

"NOT GUILTY BECAUSE INSANE" BOB DANIEL GAINS HIS FREEDOM THROUGH THE "UNWRITTEN LAW"

Jury Returns Verdict of Acquittal Yesterday Morning and Daniel Goes Free.

ONLY ONE JUROR CAST VOTE FOR CONVICTION

Early Ballots Contained Four Blanks and Jurors Argued Until Early Morning; "Unwritten Law" Did It.

Bob Daniel walked from the court room yesterday a free man, the jury which tried him for the murder of James G. Brown on the afternoon of June 27, 1907, finding him "not guilty on account of insanity." Although the general opinion prevailed that the deliberations of the jury would result in a disagreement, the verdict did not cause much of a surprise. The jury had been in confinement a few hours less than a week during the progress of the trial and their deliberations.

It was the "unwritten law" that gave Daniel his freedom, although the verdict gave insanity as the reason for the acquittal, nearly every member of the jury being strongly influenced by the story of Miss Daniel of the insults of Brown. Before the young lady was placed on the stand, the territory had made an exceptionally strong case against the defendant and her story was the turning point in the trial. The effect on the jury of Miss Daniel's story, her emotion when telling it and the awful words she wrote on a slip of paper as those used to her by the dead man, was lasting.

Voted Blank Ballots. When the jury took up the deliberation of the evidence which they had listened to for almost a week, a ballot was taken immediately after the selection of Forest J. Kaldenberg as foreman. There were four blank ballots, one for conviction and seven for acquittal. Several additional ballots did not change the result and then the jury got down to business. With the foreman acting as chairman, they went into parliamentary session and the case was argued. Almost every piece of evidence heard at the trial was taken up and argued. At midnight a ballot showed nine for acquittal and three blanks. Then several of the jurors went to bed and the others remained up arguing until two o'clock. At that time it was practically certain that an acquittal would result.

When the jury arose a vote was taken. There were two blanks in the count still and the discussion was reopened, those who were hanging back finally joining with the majority after another ballot. It is understood that Jurors Cook, Mayhew and Livingston were the three who held out, but on that point, those jurors who were interrogated refused to talk. It is said that nine ballots in all were taken before there were twelve votes for acquittal.

Believed Him Insane. One of the jurors stated after the verdict had been rendered that there was at no time much likelihood of a disagreement, the argument of the "unwritten law" taken in connection with the evidence of the doctors who testified that Daniel was insane at the time, surmounting the cold facts presented by the prosecution. As one juror put it, "I believe that Daniel was insane when his sister first told him of the insults; if he hadn't been he would have killed the man that day."

The Daniel trial will go down in the criminal history of Gila county as the most skillfully handled case in the annals of the county. The prosecution by District Attorney Henry and his assistant, Mr. Weinberger, covered every possible point and the defense, which was so ably conducted by Attorney F. C. Jacobs and Judge A. C. Baker, was really a great display of legal astuteness and ability, and it is due to the manner in which they brought out their evidence in chief, that their client owes his liberty.

SILVER IS PURCHASED AT ADVANCED PRICE

WASHINGTON, January 3.—The treasury department today purchased 300,000 ounces of silver for delivery in equal amounts at San Francisco, New Orleans and Denver, at 55.567 cents per fine ounce.

FORMER MISS THAW SUES FOR DIVORCE FROM NOBLE HUBBY

The Countess of Yarmouth, Sister of Harry Thaw, Grows Weary of Her Bargain.

THAW MILLIONS WERE SQUANDERED BY EARL

Vast Sums Supplied for Husband's Extravagancies; Proceedings to Be Held Behind Closed Doors.

LONDON, January 3.—A case of another misalliance of a member of the English nobility with an American woman of wealth became public today when the Countess of Yarmouth, who was Miss Alice Thaw of Pittsburgh, a sister of Harry K. Thaw, whose second trial for the murder of Stanford White begins Monday in New York, applied to the divorce court for the annulment of her marriage to the Earl of Yarmouth. The court has ordered proceedings to be held in secret and the papers are being kept from the public. The only inkling obtainable of the charges preferred is a statement to the effect that the nature of medical evidence to be given makes a public hearing inadvisable.

