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### SIXTY DAYS OFF.

#### The Seven Accused Minneapolis Enumerators Before the Commissioner.

#### A Fruitless Effort by Their Attorneys to Secure a Change of Venue.

#### Commissioner McCafferty Denies Prejudice and Orders Procedure.

#### District Attorney Hay Urges That He Isn't Familiar With the Evidence.

#### And Asks That He Be Given a Few Weeks Time to Look It Up.

#### Aug. 20 Is Finally Agreed Upon, and an Adjournment Is Taken.

#### William P. Murray Expresses Disappointment at the Great Delay.

The first chapter in the alleged Minneapolis census frauds cases was enacted before Commissioner McCafferty, of the United States circuit court, yesterday, and the ending was a signal surprise—at least to William Pitt Murray, who had instigated the arrest of the enumerators. It resulted in a postponement until August 20, or till long time after the exact enumeration shall have been made public by Supt. Porter, of the census bureau in Washington. Mr. Murray had entered the court room confident that his course, which has been questioned by many leading and conservative citizens, would be fully vindicated by the facts the hearing would reveal. But nothing—

Absolutely Nothing—was revealed as to whether there ever will be any definite facts made public is a matter of conjecture. As it is, the public must remain in the dark, for the present at least. There was a brilliant array of legal talent engaged in the controversy. The prosecution was conducted by United States District Attorney Hay, Deputy District Attorney Edgerton and Hon. D. W. Lawler, and the counsel for the defense was Judge J. M. Shaw, F. B. Hart and E. F. Davis, of Minneapolis. It was an interesting and hard fight, and the proceedings were speeded by many interesting episodes. The tilt, too, between the commission-



JUDGE McCAFFERTY.

er and the attorneys added their mite of interest to the debates upon the technical construction of law. One of the more amusing incidents of the proceedings was the apparent misunderstanding between Mr. Hay and Mr. McCafferty. The question of the

#### Proper Jurisdiction

of the commissioner at a brook in a case that has been conducted by Mr. Hay, was the subject. It seems that the two had previously discussed the different phases of that case, in which the Crookston commissioner had granted a motion for a change of venue, and that it was Mr. McCafferty's impression that the real reason for granting that transfer laid in the fact that the commissioner had previously prosecuted the prisoner. This condition Mr. Hay emphatically denied, and then followed a spirited dialogue, in which Mr. McCafferty declared unequivocally that Mr. Hay had so informed him. Mr. Hay was equally unequivocal in his denial, and he amplified by asserting that, while he did not know that such reason existed, he had no personal knowledge that the commissioner had ever made any such prosecution. The routine was also alleviated by other occurrences. Judge Shaw doubted the right of the prosecution to employ

to conduct a case in a federal court without specific authority from the government. Mr. Hay evidently saw the relevancy of this attitude. He declared in euphonious and polished phrases that he was there to conduct the case. The powers that be, indeed, had clothed him with that proud authority. This effort elicited a round of applause from the Minneapolis court, and the dignity of the court to that degree that Judge McCafferty, in solemn and measured tones, commanded that it cease. Judge Shaw rose and declared in his treatment of every issue that was brought up. He argued all questions in the most technical lights. The counsel for the defense, in the very lucidity of the proceedings, evinced a stolid determination to win the case. Judge Shaw, in fact, was done upon reaching St. Paul was to send the defendants before Commissioner Spencer to make affidavits that they believed Judge McCafferty could not sit

#### In Impartial Judgment.

because, forsooth, he had issued the warrants for their arrest. Upon these was based a motion for a change of venue. When the arguments were at their height, Judge Shaw insisted that there was nothing personal intended by the attitude of the defense in its cru-

### PACKED TO OVERFLOWING.

#### Pen Sketch of Prominent Spectators in Court.

Accordingly the party here retired and reassembled in the United States grand jury room a few minutes later. Here again the room was found literally packed and overflowing. The halls, corridors and staircase were thronged by eager citizens. E. W. Clines, who were struggling elbowing and waying in their anxiety to secure a cogn of vantage in the struggle to get a slightly position in the court room. It was only after a severe crush that the principals succeeded in gaining ingress. At the right of the table was soon arranged the attorneys for the prosecution, namely: United States District Attorney Eugene Hay, Deputy United States District Attorney Edgerton, and Hon. D. W. Lawler, Assistant County Attorney Murray had been expected to appear, but an unexplained reason he did not put in an appearance.

