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DANIEL TRIAL ENDS AND CASE GOES INTO HANDS OF THE JURY

Instructions by the Court Strongly in Favor of Prosecution, Only Two Minor Instructions of the Defense Being Submitted to the Jury, Which Retired Early Last Evening.

GENERAL OPINION THAT NO VERDICT WILL BE AGREED UPON BY THE JURY

Strong Evidence in Rebuttal by Territory; Expert Testimony More Satisfactory Than on Preceding Day; Strong Arguments Made By Both Sides; Limited to an Hour for Each Side.

The trial of Robert H. Daniel for the murder of James G. Brown last June came to a close last evening, when at the close of instructions by Judge Nave, at 6:30 o'clock, the case was given to the jury. The instructions of the court were the feature of the case, for they were the strongest by far ever heard here. The charge to the jury could hardly have been more favorable to the prosecution or more strong against the defense. Of the seventeen or eighteen instructions submitted by the defense, the court disregarded all except two, the one relating to the reasonable doubt and that one instructing the jury that if it found the defendant insane at the time of the killing he should be acquitted. But these instructions were completely overshadowed by the preliminary statement made in Judge Nave's charge, which caused somewhat of a sensation in the court room. He spoke of the charges which have been made that the courts of the country are corrupt and that it had been reiterated that men who had money escaped punishment for their crimes. He said that it was no fault of the courts but of the people of the country from whom juries are drawn. He spoke of the duty this jury had to perform and his manner in doing so was almost as earnest as that used by the attorneys in their arguments. He said that the "unwritten law" was wrong and that its application should not be tolerated while there are courts, where justice could be obtained. The delivery of the charge consumed over a half hour and was almost wholly extemporaneous.

however, who expected a verdict of acquittal within an hour after the jury had taken the case, and few, if any, believed that the jury would convict.

Morning Session.

Dr. B. G. Fox testified again yesterday morning, being recalled by the defendant. He stated that melancholia affects different patients in various ways. Talking while asleep, falling asleep during the day, and obesity, he characterized as not forms of melancholia, and he stated that well people often talk to themselves. Sleeplessness, he stated, was a symptom in most forms of insanity.

"Could a patient having melancholia under the facts, assuming them to be true, as given you in the hypothetical question of the defendant, on the 27th day of June, 1907, and having recovered from that disease six months later, recite the facts and things that occurred on June 27th when he was suffering from melancholia?" was asked the witness by District Attorney Henry on cross-examination.

"I think he could," was the reply. "Fully and clearly?" "Yes, I think he could."

"The same as though he was not affected with melancholia on June 27th?" "Well, not as well," was the reply of the witness.

Asked by the district attorney if a patient suffering from melancholia does not lose his mental faculties to such an extent that he does not comprehend his acts and things he is doing, Dr. Fox replied that he might in the latter stages of the disease, but sometimes they do not.

Assuming the facts to be true as under the hypothetical question propounded to you, would you say that a patient as described in that question had lost his mental faculties on June 27th?"

"I cannot say; it is impossible to state," was the reply of the witness. "The witness also stated that it would be impossible to tell if a patient, suffering with melancholia on June 27, would be perfectly well on December 31 of the same year."

Gives Illustration

Upon re-direct examination by Attorney Jacobs, the witness was asked if it is not true that a patient as represented in the hypothetical question might know the difference between right and wrong and because of the diseased and disordered condition of his mind be unable to resist the impulses of his mind and refrain from committing a wrongful act, to which Dr. Fox replied "I think so."

The doctor, on cross-examination had testified that a patient could not distinguish between right and wrong, which brought forth the above question and answer. The witness illustrated the proposition by saying that a man may be subjected to the use of alcoholic drinks periodically to excess, and there is yet no one that knows better than he that it has evil effect of it. The court then asked the witness if he thought such a man insane.

"To a certain extent," replied the witness. "Alcoholism is recognized as a disease of the mind and any man who has a disease of the mind is insane."

Dr. R. D. Kennedy was called by the defense, and to the hypothetical question propounded to him, replied: "In my opinion such a man is insane."

Strong Rebuttal.

Ed Grice, Emmett Williams and William J. Ellery were placed on the stand. (Continued on Page Six)

TAFT FORGES IN CONTROL OF THE OHIO COMMITTEE

Outnumber Foraker Faction Two to One and Set Date for Convention and Primaries.

DIRECT VOTE FOR THE PRESIDENTIAL CHOICE

Friends of Foraker Voted Down on Every Occasion; Hughes' Supporters Are Getting Busy in New York.

COLUMBUS, Ohio, January 2.—The republicans of Ohio will be given an opportunity to express by direct vote their choice for the party's candidate for the presidency at primaries to be held on February 11 when delegates and alternates to the republican state convention will be elected.

