

LAST EDITION.

MONDAY EVENING.

TOPEKA KANSAS, OCTOBER 15, 1906.

MONDAY EVENING.

TWO CENTS.

BURTON LOST

Supreme Court Refused to Grant a Rehearing.

Leaves No Alternative But to Serve Sentence.

HE REFUSED TO TALK.

Sentence of Court Was Six Months in Jail.

Attorney Waggener Didn't Know What Will Be Done.

Washington, Oct. 15.—The supreme court of the United States today denied the petition of former United States

supreme court should finally decide against him as it did today.

Mr. Waggener expressed it as his opinion that the mandate of the court would be sent by the supreme court immediately to the district court at St. Louis, in which case it would be possible for Mr. Burton to be serving his sentence sometime this week.

Former Senator Burton was reached by long distance telephone at his home in Abilene by the State Journal this morning within a few minutes after the word had been received from Washington that the supreme court had denied him a rehearing.

Information concerning this decision was first conveyed to Mr. Burton through this telephonic communication. He had no comments to make on the decision of the court.

"This decision of the court means that the sentence imposed by the trial court will have to be fulfilled by you," Mr. Burton was asked.

"I suppose it does," was the reply.

"What are your plans?" was the next question.

"I have not a word to say one way or the other," replied Mr. Burton. "Not a single word."

"Do you contemplate seeking a pardon as some of your friends have suggested?" was asked.

"Oh, no," replied Mr. Burton. "Further questions are useless," he added.

"for I have not a single word to say."



Ex-United States Senator Burton Whose Last Chance of Escaping a Jail Sentence Was Taken Away by the United States Supreme Court Today.

Senator Burton, of Kansas, for a rehearing in the case which he is under sentence of imprisonment and fine on the charge of accepting an attorney's fee in a case in which the government was interested while he was serving as senator.

The effect of the decision will be the immediate imprisonment of Burton unless his attorneys devise some other means of postponing the execution of the sentence.

J. R. Burton was convicted while United States senator from Kansas of accepting money from a gas-rich-quick company at St. Louis for using his influence as a senator to prevent a fraud order being issued.

He was twice convicted, the first time the supreme court reversing the decision. The second conviction was upheld but the operation of the sentence was suspended during the pendency of a motion for rehearing which was today decided against Mr. Burton.

The sentence was six months in the county jail at Ironton, Mo., and a fine of \$1,500.

Frank Grimes received his first information of the Burton decision this forenoon through a reporter for the State Journal. He was found in a barber chair, his face covered with lather and the barber was about to begin shaving him.

"Where, cap Mr. Burton be found?" he was asked.

"I hardly know," he replied. "He was in my office last Tuesday, but I don't know whether he returned home or went east."

"The Burton decision was handed down in Washington today," he was next informed.

Mr. Grimes began to show signs of interest. "It was," he exclaimed. "What was it?"

"The motion for a rehearing was denied," Mr. Grimes' face resumed its ordinarily placid state and his ideas or thoughts were not made manifest on his countenance. He simply repeated after the reporter "The motion was denied, eh?" in an expressionless manner. He had nothing further to say.

Abilene, Kan., Oct. 15.—Joseph Ralph Burton, former United States senator from Kansas, was seen at his home here today by an Associated Press representative regarding the action of the United States supreme court in refusing him a rehearing.

"This is not my time to talk," Mr. Burton absolutely declined to talk of the case. However, it is stated from an authoritative source that he already had communicated with his attorneys asking that his term of imprisonment be arranged to begin at the earliest possible moment.

Sometime ago Mr. Burton caused an official statement to be made by his attorneys that the supreme court denied him a rehearing, that he would neither apply for a pardon nor accept it if it were tendered.

Mr. Burton today was found in his home here. He has remained at home practically all summer with the exception of one or two small trips. The last trip he made was to Chicago two weeks ago.

USED A KNIFE.

W. D. Sharp Carved E. E. Carey in Bell Telephone Office.

In a fight between two employees of the Chicago Electrical Construction company, engaged in installing the new switchboard in the Bell telephone office, W. D. Sharp stabbed E. E. Carey with a dull pocket knife this morning.