The countess is staying at Parkhall near Evesham Worcestershire, the magnificent country seat which she has leased, decorated and refurnished with lavish expenditure. She declines to comment on the case, and the earl could not be found in his usual London haunts tonight. It is supposed that he is on the continent, where he spends much of his time. It has been well known for two years that the domestic affairs of the Yarmouths were most unhappy and the earl's companions and his manner of living were such that he could not give his wife the position in society she had a right to expect. She supplied immense sums to defray her husband's extravagances and her friends say she conducted herself with dignity throughout her troubles, resulting from the unhappy marriage and her brother's difficulties.

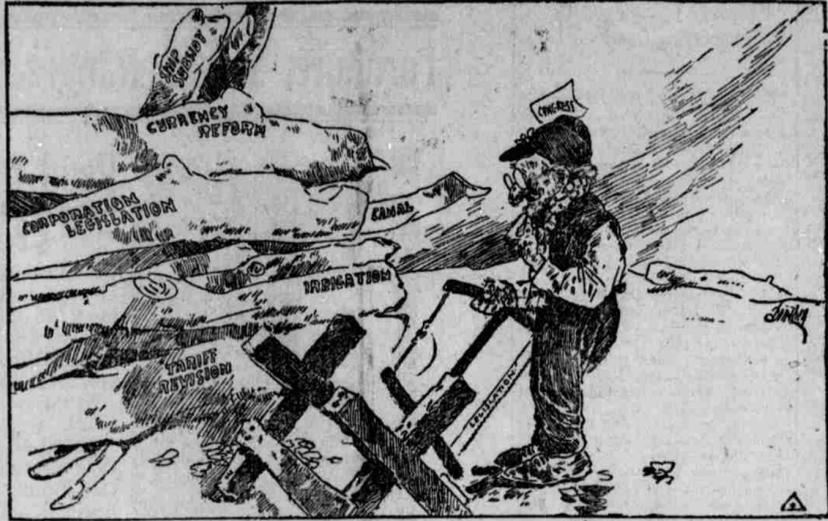
One of the Oldest Families. The Hartford family, the head of which is the earl's father and to the head of which he is heir, he being the eldest son, is one of the oldest and proudest of the British nobility. The notoriety brought upon the family through indirect connection with the Thaw case was galling and this climax to the eldest son's marriage to Alice Thaw is a bitter pill.

The Marchioness of Hereford, who has stood by her daughter-in-law throughout her troubles, has exerted herself to reconcile the couple and is prostrated by grief. The countess herself has suffered from the strain of the past year. Her friends advised her to remain in England until after the divorce proceedings, but the countess desires to return to the United States for her brother's second trial, is undecided as to which course to pursue.

Last summer, on the advice of Mr. and Mrs. George L. Carnegie, her brother-in-law and sister, the countess decided to seek aid of the divorce courts. It was intended to defer action until the second Thaw trial, but the delay in bringing the case to trial caused a change in plans.

FAMINE RELIEF. ST. PETERSBURG, January 3.—The council of the empire today passed the famine appropriation of the douma and then adjourned for the Russian Christmas holidays.

A WINTER'S JOB.



—Donaney in Cleveland Plain Dealer.

JAPANESE DO NOT FEAR RESULT OF FLEET TRANSFER

Have Too Much Confidence in the Pacific Policy of Roosevelt, Says Ambassador.

GERMANY EXPECTS A BREAK IN RELATIONS

Next Two Months Will Constitute Critical Period, According to Foreign Office; Fleet Is Too Strong.

PARIS, January 3.—Baron Kurino, the Japanese ambassador to France, today gave out a statement declaring that the Japanese government has too much confidence in the pacific policy of President Roosevelt to take any stock in the bellicose intentions attributed to the government at Washington by the sensational press.

"We interpret the fleet's cruise, which has created such a stir," the baron continued, "more as a manifestation in favor of a large navy by demonstrating the necessity of reinforcements in Pacific waters."

Nothing, he said, justified the so-called warlike preparations and he pronounced the talk that Japanese were coveting the Philippines as a fable. Continuing, the baron said that the question of Japanese pupils in the schools of San Francisco is practically settled and that he could see no cause for conflict. He predicts that three months will justify his optimism.

The German View.

BERLIN, January 3.—The next two months are remarked by the German foreign office and admiralty as constituting the critical period in the relations between the United States and Japan; if they pass without witnessing a break in relations, high government officials are convinced that the United States and Japan will then enter upon an easier and safer basis of agreement. The development of the American-Japanese situation is being studied here day by day, because from it there may issue events which might change the present international balance and deeply affect Europe as well as America.

