agreed upon. The postponement was made necessary on account of the illness of Mrs. S. A. Hefner, president of the club. Mrs. Corvill, who has charge of the club work in Grady county, states that the Norge club is one of the most active and hard working organizations of its kind in the county. The membership is good and the interesting manifested in the work is far above the average.

WEATHER FORECAST.

For Oklahoma. Tonight—Rain or snow; warmer Thursday; rain, warmer in east portion of southern half. Local Temperature. During twenty-four hours ending 3 a. m. today: Minimum, 25 degrees. Maximum, 21 degrees.