

BRUNER-MAGILL TRIAL GOES ON; START ON A JURY

Judge Graves Overrules Motion of the Defense for a Continuance.

SCAN VENIREMEN CLOSELY

Four Passed Upon as Acceptable to the State Up to 3 O'Clock in the Afternoon.

Up to 3 o'clock this afternoon no jurors had been accepted by both sides in the Bruner-Magill trial, though four had been favorably passed upon by the state. These were:

Charles Ydeen, Moline, merchant tailor.
William Montgomery, Rock Island, cleaner and dyer.
Carl Hintz, Moline, waterworks employee.
V. V. Reeves, Rock Island, retired farmer.

During the afternoon four men were dismissed by the state. W. H. Hurley, J. E. Reidy, John Cowden and Henry Sindt, all of Rock Island, the two first named for cause and the others peremptory.

Judge E. C. Graves this morning in circuit court overruled the motion of the defense in the Magill-Bruner conspiracy case, for a continuance. The jurors, who have been patiently waiting for "something to turn up," were called into court and the trial was started without further delay. The work of selecting the jury is proceeding slowly because of the wide interest the public has taken in the investigation. Five of the 24 men summoned had been dismissed by the state when court took a recess at noon. At 2 o'clock the examination of prospective jurors was continued.

"For personal reasons I would like to see this trial put off until another season of the year," stated Judge Graves, "but I cannot consistently do it because of the lack of statutory reasons in the affidavit presented by the counsel for the defense for such a continuance. The motion is therefore denied."

The court, speaking particularly on the defense's alleged inability to secure Dr. G. F. Johnson here as a witness in the case for at least 30 days, said he did not think diligence so far has been shown in getting Johnson here from California. If he is wanted, asserted

the judge, he will have sufficient time to reach here before the witness (meaning Vander Beke) is put on the stand.

Call Jury.

Immediately on rendering the decision at 10:20, Judge Graves called for the presence in the court room for the first time since Monday morning of the men called for jury service. Circuit Clerk Gamble called for the following men to constitute the first dozen for examination:

Henry Sindt and Charles Ydeen of Moline; William Montgomery, W. H. Hurley, J. E. Reidy, John Cowden, W. H. Schilling, William Trefz, Andrew Bladel, all of Rock Island; and L. R. Stamm, W. F. Barnett and A. M. Goddard, all of South Rock Island.

Attorney S. R. Kenworthy, for the defense, moved the court for the appearance of the court reporter to take such testimony in the examination of the jurymen as the defense might desire. Judge Graves said he had no authority to order the reporter to take anything but the evidence of the witnesses, and denied the motion. He said the counsel might arrange with the reporter to take the testimony, and he hoped they would do so. The defense made no effort to call in the reporter.

Special State's Attorney G. W. Wood carefully examined jurors for the state and dismissed the first four called, as follows:

W. P. Barnett, South Rock Island. For cause. Had formed a fixed opinion as to the guilt or innocence of the defendants.

Andrew Bladel, For cause. More than 70 years of age.

A. M. Goddard, bartender, South Rock Island, Peremptory.

William Trefz, expressman and supervisor, Peremptory.

In addition to these four, before noon, the court excused H. Detjens of Rock Island, because of illness. Mr. Detjens confessed to being a sufferer with nervous trouble and would not have strength to serve as a juror in such a long drawn out case as this undoubtedly will be. He is a brother-in-law of W. H. Brough, deputy sheriff under indictment in another case.

In his examination of the veniremen Prosecutor Wood was careful to trace the fraternal affiliation of the men in the box to ascertain if they belonged to orders in which either Bruner or Magill held membership, and if the obligations so taken would prevent an unbiased opinion in deciding such a case against a fellow fraternalist. Wood asked for connections with the Masons, Elks, Eagles, Odd Fellows and Knights of Pythias.

Questioned Closely.