The Maine Rundschau, the principal naval magazine of Germany, says in its January number: "If war does not come between Japan and the United States the Union may thank the preponderance of its fleet for the maintenance of peace. This fleet is already sufficiently strong to restrain Japan from the hazard of war."

CALEB POWERS JURY IS STILL UNDECIDED

GEORGETOWN, Ky., January 3.—Another day passed with the fate of Caleb Powers undecided. Members of the jury, haggard and worn from their long confinement, and discussions, retired for the night at 7:45 and nothing further will be heard of them until court convenes tomorrow.

SEVEN COMPANIES OF U. S. TROOPS LEAVE GOLDFIELD

GOLDFIELD, Nev., January 3.—Seven companies of United States troops accompanied by the officers, including Colonel Reynolds, left Goldfield today by special train, bound for their respective California posts. The train will be divided at Sacramento, from which place four companies will be taken to San Francisco, while the remainder will make the trip to Monterey. The detachment of soldiers numbered over 100 privates, made up principally of recruits, poor shots and those who have been taken ill during the stay in camp. There were about fifteen men on the latter list. The troops remaining in camp, numbering 135 men, are the pick of the regiment, and have been divided into two full companies.

GERMAN EDITOR WHO STIRRED UP SCANDAL, GUILTY

Harden Is Sentenced by Court to Serve Four Months in Prison Last Evening.

MADE GRAVE CHARGES AGAINST THE NOBILITY

Sensational Statements Made in Paper Proved to Be Untrue, Declares Court, Which Convicts Editor.

BERLIN, January 3.—The notorious Harden-Von Moltke trial came to an end this evening, when the accused editor of Die Zukunft was sentenced to four months imprisonment and to pay the entire costs of both the present and former trial. When court reassembled this evening the scene was an impressive one. The five judges constituting the penal bench took their seats with the president of the court in the center, and the court room was crowded to its fullest capacity. The president said that in spite of the prisoner's assertion that the insinuations contained in the articles related merely to the scientific and artistic doings of Von Moltke and Prince Philip Zu Eulenberg and that they had nothing whatsoever to do with immoral or unnatural practices, it was evident that if this was the meaning it would be intended to convey the articles were senseless and purposeless. There was no doubt the president declared, that Harden had meant to imply that Von Moltke was possessed of unnatural inclinations while his reference to intercourse between Von Moltke and Eulenberg had certainly the impression that illicit relations existed. The intention of the

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BODIES OF TWO MURDERED MEN WERE RIDDLED WITH BULLETS

NEW FOREST RESERVE IN THIS TERRITORY

WASHINGTON, January 3.—The president has signed the proclamation creating the Verde national forest in Arizona, with an area of 721,780 acres. It is located in Maricopa and Yavapai counties.

Assassins of Daggs and Hunter at Superior Took No Chances on Their Victims.

ACCUSED MEN TAKEN TO JAIL AT FLORENCE

Both Refuse to Talk and Will Have Hearing Today; Globe Man Arrives From Scene of the Killing.

Special to the Silver Belt.

PHOENIX, Ariz., January 3.—That the slayers of A. J. Daggs of this city and George Hunter, did not take any chances on either victim surviving his wounds, is fully evidenced by the number of them and their nature. The body of Daggs arrived here overland this morning and this evening the body of Hunter was brought in by way of Florence.

Post mortem examinations show the following bullet wounds in the body of Daggs: One in the center of the breast, another a little to the left, another over the heart, entrance and exit; left arm broken, glancing shot on forehead, and shot under left ear. Hunter's wounds were: Shot through the left hip, right leg scratched, right arm broken, right jaw shot away and another shot entered to the right of the nose, which apparently came out at the top of the head.

Byron Hoestadt, who was at Daggs' camp, claims to have heard the shots. According to his story, after hearing the fusillade, he climbed the hill in time to see the two men accused of the crimes, drag the body of Daggs from where it fell to the arroyo, after which he fled for safety.

Bob Stewart and Ed Fondren, who are charged with the killing, have been taken to the Pinal county jail at Florence and they will have their examination tomorrow. Both of the men refuse to talk.