The wounds inflicted were slight, consisting of a cut over the left eye and another in the hip. Sharp was busily engaged in carving Carey when Mr. Samuel T. Hovey, district manager, took a hand in the scrimmage and separated the belligerents.

After the fight Sharp ran out of the building and escaped from detectives who were hunting for him in less than three minutes. He ran through the Grand opera house and the Empire store on the corner of Sixth and Jackson streets, and in the drug store dropped the knife, an ordinary tool which had a broken point and looked like it had been used for a screw-driver. The police say that some person in the Empire drug store assisted Sharp to escape by giving him a hat.

When the judge was out before the county attorney charging Sharp with assault with intent to kill and Sharp was captured at his home, 921 Quincy street.

The fight had nothing to do with the telephone strike, as the employees of the Chicago Construction company are in no way connected with the Bell Telephone company.

SETTLED OUT OF COURT.

Crocker Drops His Libel Suit Against London Magazine.

London, Oct. 15.—The lawyers representing the Amalgamated Press publishers of the London Magazine, against which Richard Crocker brought suit for damages, on the ground of defamatory statements made in an article headed "Tammany in England," in which Mr. Crocker was charged with having used his office as chief of Tammany hall for purposes of financial profit, informed the Associated Press today that the case has been amicably settled out of court. It was added that counsel is not yet at liberty to announce the terms of the settlement.

It was learned however, that the terms include the publication in the next number of the London Magazine of a full withdrawal of the statements complained of, and an apology and probably a statement that the series of offending articles will be discontinued as the defendants have undertaken to make no further personal references to Mr. Crocker therein. The defendants also will pay Mr. Crocker's costs.

St. Louis Browns Win Another.

St. Louis, Oct. 15.—The local Americans won their fourth victory over the St. Louis Nationals by taking the first game of a double header Saturday afternoon, 3 to 1. Darkness ended the second game at the end of the fifth inning, with score 0 to 0. The series now stands, Americans 4; Nationals, 0. Tied, two.

FOR \$60,000,000.

Legal Battle Begins in the Courts of Pennsylvania.

For the Possession of the William Weightman Fortune.

BENEFICIARY OF WILL

Is Sued by a Daughter-in-Law of the Dead Man.

She Declares That the Deceased Made Offer of Marriage.

Philadelphia, Oct. 15.—The great contest inaugurated by have declared invalid the will of William Weightman, the millionaire chemist, who died leaving an estate valued at about \$60,000,000, was called for a hearing today before Judge Ashman in the orphans' court.

William Weightman was the founder of the Powers & Weightman firm of chemists, which since his death has become the Powers-Weightman-Rosengarten company. He was known to have acquired a vast fortune and when he died the public generally was surprised to find that it was left entirely to his daughter, Mrs. Walker. Under the terms of the will as offered for probate nearly all of the vast fortune was bequeathed to Mr. Weightman's daughter, Mrs. Anna Weightman-Walker. The suit to set aside the will was instituted by Mrs. Jones-Walster, who was a daughter-in-law of Mr. Weightman, but who resided at the death of her husband, John Weightman, with Mrs. Walster, on behalf of her minor daughter, Martha Weightman, seeks to prove that Mr. Weightman left a codicil to his will amply providing for his daughter and the other heirs to the estate. Mrs. Walker denies that any such codicil exists and says the will probated was her father's last will and expression of his desires in the matter.

If the will is broken five granddaughters and a grandson of Mr. Weightman will be benefited. The suit has attracted considerable attention because of the social prominence of those concerned. A sensation was created by Mrs. Walster's declaration that Mr. Weightman, who was past 80 years of age, when he died, made a proposal of marriage to her after the death of her husband, but she rejected him and married Mr. Walster. The contest has caused the family to split into factions. One of Mrs. Walster's daughters, Mrs. Richard Walsh Meiers, formerly Miss Annie W. Walster, is openly siding with her aunt. She will probably be a witness in Mrs. Walker's behalf.

