

HELD FOR MURDER COMMITTED TEN YEARS AGO

Prominent Globe Business Man Will Be Taken to Indian Territory to Answer Bad Charge

BEEN UNDER INDICTMENT FOR PAST SEVEN YEARS

Admits His Connection with the Tragedy, but Declines to Give Details of Incident—U. S. Officers Make Arrest.

Arrested on a warrant charging him with a murder committed ten years ago, J. A. McIntyre, manager of the Palace meat market, was confined in the county jail yesterday, and he will be taken to Pauls Valley, Indian Territory, to stand trial as soon as the federal authorities in the Indian Territory advise the local United States officers.

McIntyre was arrested at his place of business yesterday morning about 10 o'clock by Deputy United States Marshal W. H. Hiatt. When notified that he was under arrest McIntyre stated that the wrong man had been apprehended. The officer expressed the hope that he was mistaken, but pending an investigation he would have to take him into custody. Shown the warrant and the charge, McIntyre admitted that he was the right man and was granted time to straighten up his business affairs before going to the county jail.

McIntyre was not very communicative when interviewed by a Silver Belt representative last evening at the county jail. When satisfied that his arrest had become public and the charge known, he stated that the killing of which he is accused took place eighty or one hundred miles west of Pauls Valley on February 15, 1897.

"I remained in that section of the country for two months after the tragedy," said McIntyre, "and no effort was made to arrest me. Three years later I was indicted, but no effort was made to arrest me, and this latest step is the work of an enemy. I have nothing further to say."

Questioned closely, McIntyre stated that the name of the man he had killed was Rogers, but he pleaded ignorance of his victim's first name, and declined to give the details of the tragedy.

It is reported that while employed on a ranch west of Pauls Valley that McIntyre had an altercation with Rogers and that in a struggle which followed Rogers was stabbed to death, presumably by McIntyre in self defense.

There is another story to the effect that in a fit of passion McIntyre struck his victim over the head with a shovel, fracturing his skull, and that Rogers lived for two months after the injury, and the announcement of his death was followed by McIntyre's disappearance.

It reports he true, McIntyre first went to New Mexico, where he remained two years, living under an assumed name, and then drifted into the Gila valley in the vicinity of Solomonville, when he resumed the use of his own name and acquired some property. He has been a resident of Globe for about three years. When he first came to the city he was engaged as a teamster and at the present time owns a number of teams and wagons, which he has hired out. He has been connected with the Palace meat market in the capacity of a stockholder and manager for the past fourteen months. McIntyre is reported to be quite an extensive holder of farm properties in the valley and in addition to his market interests owns considerable city property. He is a shrewd, careful business man and enjoys the full confidence of his business associates and his acquaintances in general. The accused is a single man and since coming to Globe has resided with his mother on the north side. It is quite likely that he will be taken to the Indian Territory the latter part of this week, as there is no chance to resist the case locally.

SAYS WIFE SET FIRE TO HOUSE

In His Rage He Tried to Throw Her into the Burning Building

PRESOTT, Ariz., September 24.—Yesterday morning about 4:30 o'clock a small shack occupied by Juan Tapia, was discovered on fire, but the flames had gained such headway before the alarm was turned in that the entire house was wrapped in flames before the arrival of the fire department, which answered promptly. The entire shack and its contents, valued at about \$100, was destroyed, with the exception of a few worthless articles of furniture, carried over by a woman, who is alleged to have been in the place at the time the fire started.

When officer Miller arrived on the scene, he found Tapia, who claims to own the place, and the woman quarreling, both under the influence of liquor. Tapia accused her of setting fire to the

LOST LITTLE ONE FOUND FAR AWAY

Young Mother Gives Child to a Woman to Hold and Thinks It Is Stolen

ST. LOUIS, Mo., September 24.—Mrs. Dora Hickson, 18 years old, of Redville, Kan., who, for several days has been nearly frantic, and has been urging the police to find her kidnapped baby, was made happy by learning that the child was in a foundling asylum in Salt Lake City. Mrs. Hickson, while checking her baggage, had given the baby to Mrs. J. L. Corey of Bland, Ill., to hold. Mrs. Bland waited in vain for the mother, who had been delayed, to return. When train time arrived she boarded it with the child, thinking she had been tricked by the woman who washed to abandon the baby.