The convention is to be held in Columbus on March 3 and 4 and it will select in addition to four delegates at large to the republican national convention, candidates for governor and other state officers. The call for the primary convention was adopted after a protracted and lively session, friends of Taft casting fourteen votes to the seven of the supporters of Foraker. The vote stood fourteen to seven on every proposition which required a roll call, except the selection of a temporary chairman of the convention. Garfield received thirteen votes to eight for Harry M. Daugherty of Columbus.

The state committee decided it had nothing to do with the selection of national delegates in congressional districts and declined to make any suggestion in regard thereto. Several amendments to the call were proposed by friends of Foraker, but in each case they were voted down. The chief fight was made against the direct primary plan for the selection of delegates to the state convention.

Senator Charles Dick is here to look after the interests of Foraker, but did not go to the Neal house, where the committee held its session. After the state committee concluded its work, Dick declined to make any comment upon it.

Get Busy for Hughes.

ALBANY, N. Y., January 2.—Plans for a state organization to push the nomination of Governor Hughes for president, were made today by a conference of republican legislators now in the city. State Senator Alfred Page, of New York, presided. The conference was called under the auspices of the committee appointed at the conference in the same interest held just before Christmas at the Manhattan hotel in New York. The organization will be confined to republicans.

I believe the state republican convention will instruct the delegates in favor of Governor Hughes," Page said.

The governor, when informed tonight of the action of the conference, declined to make any comment.

COLORADO STATE BANK FORCED TO CLOSE DOORS

FOCKY FORD, Colo., January 2.—The state bank at Rocky Ford closed its doors today following a run. State Bank Examiner Beatty is making an investigation of the bank, which has been regarded as one of the soundest in the Arkansas valley. Its liabilities exceed \$300,000 and assets over \$252,000, mainly loans on farm lands in the vicinity.

"NIGHT RIDER" SUSPECT IS UNDER ARREST

HOPKINSVILLE, Ky., January 2.—Herman R. Greshaw, a prominent young planter, was arrested tonight charged with being a member of the night rider band which invaded Hopkinsville on the night of December 6, Greshaw, who is well to do, protests his innocence. He furnished \$2,000 bond.

DECREASE IN WAGES IN THE COKE DISTRICT

UNIONTOWN, Pa., January 2.—Announcement was made today by the H. C. Frick Coke company of a decrease of wages affecting all the coke plants in this region. The decrease, about 7 1/2 per cent, places wages slightly above what they were prior to the voluntary increase in March, 1906. It is expected the independent companies will take similar action.

ENGLAND AWAKENS TO SERIOUSNESS OF RACE PROBLEM

Immigration of Asiatics to White Colonies Is Becoming Grave Matter to Britons.

VANCOUVER RIOTING COMES AT BAD TIME

Just as Negotiations With Japs Were Being Made to Restrict Immigration; More Serious Than in This Country.

LONDON, January 2.—England is experiencing what might be called almost a startling awakening to the grave problems caused by the immigration of Asiatics to the white colonies. The principal topic for the week has been the situation in the Transvaal, where several thousand East Indians and Chinese were given the alternative of submitting to what they consider a degrading system of administration or be imprisoned or expelled.

Reports of further racial rioting at Vancouver came particularly in an inopportune time on account of negotiations now under way between Canada and the Japanese, and they are very annoying to the British government, the officials having hoped that Japanese willingness to substantially restrict immigration would soften the anti-Japanese prejudices on the Pacific coast. It is recognized that the race question is more serious for Great Britain than America, for the Indians are British subjects and the Japanese are allies.

Quiet in Vancouver.

VANCOUVER, B. C., January 2.—There is no excitement in the oriental quarters or throughout the city over the stabbing of three members of the fire department by Japanese. It is considered that the affair is primarily an accident due to the New Year's celebrations. No reprisals against the Japanese are expected, unless Frost, one of the wounded firemen, should die; but this does not seem probable.

Japanese Held.

VANCOUVER, B. C., January 2.—In the police court today three Japanese appeared on a charge of attempted murder in connection with the stabbing of the three firemen on New Year's day. The accused were remanded, bail being refused.

CONFESSES THAT HE MURDERED HIS BROTHER OFFICER

Captain in German Army Slew Major in Latter's Home After Christmas Dinner.

ALLENSTEIN, East Prussia, January 2.—Captain Von Goeben of the army has confessed that he killed Major von Schoenbeck, a brother officer, on Christmas day, after he had dined with the major and his wife in their house. After saying good night the captain pretended to leave the house, but instead he stole up to the major's room, where he put on a mask. The major entered and hearing a suspicious rustle in the darkness, called, "Who is there?" Von Goeben responded "I want to speak with you." Schoenbeck did not reply; but drew a revolver and endeavored to shoot. The cartridge missed fire. Von Goeben drew his revolver and shot the major, leaving the house by means of a key previously given him by Mrs. von Schoenbeck. It is evident that Von Goeben in his incomplete confession is endeavoring to shield the wife of the major, with whom it is alleged he conspired to kill her husband.