A formidable array of counsel has been retained by both sides. Harpnot L. Carson, attorney general of Pennsylvania, and John G. Johnson are heard on behalf of the plaintiff group of lawyers, and Alexander Simpson, Jr., heads the attorneys for Mrs. Walster. The two principals in the case, Mrs. Anna Weightman-Walker and Mrs. John W. Walster, arrived in the court room early and took seats among the crowd. Each was quietly dressed and Mrs. Walker's appearance was but slight indication that she was the possessor of \$60,000,000.

The first witness called by the contestant was A. W. Hooper, 70 years of age, who was manager of accounts and credits for Powers & Weightman, of which concern Mr. Weightman was a member. At first he was unwilling to testify, but was compelled by J. E. Andrews of LaCrosse and C. W. Kyle, of LaCrosse. The opposition is represented by S. I. Hales, of LaCrosse, and G. Polk Chino of LaCrosse, both Democrats, S. H. Rodgers, Republican nominee for county attorney in Pawnee county, E. P. Rochester, chairman of the Republican judicial committee, and Wilson B. Smith, secretary of the Republican judicial committee.

George Finney, present Democratic county attorney of Pawnee county, is also here, but is taking no part in the proceedings.

RAIN COMES AT LAST.

Only Three Hundredths of an Inch But Nevertheless Welcome.

Cloudy weather has been the order all day today. Not once has the sun appeared. The thermometer has been about constant all day. There has been a variation of but six degrees from 7 this morning until press time.

There will be heavy showers tonight and tomorrow with the temperature about the same. There are excessively heavy rains south of Topeka. In Texas, Oklahoma and Arkansas the rains are very heavy.

The light rain which fell this morning brought a rainfall of .03 of an inch. The wind today is blowing seven miles an hour from the east. The temperatures for today have been as follows:

7 o'clock.....55	11 o'clock.....51
8 o'clock.....55	12 o'clock.....50
9 o'clock.....57	1 o'clock.....50
10 o'clock.....55	2 o'clock.....61

Mr. Hooper on cross examination expressed the belief that Mr. Weightman's mental condition was perfect at the time he signed the will in dispute. Edward F. Davis, private secretary to Mr. Weightman, also testified that in 1935 will. He corroborated the previous witness' testimony regarding Mr. Weightman's mental condition.

Mrs. Walster was then called. She testified that her father's first will was executed in 1884. She never saw it, but understood it divided the estate in three parts, one-third each to herself and her two brothers. When she heard her father changed his will in her favor she expressed disapproval as she preferred it should stand as originally drawn.

"I want to see my father the next day and be himself said to me, 'I've changed my will and left everything to you.' I asked him, 'Why did you do it?' and he replied, 'I have carefully considered the matter and thought that the best disposition of my property'."

"I was outwitted you what shall I do with the estate?" I asked and he said, "Do as you please. I know you love your niece and nephews."

Denver, Col., Oct. 15.—Many men known in the mining industry throughout the world are gathering in Denver to attend the convention of the American Mining congress which opens tomorrow morning. Extensive reservations have been made in all the hotels, and it is expected that nearly 1,500 delegates will be present.

WISTER AT THAT TIME?

"The person you refer to was then in Europe," she snapped back. After further questioning the relations with Mrs. Walster were apparently friendly, although the latter tried to injure her in the eyes of her father. She has not spoken to Mrs. Walster, she said, since immediately before she was married to Mr. Walster.

"I always wished her well," was her comment as she left the witness stand for the room recess.

When court reconvened at 3 p. m. the case on motion of attorney for Mrs. Walster, was postponed.

This action caused surprise and there was a rumor that there has been a compromise. Attorney for Mrs. Walker denied this emphatically. The case can not be done up for some time. The mediocrity of the case caused great uneasiness in the Walker camp. Mrs. Walster and her attorneys apparently are not in any way satisfied with the sudden change of front.

DAVIS BALL ROOM.

Mayor Will Build One 40x40 Feet on His Residence.

A private ball room. Just think of it. Aren't we getting very well? Well, I most surely trust so.

One of Topeka's most devoted worshippers at the shrine of Terpachore—Mayor W. H. Davis—is the one who has made this votive offering. Surely the goddess will be delighted—not to speak of scores of Topekanos who will be anxious to see the new ball room.