William P. Murray, was, perhaps, the most conspicuous figure in the court room. His dignified air and patriarchal appearance, embellished by the mien of a legal sage, constituted a feature of this effect. His only official act, however, during the proceedings of the forenoon session, was to clear the seats for the prisoners to occupy. Into these seats, after just that many would-be spectators had been forcibly excluded into the corridor, to their pain and disappointment, the prisoners filed. There was a niter absence of alarm depicted. Indeed the prisoners seemed even less concerned than the average spectator. They placed an abiding trust in the legal and logical assurances of their personal liberty would in no manner be hazarded. Indeed, one of the party actually fell asleep and nodded contentedly as the legal giants argued knotty problems of the law. The others looked about the room disinterestedly and in a sang froid way. One was acquainted with their connection with the controversy would have been pardoned for thinking that they were strangers in the city and had been led to attend the proceedings merely through a spirit of idle curiosity.

An exultant smile of confidence played upon the thoughtful face of W. H. Eustis as he stood in the extreme corner of the room, drinking in with an easy grace and familiar aptitude the word uttered by the learned counsel, as he watched with critical eye every move that the legal and logical assurances of their personal liberty would in no manner be hazarded. Indeed, one of the party actually fell asleep and nodded contentedly as the legal giants argued knotty problems of the law. The others looked about the room disinterestedly and in a sang froid way. One was acquainted with their connection with the controversy would have been pardoned for thinking that they were strangers in the city and had been led to attend the proceedings merely through a spirit of idle curiosity.

#### PRELIMINARY SKIRMISH.

#### The Legal Warriors Meet and Exchange Congratulations.

Frank Davis, with his face flushed with excitement, yet wearing his professional and serene smile, was the first to appear. It was now nearly 10 o'clock, and Judge McCafferty had for some time been in attendance at his office in the Court block. Close upon Mr. Davis came Judge J. M. Shaw, F. B. Hart and W. H. Eustis. Judge Shaw looked sedate and thoughtful, Judge Hart unimpaired and Judge Eustis, with the frown of anger which he gracefully upon the intellectual and incisive and incisive hands of Mr. Eustis. The latter's righteous indignation, inspired by his treatment of the enumerators, had not the least abated. He was, indeed, a great deal of the time, rather than a placid banker-politician, seated at Frank Davis' left, offered, now and then, a few words of advice as the proceedings progressed. It was more than evident that he, like his

colleague and rival for the senatorial nomination in the Thirty-first legislative district, had an undisturbed faith in the result. And directly behind him, in the chair stood Attorney H. G. O. Morrison, whose interest in the proceedings was no less intense than the others. Indeed, he was enthusiastic in his desire for a full and complete explanation. His confidence in the ability of the legal talent engaged was so positive that he had no suggestions to make. George J. Jacoby, of Minneapolis, sat a few feet further down the room, looking occasionally with a wistful glance at the more fortunate auditors, who had come to Minneapolis to the end that there shall be no visitors to St. Paul on the Sabbath day in the future from the sister city.

On the opposite side of the table was now arranged the array of legal talent engaged in the defense. Judge J. M. Shaw, and next to him was F. E. Davis, and then F. B. Hart. No time was lost.

#### FIRST SHOT FIRED.

#### Why Mr. Hay Was Assisted by Private Attorneys.

Mr. Hay rose immediately upon the court's convening and addressed the commissioner. The United States district attorney deprecated the fact that it was only the day before that he had been able to get any positive information concerning the proofs in the case. He stated that he desired to be associated with him, besides his deputy, Mr. Edgerton, Mr. Lawler and Mr. Munn. Mr. Munn was absent, however, and Mr. Hay was left with a severely ailing tone, which was almost drowned by the din at the door and the incessant conversation in the hall. As he progressed, however, his voice rose in an earnest appeal for what he estimated to be a vital point in the conduct of his case. It here became apparent that there was an interminable determination to fight the case, inch by inch. No vulnerable point was liable to escape a sagacious attack.

I want to object to the employment of private counsel," he reiterated, "and therefore be constrained to ask for a temporary delay. He would not attempt to conduct the case until he had further knowledge of the facts and the proofs that can be adduced."

"There are some preliminary proceedings that might as well be taken up, however," he said, "and I desire to send the defendants before Commissioner Spencer to make affidavits that they believed Judge McCafferty could not sit

in impartial judgment, because, forsooth, he had issued the warrants for their arrest. Upon these was based a motion for a change of venue. When the arguments were at their height, Judge Shaw insisted that there was nothing personal intended by the attitude of the defense in its cru-

clined me with that authority, and I have no inclination of running from my duty. He explained, however, that Mr. Lawler and Mr. Munn were associated with him in the case of Murray. They would assist him in the conduct of the case, to which he expressed no objection. He stated that there was no fear of any local feeling, or jealousy warping their judgment. They intended to try the case on its merits.

The spectators thereupon broke out in applause, but they were quickly checked by the commissioner, whose patience was apparently ruffled slightly. "There must be no demonstration of any kind in this court room. The officers will see that order is preserved."