The prosecution was also solicitous about the acquaintance of the prospective juror with a long list of Rock Island and Moline men, considered, it is supposed, advisers and friends of the defendants, and probable witnesses in the case. Among the men mentioned in this way were Attorneys J. T. Kenworthy, S. R. Kenworthy, C. E. Dietz, W. A. Meese, J. K. Scott, Mayor H. M. Schriver, Ben Schriver, Chief James Brinn, Thomas Cox, James Darnell, Magistrate C. J. Smith, Commissioner Archie Hart, Wallace Treichler, W. E. Bailey, Henry Wheelan, John Looney, Phil Miller, Henry Vierich, J. B. Oakleaf, William Rice, Anthony Billburg, Jack Tighe, A. J. Hines, Tim Collins, William McEniry, Floyd E. Thompson, and others.

Only once during the forenoon did the defense object to a question put by the prosecution to a witness. Judge Graves sustained the objection to the question put by Wood to John Cowden, a bartender: "Did you ever work in a saloon in Rock Island that was kept open on Sunday?"

Under Advisement.

On adjourning court yesterday afternoon at 4:30 Judge E. C. Graves took the matter of continuance under advisement. He called for original copies of the joint affidavit for continuance of the indictment charging conspiracy returned by the January grand jury of the bill of particulars in its finally amended state, amplifying the indictment and the authorities cited by the opposing counsels in support of their arguments. Special State's Attorney Wood in the one Illinois case he cited had set up that an affidavit in support of a motion for a continuance in a criminal case where the ground was taken that additional witnesses were necessary the affidavit should state who the witnesses were and what they were to testify to. This, he alleged, had not been done in this instance.

On the other hand, Attorney Kenworthy for the defense referred the court to three cases covering three essential points of argument for a grant of their motion for a continuance for 30 days at least, or until the September term of court. The points were relative to a lack of preparation by counsel; the plan for impeachment of a witness that may be called; that it was as unnecessary to name the various witnesses, as the prosecution declared.

Long Motion.

The motion for a continuance, as read before the court, was long and in the form of a joint affidavit of the two defendants. In substance, the declaration by both defendants was the same. It was set up in the affidavit that no knowledge had been gained until yesterday of the charges which the people had set up against Bruner and Magill, and not until the filing of the bill of particulars was it known that at least five overt acts, in addition to those mentioned in the indictment, were to be made a part of the state's case.

In order to prepare for these charges, it was declared, it would be necessary to locate, interview and examine at least 25 to 30 witnesses not needed if all the acts alleged in the indictment had been strictly adhered to. It was further stated that some of the most important witnesses, especially Dr. G.

REGALIA CONCERN ADDS TO FACTORY

Mt. Pleasant, Iowa, Business and Machinery Comes to Rock Island.

The Regalia Manufacturing company, whose factory is located in the Illinois Oil company building, on Second avenue, yesterday took over the regalia business of E. G. Staats & Co. of Mt. Pleasant, Iowa, the latter concern in future to devote itself to supplying the pennant trade. The local company has been enjoying a steady growth, and with the acquisition of the Mt. Pleasant business, together with the additional machinery that it secures through the deal, takes on increased importance as a local industry.

That the Rock Island factory is gaining fame for the quality of its goods was further demonstrated by an order for badges Manager T. P. Eichelsdorfer received today from Coomassie, South Africa. Mr. Eichelsdorfer said that the company had never had any previous business from that country, and had not sent its catalogues there. The only explanation is that one of the price lists of the company accidentally fell into the hands of the South African folks, and they decided to give the Rock Island concern a trial.

F. Johnson, former mayor of East Moline, now a resident of Los Angeles, Cal., were without the jurisdiction of this court, and it would require time to secure their presence here.

"We are entirely surprised at the nature of the charge specified in the bill of particulars," declares the affidavit, "and it is believed if the court will grant a continuance for 30 days, necessary witnesses and public documents centering on this case and which thus far have not been procurable, can be secured. This application is not made for delay, but that justice can be done."

Want Dr. Johnson.

For the first time in the present proceedings the name of Dr. Johnson was brought forth prominently. His was the only name mentioned in the affidavits, as a witness that the defense intended to secure in successfully planning the case. He is wanted here, it was clearly inferred, to impeach the probable evidence of Adolph Vander Beke, East Moline saloon keeper, who is alleged by the state in the indictment and again in the bill of particulars as being a "go-between" in the alleged transactions whereby \$15 a month was collected from East Moline saloonkeepers for a "slush fund" to permit them to keep open Sundays. This money was paid to Bruner and Magill. It is charged, and in consideration for his efforts Magill, in the capacity of state's attorney, is alleged to have dismissed certain information pending against Vander Beke in the courts of Rock Island county.