WICHITA EDITOR DEAD.

WICHITA, Kans., January 2.—Colonel M. M. Murdock, postmaster of the city and editor of the Wichita Eagle, died this morning aged seventy.

ROUGH AND TUMBLE FIGHT BETWEEN A PRINCE AND COUNT

Count Boni de Castellane Spits in Face of Prince de Sagan and Scrap Is On.

BIG BUTCHER SEPARATES THE NOBLE CONTESTANTS

Fought in Front of Church and Both Rolled Into Gutter; Count's Brother Helps Him Beat the Prince.

PARIS, January 2.—There was a violent quarrel in the Rue Charlot today between Count Boni de Castellane and Prince Hele de Sagan. The count is reported to have denounced the prince in unmeasured terms and a duel is believed to be imminent. The altercation occurred outside the church of St. Pierre de Chail. The two men, who are cousins, met upon emerging and a sharp quarrel ensued. Boni, according to the account, spat in the prince's face. According to other reports Boni struck his cousin in the face, slightly cutting him. The men were finally separated by Count Joan de Castellane, a brother of the count. Boni was recently divorced by his wife, who was Anna Gould of New York, and it is reported in November that Madam Gould was engaged to Prince De Sagan, but this rumor was promptly denied by Madam Golud.

When Jean reached the two men, both were rolling in the gutter with De Sagan on top, bleeding from a wound on the head where Boni struck him with his cane. The police marched both to the station, where they told their stories. Each claimed the other had been the aggressor. Boni claimed that De Sagan and some of his friends were lying in wait for him. Subsequently both were released upon their own recognizance.

Another Version.

The encounter occurred at the Church of St. Pierre de Chailot, while a service to the memory of Lady Stanley Errington, a relative of both men, who died in England lately, was in progress. Beginning inside the church, where Boni said the prince insulted him in the sacri edifice, the encounter was resumed at the doorway, where Boni, followed by Jean, overtook the prince. A clash of canes was followed by a rough and tumble fight on the pavement, which ended in the gutter, where the men were finally separated by a big butcher. Boni at the moment of intervention, was holding down the well nigh insensible prince, while Jean, according to eye witnesses, was administering to him a severe kicking.

Butcher Held Scrappers.

When the police arrived, the butcher was holding the two principals in the fight, who were covered with mud. The prince was bleeding profusely from a wound in the right temple. With the butcher's hand on his collar Boni was haranguing the crowd which had gathered, as to why he spat in the prince's face. The police invited the two men to go to the station house, and this after some disputing, they agreed to do. All three of them, bespattered with mud, followed the police, accompanied by several thousand persons.

No Duel Likely.

The prince alone lodged a complaint, charging the brothers with assault. The "process verbal" having been written out, according to French law, the three men signed it and were released. The case will go before the public prosecutor, who will decide what steps will be taken. In view of the fact that the prince has decided to pursue the matter in the courts, the idea of a duel seems precluded, and besides, Boni declared tonight that it is doubtful whether he would receive the seconds of the prince even if the latter could find any one to act in that capacity. Tonight the prince is laid up in bed with his head swathed in bandages, while the count spent a part of the evening visiting newspaper offices, and telling his story of the encounter.

COUPLE MILLION MORE TO STANDARD OIL COLLEGE

CHICAGO, January 2.—Martin A. Ryerson, president of the board of trustees of the University of Chicago, announced today that Rockefeller has added \$2,191,000 to the university fund, making the total of his benefactions over \$23,000,000.

DOUBLE TRAGEDY ENDS DISPUTE OVER MINING CLAIMS AT SUPERIOR

A. J. Dagg of Phoenix and George Hunter Found Murdered on Trail Two Miles From Superior; Pocketbook of Dagg Found With Note Saying "Bob Stewart Killed Me."

STEWART AND PARDNER, ED FONDREN, ARE ARRESTED CHARGED WITH MURDER

Both to Have Received Preliminary Hearing Last Night; Everything Found Alive on Property Is Killed; Trouble Was Over Mining Claims Which Stewart Claimed Were Jumped By Dagg.

Special to Silver Belt.

PHOENIX, Ariz., January 2.—The news of a double tragedy has been received here from Superior in Pinal county. Yesterday the body was A. J. Dagg, a prominent lawyer and mining promoter, was found on a trail near some property owned by Dagg, two miles east of Superior. It was thought at the time that he had been assassinated by some cattlemen with whom he had a feud some time ago, but today, according to the last reports, Dagg's pocketbook was found. It contained a note in the handwriting of the murdered man saying: "Bob Stewart killed me."

