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L. LXXV., NO. 97. WEATHER TODAY—Fair.

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MUCH OF THE DEFENDANT'S EVIDENCE STRUCK OUT

Trial in Haywood Trial Does Not Allow Jury to Consider Conspiracy Charge Against Mine Owners.

TORNEY HAWLEY IS BITTER IN SPEECH FOR PROSECUTION Announces Western Federation Officials as Worst Band of Criminals That Ever Infested The Country.

Idaho, July 19.—The field for the trial of the Haywood case was limited by Judge Wood, who in a motion handed down today removed from consideration of the jury all evidence bearing on the alleged conspiracy between the mine owners and the Western Federation of Miners. Judge Wood decided that the defense of Haywood had made no legal connection of the mine owners' association, the Citizens Alliance of Colorado and the Pinkerton detective agency as laying a plan for the defense to show that the charge against Haywood and his co-defendants was the outcome of a conspiracy to eliminate the federation.

Immediately following the announcement of this decision, Judge Wood, speaking for the state, spoke for two hours and fifteen minutes of the afternoon session, on the morning session having been adjourned to enable the judge to preside at the trial. A great crowd present. Outside the enclosure reserved for attorneys and newspaper men were persons prominent in public life, and a sprinkling of women in summer costumes added color to the forum space. Governor Frank King, ex-Governor Morrison, a number of the officers of the state administration, Captain James McParland, P. Stuenkel, a son of the late ex-governor, and a large gathering of members of the bar of Idaho adjoining states were present. Haywood sat in his usual chair, which was placed on the right side of the court, and his stepfather occupied seats close to the defense group.

Hawley Grows Eloquent. Hawley, who has been ill for several days as the result of the strain of the long trial, came to the court today, however, explaining that he had been unable to appear owing to illness. He is a man of impressive presence and aggressive speech. Warming up to his subject, this afternoon, his voice all traces of weakness. His address was the most important ever given to the jury in the United States, and he was responsible placed upon them. He characterized the case as the "most important ever given to the jury in the United States," and he was responsible placed upon them. He characterized the case as the "most important ever given to the jury in the United States," and he was responsible placed upon them.

Interrupted by Defense. Counsel for the defense repeatedly interrupted Mr. Hawley with protest and objections, but these only seemed to stir him to greater effort. Once or twice he was interrupted when court messengers came with a roar of anger and another voice of counsel to find excuse for the defendant's conduct. Judge Wood concluded this afternoon the statement that already he had a enough to convict and that any man not willing to convict on that basis was not willing to listen to the testimony of the witness. Judge Wood announced that he would not permit the defense to introduce any evidence which would tend to show that the mine owners were a conspiracy to eliminate the federation.

Our Warlike Governor Emulating Roosevelt



ST. JOSEPH STRUCK BY SEVERE TORNADO

Scores of Houses Wrecked by Wind and Flood; No Fatalities Reported.

ST. JOSEPH, Mo., July 19.—A tornado and a tremendous rain did heavy damage in St. Joseph and vicinity last night. Houses were wrecked, street railway tracks torn out and cellars flooded. The family of Daniel Riordan, one mile east of the city, had a miraculous escape from death. The residence, two stories in height, was torn from the foundation and completely demolished. Riordan, his wife and three children had taken refuge in the basement. They were buried in the debris, but the wind lifted the house bodily from the foundation and none of the heavy timbers fell on them.

Patrol Fire at Redding. REDDING, CAL. July 19.—Fire destroyed the southern Pacific depot and hotel and the McCloud River Exchange depot at Sisson, at 11:30 last night and Miss Laura Saxe of New York, a school teacher, who arrived yesterday to meet friends and climb Mount Shasta, lost her life. Several others were badly burned. Miss Lizzie Walcott, a waitress on the hotel, dangerously.

Mining of Iron is Tied Up by Strike. DULUTH, Minn., July 18.—Mining operations upon the Mesabi and Vermilion ranges are at a standstill, and the fleet of the Pittsburgh Steamship company promises to be tied up as a result of the strike of the ore dock laborers. The entire mining department of the United States Steel corporation is now idle.

Do Not Miss The Sunday Tribune The Best Paper in the West.

Here Are Some of the Features for Sunday, July 21.

'LAND OF THE GLACIER.' Victor Henderson writes entertainingly of the country where icebergs are formed. This in The Sunday Tribune.

CONDITIONS IN INDIA. Ominous muttering are now being heard in India and William T. Ellis, in an interesting letter gives the details in The Sunday Tribune.

PASSING OF STEAM ENGINE. Gas engines, the tons of yesterday, have come into the industrial horizon as the giant of today. The Sunday Tribune will tell you all about this interesting subject.