On the third floor of his residence at Ninth and Western avenues, Mayor Davis will erect a private ball room which will amply provide for his granddaughters and the other heirs to the estate. The ball room will be a portion of the plan in rebuilding the Davis residence, which is now being constructed. Two bed rooms will be added on to the second story, a dining room, kitchen and butler's pantry on the ground floor, additional bath, a big wide open hall, colonial porch and a portico on the south. The ball room will occupy the entire third story which is to be added to the house. The improvement is valued at \$5,000. Holland & Squires, architects, are preparing sketches of the enlargement planned for the residence.

FUSS OVER NOMINATION.

Is George M. Knighton a Legal Candidate for Judge.

The state contest board is in session today at the office of Secretary of State J. R. Burrow, taking testimony in the George M. Knighton case from the Thirty-third judicial district, comprising the counties of Rush, Ness, Lane, Scott, Wichita, Greeley, Pawnee, Edwards and Hodgson.

Knighton claims to be the Democratic nominee for district judge, but his right to hold the office is being contested not only by Republicans, but by a faction of the Democratic party in his district. It is claimed that he was nominated by a illegally called convention at which only 7 out of 47 delegates were present.

The Republican nominee is Charles E. Lebeck, one of the Democratic lawyers in the Thirty-third district is said to be favorable to his election without opposition.

General Coleman are hearing the case. Secretary Burrow is still absent from town. Mr. Knighton and Mr. Lebeck are in Topeka, and are being represented by J. E. Andrews of LaCrosse and C. W. Kyle, of LaCrosse. The opposition is represented by S. I. Hales, of LaCrosse, and G. Polk Chino of LaCrosse, both Democrats, S. H. Rodgers, Republican nominee for county attorney in Pawnee county, E. P. Rochester, chairman of the Republican judicial committee, and Wilson B. Smith, secretary of the Republican judicial committee.

George Finney, present Democratic county attorney of Pawnee county, is also here, but is taking no part in the proceedings.

LONG TO ANSWER.

Says He Will Reply to Senator La Follette.

Senator Chester L. Long announced today that in his speech at the Auditorium Tuesday evening he will answer Senator Saxe's platform speech, delivered from the same platform last Thursday night.

"As to what I expect to say," said Senator Long today, "I have not fully decided. But you can say that I will take up the La Follette's speech and discuss it fully."

The meeting Tuesday night promises to be an uprising which will be a general throughout Venezuela is certain to occur on the announcement of his death. The signal for the outbreak, it is further stated, will be given by the inhabitants of the western half of the republic who are already armed.

The inhabitants of the rest of the interior of Venezuela are described as being undecided owing to their ignorance of the actual condition of the president, which is carefully concealed by those in immediate attendance upon him.

BALLOON RACE.

Arrangements Are Being Made for One in United States.

Pittsfield, Mass., Oct. 15.—Arrangements were started today for a balloon race to be held in this city between cars of the Aero club of America, the latter part of this week, probably on Saturday. Captain Homer W. Hodge of New York, president of the club, has written to Superintendent Peabody of the gas company to make arrangements for 400,000 or 500,000 cubic feet of gas for the big bags. This amount, which represents practically the capacity of the gas company, will be sufficient to supply three or four of the smaller ones. Three of the cars expected to enter are L'Orient, Centaur and Nervana of the Aero club. St. Louis has been mentioned as the place for holding the race, but the majority of the prominent members of the Aero club favor this city, where several successful ascents were made last summer.

IN DADE CO. JAIL.

Springfield Sheriff Would Not Have Parsons Family Murderer.

Springfield, Mo., Oct. 15.—Joda Hamilton, who was placed in jail at Houston yesterday charged with the murder of Barney Parsons, a farmer, the latter's wife and their three children, was taken to Dade county, Mo., in Dade county today and placed in jail there for safekeeping. Hamilton was brought to Springfield early today, but Sheriff E. V. Hamilton did not want the prisoner. Hamilton was split to and from the jail here with the utmost secrecy and he is presently in the city, not known positively until he was leaving.

She Nursed Roosevelt's Mother. New York, Oct. 15.—Nannie Jackson, the colored nurse of President Roosevelt's mother is dead at Evergreen, L. I. She was 84 years old. She was brought to Connecticut by a slave by Stephen Bullock, the president's maternal grandfather.