CHILD HAS CLOSE CALL BY DEATH

Sustains Terrible Wound in a Fall of 30 Feet, Landing on His Head

The escape of Icie Adams, young son of the manager of the Copper Queen grocery department, from death last evening when he fell a distance of thirty feet, striking his head against a concrete wall, is considered miraculous. At a late hour last evening the young patient's condition was considered very favorable by the physicians in attendance, who are of the opinion that he is in no danger of death, says the Biabee Review.

Icie, who is 13 years of age, was playing on the veranda of a house immediately above that of his father on School hill, when the railing against which he was leaning suddenly gave way, precipitating the child to the rocks thirty feet below, where he struck on his head and lay as if dead. The boy's parents, who were sitting on their porch, and a neighbor, saw the fall and with ejaculations of horror rushed to where he lay. Extending from the middle of the forehead to the back of his head, the boy had a gash which looked as if it certainly were fatal. With sinking heart the father carried the boy into his home and immediately called in two physicians. They arrived within a short time and soon revived the child to such an extent that he could talk. On account of the weakness of the little fellow's heart the doctors were forced to sew the wound together without administering any anesthetic.

After he revived the boy told his father and the doctors that he was suffering with pain inside him, which leads the physicians to believe that he suffered internal injuries, but this was not definitely determined.

One of the physicians stayed at the bedside all night attending the patient and at a late hour it was reported that his condition was the best that could possibly be hoped for.

The child's mother was completely overcome with the horror of the accident, being rendered quite ill.

BOYS JAILED ON BURGLARY CHARGE

Believed to Be the Parties Who Entered the Store of F. C. Morello

H. Sassone and H. Giacomo, two Mexican lads, are confined in the county jail, charged with burglarizing the store of F. C. Morello last Wednesday night. The young men were taken into custody yesterday and will probably have a hearing in Justice Thomas' court today.

Both of the accused have been subjected to a severe "sweating" by the sheriff's department, and while the officers are reticent about giving out information, it is intimated that one of the boys has made a confession. The territory has a number of good witnesses and it is quite likely the boys will be held to the grand jury.

The Morello grocery was entered through a rear window and an effort was made to pry open a typewriter desk in which the thieves evidently believed money was secreted. The work was plainly that of amateurs and the two boys under arrest, who had been hanging around the place the previous day, were early suspects.

house and, it is alleged, attempted to throw her into the fire to be consumed with his other personal belongings.

When the officer interfered, he attacked him and was knocked down and placed under arrest. He was later released under bonds. The woman was also placed under arrest and lodged in the city jail, where she awaits a hearing with Tapia in the city recorder's court this afternoon at 5 o'clock. The woman, who is a noted police character, gave her name as Placida Tego. It is thought that she accidentally set the place on fire while celebrating Mexican Independence day, with a few congenial companions, in the absence of Tapia.

Tapia has only one leg. He is a wood merchant on a small scale and bears a fairly good reputation.

GOVERNMENT STANDS BY ITS PLEDGE Promise of Immunity to Alton Not Repudiated

OPINION OF ATTORNEY GENERAL READ IN COURT

CHICAGO, September 24.—Attorney General Bonaparte is in favor of extending immunity to the Chicago & Alton railroad, as arranged by former United States Attorney Morrison, who promised that in the event the railroad officials would testify in good faith and assist the government in its prosecution of the Standard Oil company of Indiana that the company would be held immune.

Today the following text of a letter was read by United States Attorney Edward W. Sims at the reassembling of the special grand jury in the United States court of the northern district of Illinois:

Lenox, Mass., August 29, 1907. Edwin W. Sims, Esq., United States Attorney, Chicago, Ill.

Sir: On September 24 next the special grand jury summoned by Hon. K. M. Landis in the United States district court for the northern district of Illinois will reassemble in accordance with the court's order of August 14. In his remarks to the grand jury Judge Landis said in part:

"Gentlemen of the grand jury: On the day the order for your appearance here was entered, the court directed the district attorney to lay before you the evidence respecting the rates charged by the Chicago & Alton Railroad company for the transportation in interstate commerce of certain property of the Standard Oil company. Since this direction was given I have received a communication from the attorney general of the United States, the substance of which is that prior to the indictment of the Standard Oil company the then United States district attorney made an arrangement with the officials of the Chicago & Alton road, under which arrangement the railroad company was not to be proceeded against, provided it should assist the prosecution, in good faith, with evidence and with witnesses in the matter then pending. In view of this it is the conviction of the attorney general that good faith requires the department of justice to do what it can to make good the district attorney's assurances; and, as you gentlemen will readily perceive, this presents a very grave question, because it is of the utmost importance that no offender should undeservedly escape punishment for crimes on any such plea, as well as that even the meannest criminal may not truthfully charge the government of the United States with bad faith."