#### OBJECTED TO McCAFFERTY.

#### Accused Put in Their Plea for a Change of Venue.

The presence of private attorneys assisting the district attorney having been satisfactorily explained, Judge Shaw sprung the affidavits upon which motion for a change of venue was based. The affidavits read, and there was a separate affidavit for each defendant. United States circuit court, district of Minnesota—United States Commissioner's Court—United States vs. Orrin Plummer, et al. I, Orrin Plummer, being first duly sworn, depose and say that the defendant named in the above entitled proceeding, that this affidavit is charged upon the affidavit of William P. Murray, dated and sworn to before me on the 17th day of June, 1890, subscribed and sworn to before me on the 17th day of June, 1890, which said affidavit charges this defendant with having conspired with the defendant named in the United States of America, to wit: Section 13 of chapter 319, Statutes of United States of America, approved March 1, 1875, and approved March 1,

1889, said act being entitled: "An act to provide for taking the eleventh and subsequent censuses," which said affidavit of the said William P. Murray, and the said commissioner, reference to which is hereby made.

I further depose and say that I believe that the said commissioner, J. M. McCafferty, from and to whom the said affidavit was made, and who is the commissioner, reference to which is hereby made.

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### HERE'S THE LEGAL ASPECT.

#### Judge Shaw Forebly Lays Down the Law.

Judge Shaw next addressed himself to the main subject of the discussion—a change of venue. He read section 104 of the United States code, and elaborated that the United States statutes recognize not only United States commissioners, but judges of the United States circuit courts, and justices of the peace and all other magistrates within the state as proper before which to take a preliminary hearing, co-ordinate and prospective jurisdictions in relation to that matter. When an offender is brought before any of these courts, he is to be held to answer for the crime charged, and the proceedings are to be conducted arreary to the mode of process against offenders in such state.

"Ah!" ejaculated the commissioner without comment. "I am not acquainted with all practical purposes," observed Mr. Shaw.

"Oh, it wasn't its age that I questioned," said the commissioner impatiently.

The argument was continued at great length, in which it was emphasized that the right of personal liberty is among, if not itself, the most sacred of the rights of the citizen. He was analyzed and amplified, but no new facts were brought out.

#### SPURRED AND POINTED.

#### Judge McCafferty and Mr. Hay Have a Little Misunderstanding.

Judge Shaw, continuing his argument, said: "Judge Nelson declared the change of venue was proper because it was in the usual mode of procedure. Commissioner Ives was unable to sit as an examining magistrate."

Commissioner McCafferty interrupted the judge with: "I understand Commissioner Ives had once prosecuted this man Wahl. At least that is what the district judge has been saying."

Mr. Hay—I do not know such a statement. Judge McCafferty—I am the only person I have talked to on this subject, and I understand that you were mistaken."

Judge McCafferty—I certainly understand that to be so, and that you were mistaken."

Mr. Hay—No. Commissioner McCafferty—That is my recollection of it as coming from you yesterday."

Mr. Hay—No such statement as that was made by me. I don't know, as a matter of fact, that what you say about Ives is not true."

Judge McCafferty—I say was not that a fact?"

Mr. Hay—I don't know. It may have been; but I never said so. I do not talk with anybody else about this, and I distinctly remember reference being made about this matter."

Some one else must have spoken to you."

Judge McCafferty—I never spoke to anybody else on this matter."

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### THE HATCHET IS BURIED.

#### Northern Cheyennes Willing to Sign the Globe.

Special to the Globe. MILES CITY, Mont., June 20.—Col. Curtis, who has been in the vicinity of the turbulent Cheyennes as the representative of Gov. Todd, returned here today. He reports that the Indians succeeded in his mission. The Indians agreed to return to their reservation, leave their guns in their tepees, and not bother the white man, the colonel reports. The Cheyennes to become obedient killing cattle on the hills, one or the other will be killed, and then a bloody war will be inaugurated. The Indians are pretty well satisfied with the Cheyenne reservation is too poor for even white men, much less Indians, to make a living; and if the government wants the Cheyennes to become obedient supporting it, must give them a new reservation with arable lands.