ABOUT THE RED MAN. 'Lo, the Rich Indian, and His Unique Race for More Money,' is graphically told in a letter regarding the Omaha tribe in The Sunday Tribune.

OLD WORLD AFFAIRS. Political and otherwise, are given in a series of stories from well-known writers in The Sunday Tribune.

THE TEDDY BEARS. Another installment of their absurd adventures, as told by Adah Louise Sutton, appears only in The Sunday Tribune.

A NATURE FAKER. Some reminiscences by John Kendrick Bangs, appears in The Sunday Tribune. His topic tomorrow is 'As to Rattlers.'

LIGHT FREIGHTS. That charming series of short stories by W. W. Jacobs can be found only in The Sunday Tribune. 'A Marked Man' is the title of tomorrow's story.

'THE MYSTERY.' Another installment of that delightful serial story will be found in the columns of The Sunday Tribune.

IS LITERARY FEAST. Above are a few of the features to be found in The Sunday Tribune. Besides there is all the news—local, general, foreign—gathered by trained newspaper men. No other newspaper in the mountain region begins to compare with The Sunday Tribune. There is no better paper anywhere.

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JAPANESE SLAIN IN KOREAN CAPITAL

Abdication of Emperor Followed by Serious Rioting; City Under Military Rule.

SEOUL, Korea, July 19.—The city became quiet at midnight and is now under military patrol. A heavy rain following the outbreak of today, was largely instrumental in dispersing the crowds. All traffic has been stopped and the Japanese shops are guarded. The police report that twenty-five Japanese were killed and wounded in the day's rioting. The casualties among the Koreans are unknown.

An official Japanese report recedes the shooting today to Korean soldiers who could not be controlled by their officers. The noise of the firing and the news that casualties had resulted greatly alarmed the Emperor, who, at 7 o'clock tonight, sent by the Minister of Justice a long apologetic message to Marquis Ito, to the effect that he regretted that his ignorant subjects had caused violent commotion. He therefore relied upon Marquis Ito to take measures necessary to prevent further trouble.

Afterward Marquis Ito called upon General Hasegawa to take military charge of the city. Japanese troops have been offered for the safeguarding of foreign consulates in Seoul.

Emperor's Explanation. The abdication of the Emperor is his first communication to the world since the renunciation of the convention of 1905. A translation of the text of the edict follows:

'I have been, in succession to my ancestors, on the throne forty-four years and have met many disturbances. I have not reached my own desire. While Ministers are frequently improper men and progress is not controlled by men, the times are contrary to nature events. A crisis extremely urgent in the life of the people has arisen and the progress of the state is more than before imperiled.

'I fear a danger like that that befalls a person crossing the ice. Fortunately we have a son endowed with nature with virtue, brilliant and well worthy of being charged with plans for the development of the government to whom we transfer our inheritance sanctioned by the custom of ancient times.

'Therefore, be it known that as soon as it is proper to be done, we will hand the affairs of state over to the crown prince as our representative.

Court usage is said to make the meaning of the above an actual abdication. While insufficient time has elapsed to show the effect of the Emperor's opinion on the situation, advisory opinion at the Japanese residence General regards the abdication as taking away the force of Japan's intended blow.

JAPANESE SYMPATHETIC. But Press of Tokio Does Not Regret Emperor's Overtures. TOKIO, July 19.—The Japanese press is this morning generally sympathetic

RECORDS BROKEN AT THE ELKS' MEET

Nearly Eighty Thousand Persons Registered at the Bureau at Philadelphia.

MAY ABOLISH TEETH OF ELK AS EMBLEM

Installation of Grand Lodge Officers Closes Formal Work of Big Convention.

PHILADELPHIA, July 19.—Of the thousands of persons overcome by the heat while watching the Elks parade yesterday, about one hundred spent the night in hospitals. Most of them were discharged today.

The number of deaths due more or less directly to the heat and humidity numbered four, and there are about a dozen cases considered serious by the hospital physicians.

The dead and those still in a serious condition are all Philadelphians. The fact that the death list is small is principally due to the prompt relief given by the hospital authorities and the emergency medical corps.

The big feature of Elk week being over, thousands departed today. A large delegation devoted today to a pilgrimage to Valley Forge, where United States Senator Knox delivered an historic address.

Beginning at 11 o'clock tonight the 'Pen and Pencil club' entertained visiting Elks at a 'Night in Bohemia'.

The records show that 79,000 persons registered at the bureau provided for members and their ladies.

The grand lodge held a session today, and resolutions were reported favoring a special committee for the preservation of the elk and doing away with the teeth of the animal as an emblem of the order.