"What this arrangement was the court does not know; but the court assumes it possibly may have provided that the Chicago & Alton company should emancipate those who act and speak for it from all obligations to deceive and mislead the jury on the trial lately closed. If this be true, whatever officer of the department of justice is charged with the task of determining what shall be the department's attitude must have submitted to his careful consideration the transcript of the testimony of these railway agents, in order that he may intelligently decide whether under the district attorney's arrangement and the railroad company's performance the Chicago & Alton road is entitled to immunity."

"Whether the grand jury act in the matter will depend entirely upon what conclusion this official may reach as to what the most perfect good faith requires the government of the United States to do."

As you are aware, the suggestion of the judge has been complied with by this department and the whole subject very carefully considered. More especially the department has examined those parts of the transcript of evidence in the record of the trial of the United States vs. The Standard Oil Company of Indiana, called to my attention by you and referred to in the judge's remarks. The facts which appeared to the department to be material in this connection are as follows:

In June and July, 1906, criminal proceedings against the Standard Oil Company were authorized by the department for receiving rebates from several railroads in what is known as the "Chicago district." It was considered important that indictments in these cases should be found before the expiration of the sixty days allowed by the joint resolution approved June 30, 1906, suspending the operation of the act generally known as the "Hepburn Act," and thus keeping in force the prior statute, against which the alleged offenses had been committed. This period would

expire on August 28, and it was therefore deemed essential that the indictments in question should be returned not later than August 27. It was also desired by the department that as many as possible of the offenses believed to have been committed should form the basis of counts in the several indictments found, so that in the event of conviction the penalties imposed might be sufficiently severe to serve as a deterrent to similar breaches of the law in the future, even on the part of a defendant of great wealth. Under these circumstances the United States attorney for the northern district of Illinois reported to the department that it would be impracticable to procure evidence justifying the indictments of the defendant named, on more than a comparatively small number of counts, within the time above specified, unless, in case of the Chicago & Alton, he had the cooperation of the railroad company in the procurement of proof, and that this co-operation could be obtained only through a promise of immunity from prosecution, in connection with these proceedings, given to the corporation and its officers. The situation thus presented was one which frequently arises in the administration of the criminal law, in connection with offenses such as bribery, conspiracy, etc., etc., to which more than one person must necessarily be parties, and the precise facts about which generally lie the knowledge only of the guilty parties. It was deemed by the department expedient in this instance to grant the immunity suggested, and Mr. Morrison was authorized to make, and did make, an arrangement with Mr. Shaw, one of the counsel of the Chicago & Alton Railroad company, whereby it was understood that, if the said corporation placed its records and the testimony of its officers and employees freely at the disposal of the government, and in good faith assisted the prosecution when the case should be tried, the said corporation and its officers and employees should not be prosecuted for their share or their share in the offenses forming the basis of the prosecution.

In consequence of this understanding the books and other records of the Chicago & Alton railroads were placed at the service of the government, and although these documents were, for the most part, not admissible in evidence against the Standard Oil company, they were of great service in enabling the prosecution to frame the indictments and procure evidence to sustain it, and also in establishing to the entire satisfaction of the prosecuting officers themselves that the acts of the parties concerned constituted offenses under the law and were understood and intended by both parties to be rebates and unlawful. Moreover, the production of this evidence placed it in the power of the government to convict with certainty the Chicago & Alton Railroad company, if it lost the benefit of its understanding as to immunity. In consequence of this assistance from the railroad company an indictment was returned on August 27, containing 1,900 counts. I am assured by Mr. Morrison, and, personally, entertain no doubt, that it would have been altogether impossible, without such co-operation, to have secured an indictment within the time containing more than a comparatively small number (say fifty or one hundred) counts. It follows that a service of great value had been rendered to the prosecution by the railroad corporation as a result of the immunity understanding.

As soon as the facts of the case were brought to the knowledge of the department, or at least as soon thereafter as it could be verified, the pledge of immunity given in the present case was called to the attention of the presiding judge. It is a source of regret to the department that the facts connected with the promised immunity could not have been laid before the court prior to the entry of the order summoning the special grand jury. Unquestionably this could have been done had these facts been known to the department itself, but this omission cannot, of course, alter the duty of the department in the premises, and I, therefore, instruct you to make such motion or take such other proper action as you may deem necessary to give effect, under existing circumstances, to the promise of immunity above mentioned. It is needless to say that the department recognizes its full and sole responsibility for both the pledge and the action now taken, in accordance with it. You are further instructed to report to the department, as soon as may be practicable, such action as you may take to give effect to the foregoing instructions.