WEATHER INDICATIONS.

Chicago, Oct. 15.—Forecast for Kansas: Showers tonight and Tuesday; not much change in temperature.

SAM JONES DEAD.

Noted Evangelist Expires Suddenly on Train.

Trying to Get Home From Oklahoma City.

HE TOLD NO ONE.

Left Engagement Without Notifying the Managers.

Congregation Waited in Vain for His Coming.

Memphis, Tenn., Oct. 15.—"Sam" Jones, the noted evangelist, dropped dead on a Choctaw, Oklahoma & Gulf train near Little Rock. Mr. Jones' home is at Cartersville, Ga.



Sam Jones, Evangelist, who died suddenly.

A train dispatcher of the Choctaw division of the Rock Island system, stated today that Sam Jones died near Little Rock, at an early hour this morning. Mr. Jones was traveling from some point west of Little Rock and his destination was Memphis. The body was found in his berth in the sleeping car and was taken off the train at Little Rock. It is believed Mr. Jones died about 4 o'clock this morning.

The following telegram was received at noon by Rev. Piner who had been instrumental in bringing Sam Jones to this city:

"Little Rock, Ark.—Brother Jones died peacefully on way home. We go to Cartersville with him.—Walter Holcomb assisted Rev. Jones in his evangelistic work."

Oklahoma City, Okla., Oct. 15.—Sam Jones, the evangelist, had been holding revival services in the tabernacle in this city for the past two weeks. He had addressed audiences Sunday, but it developed early in the day that he had disappeared. Although a vigorous search was made for him, nothing developed until he was reported dead on a train near Little Rock.

Later it developed that Jones left the city hurriedly last evening, hastening from his hotel to the station while a carriage waited to convey him to the evening services. No reason for his sudden departure was given, nor did he state his destination.

Sam Jones was born in Chambers county, Alabama, October 10, 1847; he moved to Cartersville, Ga., in 1872, studied under private tutors and at boarding schools and was admitted to the bar in 1869. He began professional life under the name of Jones & Co., but soon broke down in health from nervous dyspepsia, began to drink and soon ended his professional career as a lawyer.

He became a clergyman in 1872 and became a church south the same year. He was pastor in various churches for many years and devoted a great deal of time to evangelistic work over the country, and has spent a number of years on the lecture platform. He has held revival meetings in all the principal cities of the United States and was famous for his originality and fearless expression. He was the author of "Sermons and Sayings, Music Hall Series, Quit Your Meanness, St. Louis Series, Sam Jones' Own Book, and Thunderbolts."

New Orleans, La., Oct. 15.—With 1,300 tents pitched at City park race track and 30 passenger trains which is double the usual number due to arrive in New Orleans before midnight the 24th convention Knights of Pythias and biennial encampment uniform rank began today. The encampment will continue all week, prizes for the drills, which are a feature of the encampment, being awarded Saturday afternoon.

Although the encampment was not due to open formally until 4 o'clock this afternoon, at daylight about 3,000 knights in uniform were at the tent city and hotels were filled to the limit with Pythians and their friends here to attend the ceremonies.

Detweiler Memorial Unveiled. Harrisburg, Pa., Oct. 15.—A marble shaft and fountain erected by the order of Elks throughout the United States in memory of Mead D. Detweiler of Harrisburg, twice grand exalted ruler of the order, was unveiled in Reservoir park here today, the anniversary of Mr. Detweiler's birth.

1,300 TENTS PITCHED.

Knights of Pythias Gathering for Their Biennial Encampment.

Chicago, Oct. 15.—Testimony was heard today before three members of the interstate commerce commission relative to the possible existence of a grain trust.

The first witness was A. J. Argart, of Pennsylvania, who told of his struggles against the Illinois Grain Dealers' association. Argart brought his case before the commission and it was necessary to excuse him from further evidence. He declared he was left the case to the attorney and with the track shoveler. He declared that the discrimination against him had been done because of the railroad's refusal to give him cars in lieu of transport his grain.

THE WITNESS WPT.

Victim of Grain Dealers' Association Sheds Tears in Court.