To Impeach Vander Beke.

In the affidavit for continuance returned by the defense, it is boldly set out that the testimony and evidence which Vander Beke will introduce at the coming trial will be false, that the state will compel him to testify falsely regarding the alleged collecting of a "slush fund." The influence of Joseph L. Haas, appearing as assistant to Wood in behalf of the state, on Vander Beke as a witness, was set out in the affidavit. Haas was attorney for Vander Beke in cases pending against him for perjury.

The defense expressed its confidence that Dr. Johnson will, of his own volition, return to Rock Island county and give evidence that will impeach the probable testimony of Vander Beke. He is wanted to cite a conversation between Vander Beke and Johnson, when mayor of East Moline, in the latter's office. The statement would be

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John F. Moeller.



Mrs. John F. Moeller.

Mr. and Mrs. John F. Moeller, 1000 Sixteenth street, are today celebrating their golden wedding, their children residing out of the city being here to participate in the observance of the happy event.

Miss Augusta Fathauer and John F. Moeller were united in marriage at Cleveland, Ohio, July 10, 1864, the Rev. Mr. Lindemann officiating at the service. Shortly after the ceremony they came to this city, which has been their home since and where they are well known and highly respected. Mr. Moeller was born in Hanover, Germany, Dec. 20, 1840, and when 12 years of age came to America with his parents and settled in Cleveland. In 1862 he came to Rock Island and for 40 years was a teacher in the parochial school of the German Immanuel's Lutheran church, retiring in 1902. Since that time he has been township assessor or a deputy assessor, holding the former position at this time.

Mrs. Moeller was also born in Hanover, in 1842, and as children she and Mr. Moeller played together. She came to America with her parents when a child of 10 and settled in Cleveland and it was here that she and Mr. Moeller again met after many years. They are parents of 11 children, all of whom are living and are here with their families to participate in the celebration: Rev. Fred Moeller of Malcom, Neb.; Rev. George Moeller of Cordor, Mo.; Dr. Charles Moeller of St. Louis; Mrs. William Ferguson of Charlotte, N. C., and Miss Lily, August, Edward, Miss Anna, William, Louis and Miss Emily, all of this city. Mr. and Mrs. Moeller are keeping open house today, and their many friends are calling to wish them many more happy years.

la-Chapelle, the only existing copy of the Illuminated Quatuorpe Constellation, published in New York in 1859. Happily this monstrosity did not survive its first issue, for its pages measure 8 1/2 feet by 6 feet, and each contains 13 columns 48 inches long.

By way of comparison it may be mentioned that the smallest newspaper in the world is the Mexican El Telegrama, with pages 4 inches square.—London Chronicle.

Made His Mark.

"Well, young Dr. S'cer has made his mark already, hasn't he?"
"Yes; did it on his first case."
"Great Scott! What did he do?"
"Vaccinated him."

FIVE MORE DUCKS HATCHED AT PARK

Officer Lyle Hopes for More Success With These Than With Others Killed.

Five more ducklings pecked themselves out of their shells, stretched their wings and gazed into the world for the first time yesterday afternoon at Long View park.

Not one of the score of little ducks hatched about a month ago survived, sewer rats having killed off all of them. Park Officer Lyle, who is stationed at the park, has taken precautions to prevent similar fate to the present hatching, having screened the mouth of the sewer.

The last ducklings were the delight of the kiddies, but lived for such a short time that not many little boys and girls had a chance to watch them. Now that the playgrounds has been established at Long View park it is expected that more of the boys and girls will see the new arrivals and enjoy watching their capers about the water.

Strike Pickets Withdrawn.

Pittsburg, Pa., July 10. — Westinghouse strike pickets were withdrawn today and the state constabulary will break camp and march out this afternoon. The strikers last night voted to return to work Monday.

Colonial Theatre

The Cream of Photo Plays.

Today

THE PERILS OF PAULINE

Episode No. 8

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