Very respectfully, CHARLES J. BONAPARTE, Attorney General.

EVERY PRECEDENT IS FAVORABLE TO DECISION

As to how far the assistance of the railroad company enabled the prosecution to establish its case and secure a conviction at the trial there may be some room for a difference of opinion, and I can understand that the testimony of one employee of the railroad company called by the government as a witness in rebuttal, may have raised some doubts as to the good faith with which the company carried out its pledge to the government; but, after careful consideration of all the attendant circumstances, including all the facts to which you have directed my attention, I find no ground for more than suspicion or conjecture imputing such bad faith to the railroad company. There is certainly nothing in the nature of proof that it failed to comply with its pledge, and I see no room to doubt that its co-operation was of great assistance, if not absolutely essential, to the success of the prosecution.

It would be alike unworthy and impolitic for the government of the United States to get the benefit of such an agreement as was made in this case, at least in a very large part, and then assert doubtful grounds on which to repudiate its pledge of immunity.

Through the agreement the indictment of the Standard Oil Company of Indiana was made possible, and its conviction at the trial at least greatly facilitated. I can find no sufficient ground to deny the Chicago & Alton Railroad company and its officers the immunity which constituted the consideration for the aid thus offered. It is proper to say in this connection that I was personally ignorant of the fact that such an agreement had been made until informed of it by Mr. C. B. Morrison, your predecessor in office, after the grand jury had been summoned by Judge Landis. Of course, I was aware, through the official information received by the department, of the aid rendered by the Chicago & Alton Railroad company in connection with this trial, but I had assumed that this aid had been rendered with no agreement as to immunity from prosecution on the part of the government. At the trial of the case of the United States vs. McGregor & Upton, in the district court of the United States for the district of Maryland, the court (Hon. Thomas J. Morris) at the instance of the present attorney general of Maryland (Hon. William Sheppard Bryan), leading counsel for the defense in that case, instructed the jury as follows:

"The jury are instructed that it is an established usage in courts of justice that where an accomplice is duly admitted as a witness in a criminal prosecution against his associates, if he testifies fully and fairly, he will not be prosecuted for the same offense."

I took part in that case as special counsel for the government, and I assume that, in the recent prosecution of the Standard Oil Company of Indiana, the Chicago & Alton Railroad company relied upon the "established usage in courts of justice" asserted in this instruction, regarding itself as, substantially, in the position of such a witness as is therein mentioned, and without any express assurance of immunity.

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Very respectfully, CHARLES J. BONAPARTE, Attorney General.

WOODES FOUR DAYS: REJECTED AND DIES

Impetuous but Unsuccessful Courtship Leads Man to Suicide

WEBSTER CITY, Iowa, September 24.—Because Miss Martha Quindahl refused to marry him after a courtship of four days, Ross Hendricks, a former well known Webster City theatrical and circus man, took fifty grains of strychnine at Esterville this morning and, rushing into the street, fell dead. Hendricks had been a boon companion of Carl Pressley, another well known local theatrical man, who shot himself in the city park here two weeks ago after burning a roll of bills amounting to \$2,500.

SMOOTH GAME DID NOT WORK

Traveled All the Way from Butte on Small Sum, but This Con. Fooled Him

TUCSON, Ariz., September 24.—Passenger Conductor Archer, who has one of the runs on the Tucson-Yuma division of the Southern Pacific company, had an experience Friday evening as he was returning to Tucson that shows he was not overlooking anything in the interest of the company, and at the same time caught a smooth artist, who, when he was caught, admitted that he had worked conductors all over the country and had never been caught before. When the train left Yuma Conductor Archer began to collect the tickets from the passengers in the chair cars, and he finally came to a heavy set man who presented a ticket from Yuma to Dome. As the conductor does not have many passengers for that place he fixed the party in his mind and gave him a hat check for that station. About the time that Dome was to be reached, Archer went through the train to collect the hat checks from the party and was unable to find him. Upon looking more closely he found that his friend had changed his hat and in the meantime had appropriated the hat check of some sleeping passenger that read to Tucson and was sitting in another place in the car with a number of male passengers, evidently some of his companions. Archer took the hat check out of the party's hat and made a demand for fare to Tucson. Mr. Artist at first refused to do so, but when the conductor informed him that he would be put off the train, he finally produced the fare checker that he would use the railroad company for all kinds of damages. He offered to prove by his fellow companions that he had had a ticket to Tucson, but Mr. Archer refused to listen to that kind of affidavit men. Shortly before the train reached this city Mr. Artist came to Archer and said: "You are all right. I have worked all the conductors along the line from Butte, Mont., here, at a cost of only \$12, but you were evidently on to me."