#### MANY RECORDS SMASHED.

#### North Dakota Firemen Cover Themselves With Glory.

Special to the Globe. FARGO, N. D., June 20.—The last of the firemen's records was noted not only for the large attendance and excellent program, but especially so for the wonderful world-breaking record made by the Continentals, of Fargo. They tied the championship record in hose races in 4-5 seconds, by beating the record as the Yerca hose company made last year. The ladderman's contest was won by J. Cookburn, of Mumb. Thomas, of Fargo, won the contest for the government, and Judge Shaw, Frank Davis, and Eugene H. Eustis, of Minneapolis, were the winners. After a half day's wrangle over the question of the right to a change of venue, the ground was cleared, in which McCafferty overruled all the decisions of the state and circuit courts. In spite of the fact that the St. Paul officers had been summoned, the district attorney returned, and in spite of the affidavit of William Pitt Murray that he had been fraudulently employed, and in spite of the presence of fifteen witnesses, typical of the wisdom of the silent sphinx of the plains of Egypt. He steadily held his own counsel. "I will say, if you had the evidence that I have, I would testify that a wagon load—and it is convincing and final."

What will become of those documents that were seized at the time of the arrest?" asked the reporter, concerning one weighty bone of contention. "I will say, if you had the evidence that I have, I would testify that a wagon load—and it is convincing and final."

#### SONS OF AULD SCOTIA.

#### Gathering of the Royal Clan of Ontario.

WOODSTOCK, Ont., June 20.—The annual meeting of the royal clan of the order of Scottish Clans, which opened here Tuesday, was brought to a close today. Considerable work has been done, receiving and considering reports, and the following officers have been elected: The following officers have been elected: royal chief, James Sutherland, M. P.; Woodstock; past royal chief, John Kenner, Cambridge, Mass.; royal secretary, Peter Kerr, Boston, Mass.; royal treasurer, Archibald McLaren, Cleveland, O.; royal physician, Dr. Urquhart, Rochester, N. Y.; royal health officer, John Brown, New Haven, Conn.; royal warder, J. M. McDowell, Allegheny, Pa.; royal sentinel, J. B. Stewart, Orange, N. J. The next meeting will be held in Buffalo, N. Y.

#### HONORED BY ALABAMAS.

#### MONTGOMERY, Ala., June 20.—Col. G. Thomas, the Democratic nominee for governor of Alabama, and Grover Cleveland, have been elected honorary members of the Alabama Press association.

#### JUSTICE IS DELAYED.

#### Special to the Globe. BUTTE, Mont., June 20.—At noon today city and Butte and Minneapolis jobbers and business men reached this city on an excursion. The local board of trade had provided carriages for them, and the excursionists were directed to town. They were taken to the Alice, Lexington, Silver Bow and Parrott mines and smelters. The party was dined and this evening was tendered a reception at the Silver Bow club. The visitors expressed themselves as greatly surprised at the aspect of the latest mining camp on earth. This evening the party made the round of the fair banks, and a few of them were seen to be under a few ran the risk of the Comique and escaped unscathed. The party will leave for the coast at 3 o'clock in the morning.

#### CROPS WASHED BY RAINS.

#### Special to the Globe. MASON CITY, Ia., June 20.—Heavy rains visited Northern Iowa last night. The small grain is badly down, and much of the corn washed out. Many acres in the low sections are under water. Trains on the Iowa Central and Mason City & Fort Dodge railroads were delayed to-day by washouts along the road. On the county roads, many bridges are swept away, and the streams run bank-full. That renders travel dangerous.

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#### MONTGOMERY, Ala., June 20.—Col. G. Thomas, the Democratic nominee for governor of Alabama, and Grover Cleveland, have been elected honorary members of the Alabama Press association.

#### JUSTICE IS DELAYED.

#### Special to the Globe. BUTTE, Mont., June 20.—At noon today city and Butte and Minneapolis jobbers and business men reached this city on an excursion. The local board of trade had provided carriages for them, and the excursionists were directed to town. They were taken to the Alice, Lexington, Silver Bow and Parrott mines and smelters. The party was dined and this evening was tendered a reception at the Silver Bow club. The visitors expressed themselves as greatly surprised at the aspect of the latest mining camp on earth. This evening the party made the round of the fair banks, and a few of them were seen to be under a few ran the risk of the Comique and escaped unscathed. The party will leave for the coast at 3 o'clock in the morning.

#### CROPS WASHED BY RAINS.

#### Special to the Globe. MASON CITY, Ia., June 20.—Heavy rains visited Northern Iowa last night. The small grain is badly down, and much of the corn washed out. Many acres in the low sections are under water. Trains on the Iowa Central and Mason City & Fort Dodge railroads were delayed to-day by washouts along the road. On the county roads, many bridges are swept away, and the streams run bank-full. That renders travel dangerous.

#### THE HATCHET IS BURIED.

#### Northern Cheyennes Willing to Sign the Globe.

Special to the Globe. MILES CITY, Mont., June 20.—Col. Curtis, who has been in the vicinity of the turbulent Cheyennes as the representative of Gov. Todd, returned here today. He reports that the Indians succeeded in his mission. The Indians agreed to return to their reservation, leave their guns in their tepees, and not bother the white man, the