W. H. Worden, a well known conductor on the Gila Valley road, is the first arrival in Globe from Superior who knew of the killing. Worden is a half owner of a ranch two miles from the Daggs camp. He arrived home last night. Mr. Worden says that he saw Daggs when he was going out to camp and rode a short distance with him. Daggs told him that his annual work had been completed and that he was going up to pay off the men and break camp. Word received of the killing at Mr. Worden's ranch and it was in his wagon that the two bodies were removed to Superior.

COPPER HIGHER ABROAD IS UNCHANGED AT HOME

NE WYOM, January 3.—There was a sharp break in London tin. Spot closed at \$118, 10s, and futures \$119, 10s. Locally weak and lower in sympathy, quotations ranging from 26 to 22.5c.

Copper was 2s 6d higher at \$61, 12s, 6d for spot in the London market and futures unchanged at \$62, 2d. Locally the market was quiet and unchanged, with Lake 13.62 1/2 to 13.87 1/2. Electrolytic 13.50 to 13.75, Casting 13.25 to 13.50.

Lead was unchanged at \$14, 12s, 6d in London and locally quiet another 2 1/2 points higher at 3.50 to 3.70.

Spelter advanced 2s 6d to \$19, 10s in London. Locally the market was quiet and unchanged, at 4.30 to 4.35. Iron was unchanged in both markets.

FORAKER CRITICISES CALL FOR PRIMARIES MADE BY COMMITTEE

CINCINNATI, Ohio, January 3.—A flat refusal to be bound by the conditions of the call for the republican convention which is to name the state ticket and to select delegates at large to the national convention, is the conclusion reached by Senator Foraker and announced in a statement given to the press tonight. Primaries for a test of strength between Taft and Foraker as presidential candidates, as provided in the official call, and the method provided is sharply criticised by Foraker.

"WOMAN IN RED" MYSTERY SOLVED ONE ARREST MADE

Body Identified as Mrs. Whitmore, Wife of Brooklyn Motorman, Who Had Left Him.

MOTHER AND FRIEND IDENTIFY THE BODY

Husband After Making Partial Identification, Is Arrested on Suspicion of Having Murdered Woman.

NEWARK, N. J., January 3.—According to the identification of a friend named Frank Ebert, the body of the mysteriously murdered woman which was found in the Passaic river at Harrison, as that of Mrs. Theodore S. Whitmore, wife of a Brooklyn motorman. Whitmore, on viewing the remains, was unable to say whether the body was that of his wife, but said that his wife wore a suit similar to the one worn by the dead woman and had scars on her body similar to those found on the body. Whitmore said his wife has been missing some time and he believed that she had left him for another man.

After seeing a photograph of some clothing of the murdered woman, Mrs. Mary Salter declared the woman was her daughter, Mrs. Theo. S. Whitmore. A daughter of Mrs. Salter declared likewise.

Husband Under Suspicion.

NEWARK, N. J., January 3.—Following a searching examination during which many incidents of his life were laid bare, Theodore S. Whitmore is held by the New Jersey police tonight as a suspect in the death of "Lena" Whitmore, who was beaten insensible, stripped of her clothing and drowned in a pond at Hackensack Meadows, on the morning of December 26. Whitmore, who had been detained in New York, was taken to Harrison tonight and having definitely identified his wife's body, was rigorously questioned by the authorities. The nature of the testimony determined the police to keep him within the jurisdiction of the local courts.

NIGHT RIDERS QUIET AFTER RAIDING TOWN

LOUISVILLE, Ky., January 3.—Although all is apparently quiet tonight in the war of the tobacco growers of Kentucky and Tennessee against the American Tobacco company, developments of the day have given great uneasiness.

The town of Russellville, which was raided by night riders early this morning is quiet tonight, but the sheriff, deputies, police and citizens were on the alert to prevent any repetition of the outrages.

It was decided by peace officers and leading citizens today in view of the improbability of another raid, that the governor would not be asked for troops.

SOCIETY LEADER DIES FROM OVERDOSE OF DRUG

NEW YORK, January 3.—Mrs. John Van Ness Roberts, well known in New York society, died tonight from the effects of a drug which had been prescribed for a weak heart. Her husband it is said, died in Germany five years ago.

ENGLISH WARSHIP TO CHILE. VICTORIA, B. C., January 3.—H. M. S. Shearwater has been ordered to Iquique, under sealed orders and will sail on January 26. The reason for the despatch is not known on board.

THE WEATHER. Arizona: Fair Saturday and Sunday.