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FINISHED FIGHT OUTSIDE THE CITY

Determined Pugilists Frustrate Officers of the City and County

Failing to complete a fistic controversy within the classic confines of the city Monday evening, after being arrested and making bond for their appearance in the city court, J. S. Rogers and J. R. Edwards quietly passed over the corporate boundary and engaged in a genteel go to the finish. Just who won the decision has not been officially announced. Sheriff Thompson played for a seat in the front row in the suburban go, but despite the fact that he was astride his running horse, he hit the ringside just after the main event had been pulled off and the principals had taken their departures. Edwards and Rogers entered city court yesterday afternoon, pleaded guilty and were fined \$10 each for disturbing the peace.

The first engagement between Rogers and Edwards took place on lower Broad street. A patrolman chanced along before a decision had been reached and haled the young men into Judge Thomas' court. They put up bonds in the sum of \$10 for their appearance yesterday afternoon and left the courtroom arguing the merits of the bout. Rogers wasn't satisfied and Edwards promptly accepted his challenge to go outside the city limits and pull a finish engagement off. Sheriff Thompson was notified and made a run to prevent a fracture of the law, but the difficulty had been settled before he reached the scene.

Charged with Disorderly Conduct

A. W. Reed, who was arrested Monday night on a charge of disturbing the peace, will have a hearing in Justice Thomas' court this morning at 10 o'clock. Mary Woodward, a member of the tenderloin district, is the complaining witness. Reed and the woman had a quarrel in a lower Broad street restaurant. Reed has been enjoying his liberty on a \$100 bond.

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UNCLE SAM SHOULD LOOK AFTER OUR SAVINGS

Prominent Eastern Banker Is Opposed to the Idea of Postal Savings Banks System.

STATES SHOULD HAVE DIRECT SUPERVISION

And Government Should Appear in an Advisory Attitude, Bringing About Better Investment Laws.

ATLANTIC CITY, N. J., Sept. 24.—P. LeRoy Harwood, treasurer of the Mariners Savings Bank, of New London, Ct., in an address today on postal savings banks at the convention of the American Bankers Association declared that the strongest demand for postal savings banks comes from sections where improper and inadequate state laws have permitted dishonest bankers and irresponsible banking institutions to betray their trust. As a corrective agency and one which might obviate the necessity of establishing a system of postal savings banks, Mr. Harwood suggested:

"I have thought for some years that some sort of general governmental supervision of savings institutions would be a good idea. By this, do not mean that the Government should assume direct charge or supervision of the banks themselves, but rather a general oversight and advisory attitude toward the state governments which should, by all means have the direct supervision of the banks in their territory. This would have the effect perhaps, of bringing about better and more uniform investment laws and better examination and supervision of the banks, where today each state has its own methods of handling this business, some good some poor. The expense to the government would be so small as to hardly be worth mentioning. The cost to this government of postal savings banks would undoubtedly be very great. The savings banks of this country are conducted at an annual expense of about one-fifth of one per cent per dollar of deposits, and it is extremely doubtful of this could be matched by the government, even after many years of operation. A great disadvantage which has been repeatedly brought to attention is the fact that the money which may be deposited with the government is immediately taken away from the locality to which it belongs and that locality deprived of its use in development of its business and property. This, of itself, is a most serious objection. The western or southern community, to which the postal savings bank idea would appeal, needs all its moneys for its own development and use. This money should be gathered together and loaned back to the communities on mortgages and notes. The rapid development of the eastern states has been due in no small part to this principle, and the west and south should not be deprived of these advantages. It is necessary, therefore, to devise some plan for keeping this money near home. The mutual savings bank of the east is perhaps considered the ideal savings bank and the process of establishing and building up these institutions is simple in the extreme. Were the workings of these institutions better understood, they would no doubt meet with favor in all parts of the country, and a government savings bank commission could be of great service in spreading information of this kind wherever there seems to be a desire for savings depositories."

Mr. Harwood, in concluding his address, offered a resolution providing that the association appoint a committee to investigate the question of postal savings banks in a limited territory and the desirability and scope of a government savings bank commission.

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