Today the body of a second victim was found about two hundred yards distant. It was that of George Hunter, who was doing the assessment work on the claims of the company which Dagg represented. Dagg's horse and two dogs belonging to Hunter were also found dead, it appearing that the assassins destroyed everything they found alive on the property.

R. E. Dagg, a brother of one of the murdered men, went to Superior today in an automobile and will bring his brother's body here. Another brother, P. H. Dagg, has gone to Florence, the county seat, to consult with Sheriff McFee concerning the assassinations.

STEWART AND PARTNER ARE ARRESTED

Special to Silver Belt.

SUPERIOR, Ariz., January 2.—Robert G. Stewart, a well known mining man of this district, and his partner Ed Fondren were arrested today charged with the murder of A. J. Dagg and George Hunter, whose bodies were found two miles from here, and they will have a preliminary hearing tonight before the local justice of the peace.

According to the most reliable stories about concerning the crime, Dagg, who was the representative of the Calumet Consolidated Mining company, has had considerable trouble with Stewart regarding claims in the Calumet group, which Stewart alleged had been jumped by Dagg and which the latter claimed and been located by him. The trouble between the men has existed for a year or more and Stewart had evidently been prepared for trouble, as he had barricaded his camp, which is near that of the Calumet company. The latter had just completed his assessment work for the year and had broken camp. Dagg came down here Monday to see how the work had been done.

Stewart, although a determined man, has always been considered a good citizen.

Judging from the condition in which the bodies were found, it is evident that the two men were killed from ambush, as nothing at the scene suggests that a struggle had ensued.

COGNIZANCE OF THE APPLICATION FOR RECEIVERSHIP.

The judge appointed as receivers R. Lancaster Williams of Richmond, and S. Davies Warfield of Baltimore. Bond was fixed at \$50,000 each. The judge's decree gives the receivers immediate possession of the property, which embraces the main line from Portsmouth, Va., to Tampa, Fla., numerous branches to coast points on the east, and to Atlanta, Montgomery and Birmingham on the west, a total of 2,382 miles.

Tonight John Skelton Williams, a member of the voting trust, said that the present situation is logical and the result of a policy pursued by those in control during the past few years. He welcomes Pritchard's decree as foreshadowing the uniting of all interests on some plan that will bring about a speedy rehabilitation of the road.

KILLS HIMSELF AFTER FAMILY HAD CONFERENCE

Former State Treasurer of Illinois and Prominent Banker Suicides.

BELLEVILLE, Ill., January 2.—Charles Brecker, sixty-seven years old and formerly state treasurer of Illinois, committed suicide at his home today by shooting himself in the mouth. The suicide followed a family conference that was attended by three of his children. Brecker's first wife died two years ago and last June he was married to Mrs. Frank E. Spenhain. It is said the family conference held today was to discuss the disposition of Brecker's estate as the result of his second marriage. Mrs. Brecker was visiting friends in St. Louis at the time of the conference.

Mrs. Bertha Orr of Chicago, wife of the former minister to Venezuela and Claire Orr, one of her children who were present, found Brecker's body on the floor of the bed room with a revolver at his side.

Coroner Irwin gave a verdict of suicide after taking the testimony of members of the family, but he declined to make public the testimony. Brecker was a director of the First National bank of Belleville and the Belleville Stove company. Brecker was born in Germany, and served throughout the Civil war as a volunteer.

IS FOUND INSANE FOR SECOND TIME IN YEAR

For the second time in less than a year, Angel Salas a young Mexican, was yesterday found insane in the probate court and ordered committed to the territorial asylum at Phoenix. Last May, Salas was arrested on a charge of insanity and committed to the asylum, from which he was discharged as cured several months ago. When Salas was jailed the first time, his freaks attracted many callers at the county jail. His principal stunt was to fall into a swoon or hypnotic trance if a hand was laid on his forehead. He would harangue the other prisoners in the jail by the hour and when he got too monotonous or the prisoners wanted to sleep, a hand passed over the brow of the insane man was all that was required. Salas refuses to be hypnotized now and there is no way to keep him quiet without gagging him. Deputy Sheriff Voris will take him to Phoenix this morning.

COAST RAILROAD HAS RECEIVERS

Two Appointed to Take Charge of the Seaboard Air Line by Federal Judge.

RICHMOND, Va., January 2.—Unable to meet the heavy obligations due January 1, the Seaboard Air Line railroad was put in the hands of receivers today, through the action of Judge Pritchard of the United States court, who was hurriedly summoned to take