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TIME IS UP.

No Longer Any Hope of Hearing From Peary This Year.

News Was Expected by the Returning Whalers.

THEY FAILED TO COME

Probably All Are Ice Bound in the Arctic Regions.

The Explorer Has Now Been Gone Fifteen Months.

POSTAL DEFICIT REDUCED.

Total Receipts of the Department Amounted to \$167,932,783.

Washington, Oct. 15.—Postmaster General Cortelyou has given out an advance statement of the receipts and expenditures of the postal service for the fiscal year ended June 30, 1906. It shows a reduction of the annual deficit from \$14,572,582 for 1905 to \$10,516,996 for 1906, over \$4,000,000, or 27.83 per cent.

The total receipts for 1906 were \$167,932,783, an increase over 1905 of \$15,106,198, which is the greatest increase for any year in the history of the service. The per cent of increase in receipts for 1906 is 9.38, as compared with 6.42 for 1905.

The total expenditures during 1906 were \$178,499,779, an increase of \$11,050,610 over 1905. The per cent of increase in expenditures is less than that for a number of years and is smaller by one-third than the per cent of increase during 1905.

BURIED 200 MEN.

Midnight Explosion in a Coal Mine in England.

Half of Those Entombed Believed to Be Safe.

Durham, England, Oct. 13.—An explosion occurred in the Wingate colliery near here about midnight, resulting in 200 men being entombed. About one hundred of these are believed to be safe in a lower part of the colliery, but there were between 50 and 60 men in the seam where the disaster occurred.

It is expected that the 131 men who, it is announced, are confined in a lower main, will be safely brought out before night. They have signalled that they are all right and are not considered to be in danger.

The total number of deaths from the explosion, which apparently caused by fire damp is 27.

HE IS MADE IMMUNE.

Before Witness in Standard Oil Case Will Testify.

Findlay, O., Oct. 15.—The trial of the Standard Oil company of Ohio for alleged conspiracy against the state resumed here today after adjournment since last Friday noon. It is the intention of the prosecution to occupy the day with witnesses who are connected with the Standard and its alleged constituent companies. The trial attracted few persons when court opened at 9 o'clock.

John O'Brien of Lima, O., superintendent of the Buckeye Pipe Line company was put on the stand immediately. When asked what his business was, the witness appealed to the court. He said the answer would tend to incriminate him and asked for immunity from future prosecution.

Attorney Phelps, for the defense, remarked: "Well I guess we will have to make him immune, and the court ordered the witness to answer questions. This order extends the immunity."

No more objection to answering questions was made and the witness, after a brief rest, testified that he was the Lima division of the company, gave the geographical bounds of this division.

John O'Brien described the process of gathering the oil from the producers tanks, which held from 60 to 100 barrels each from where the oil is run to storage tanks. In the several counties comprising the Lima division the company has between 500 and 600 storage tanks, each of which holds about 300 barrels.

On the west of the division the connecting line with that of the company is the Indiana Pipe Line company. Attorney Phelps, who has been well known that the Indiana pipe line ran to the refinery at Whiting, Ind., the witness said he had never been to Whiting, but he is likely to have some knowledge. There was also an eastern connection for the lines of the Buckeye, but witness could give no details.

CASTRO IS DYING.

Venezuelan Newspapers Have Been Suppressing the Facts.

Port of Spain, Island of Trinidad, Oct. 15.—According to the latest advice received here from Caracas, Venezuela, the condition of President Castro, who has been ill for some time past, has grown worse. It is asserted that he can no longer speak and move and his death may occur in a few days.

In order to conceal the facts in the case the newspapers of Caracas have been publishing reports of acts of clemency on the part of the president and texts of numerous telegrams of congratulations purporting to have been received by him on his reported complete restoration to health. In connection with the critical state of President Castro's health it is asserted that an uprising which is likely to become general throughout Venezuela is certain to occur on the announcement of his death. The signal for the outbreak, it is further stated, will be given by the inhabitants of the western half of the republic who are already armed.

The inhabitants of the rest of the interior of Venezuela are described as being undecided owing to their ignorance of the actual condition of the president, which is carefully concealed by those in immediate attendance upon him.