Past Exalted Ruler Melvin of California, in a spirited speech, favored the formation of a committee to that end. Members from Wyoming, Oregon, and other Western States opposed the measure, contending that the pulling of elk teeth caused no pain and that the animal was not killed in large numbers as only tourists and amateur hunters hunted the animal. The resolution will probably be adopted.

Daniel J. Shern, past exalted ruler of the Philadelphia lodge, on behalf of the members, presented Henry A. Melvin with a magnificent painting of himself. Installation of officers followed.

Before adjourning the lodge elected Colonel Albert J. Holley of Hackensack, N. J., grand trustee for the year. The vacancy caused by the death of John D. O'Shea, who died yesterday.

The committee on contests and awards late tonight announced prize awards, among them being the following:—Lodge making best appearance in line—Third prize, \$100, El Paso.

Lodges appearing in unique uniforms—First prize, \$500, El Paso.—Largest Elk, \$25—J. Ed Neis, Pasadena, Cal.—Tallest Elk, \$25—Carl M. Koenig, Sacramento, Cal.—Smallest Elk, \$25—Jerry D. Sullivan, Roseburg, Ore.

Special prize of \$500 for the largest Mexican band, which organization accompanied the Elks to Philadelphia, was awarded to the band of Mexico, which accompanied El Paso lodge.

MEXICAN Bandmaster Drowned. ATLANTIC CITY, N. J., July 19.—Captain August Azzali, leader of the Mexican band, which organization accompanied the Elks to Philadelphia, was drowned this evening while bathing at the foot of Texas avenue.

DRIVEN TO FRENZY Father of Murdered Boy Would Attack Released Suspects.

NEW ORLEANS, La., July 19.—A city jail was used today as a place of refuge for Mr. and Mrs. Montelone, Italians, released on habeas corpus proceedings this afternoon, after several weeks' imprisonment as suspicious persons in the Lamana case. Several hundred police Italians surrounded the Montelone house and a guard of twenty-five police failed to quiet the crowd. The Montelones were finally put in a patrol wagon and taken to a nearby police station. During the excitement Peter, with a revolver in his hand, made violent attempts to break through the crowd, saying he wanted to get at the Montelones. He was taken to the police station, though not put under arrest.

The presence of three companies of militia and rapid-fire guns at the Hanville jail has apparently stopped all intention of mobs to go from here to Hanville for a lynching.

with the retired Korean Emperor as an individual, but none however regrets the act of abdication. The official text, it is commented that there is doubt whether the abdication means a complete non-interference with the government by the Emperor. Suggestions made that there is necessity of clearly defining the position of the retired Emperor in order to prevent even an intimation.

It is also pointed out that, anyhow, the change of government was caused by the initiation of the Korean government in which Japan had no concern whatever and that it cannot be considered a final solution of The Hague incident.

It is expected that Foreign Minister Hayashi will effect a definite arrangement with the Korean government regarding that question. Telegrams from Seoul dated midnight last night say that a general calm prevails. Japanese troops have been called out and a battalion is guarding the palace.

INDEPENDENT TO BUY SECURITIES

Elmer B. Jones of the Utah Telephone Company Concludes Negotiations.

SECURES NINETY DAY OPTION FOR \$1,000,000

Deposits \$50,000 and Balance of Capital Has Been Fully Subscribed.

Negotiations which have been in progress for months and which mean that the Utah Independent Telephone company will secure absolute and untrammelled control of its financial securities, thus giving it a free hand in its operations in this field, were virtually concluded by Elmer B. Jones, manager-director of the company, at Rochester, N. Y., Friday. A sum of \$50,000 was deposited by Mr. Jones Friday to secure a ninety-day option on the stocks, bonds and notes of the company, the option being for \$1,000,000, the balance of \$950,000 being payable October 19. The option provides that the \$50,000 deposit shall apply on the purchase price.

This agreement was reached at a conference between Managing Director Jones and J. W. Taylor, representing the United States Independent Telephone company, held at Rochester Friday. It is provided that in the event of the option expiring by limitation the \$50,000 will be forfeited. The securities of the Utah Independent company are held by the United States Independent Telephone company and the Stromberg-Carlson Telephone company, and the consent of the directors of both holding companies is to be obtained before the delivery of the securities covered by the option.

Will Be Paid in Cash. According to telegraphic advices Mr. Jones declared at Rochester Friday night that if the option was exercised, and he had every reason to believe it would be, the entire \$950,000 would be paid in cash long before the expiration of the time for which it was given.

'We are anxious to have the sale closed as quickly as possible,' continued Mr. Jones, 'because we want to get work on extensions of business. We have been held up by the lack of funds. The bonds for the purchase of the Salt Lake plant are all underwritten. Our syndicate will open an independent exchange in Butte, Mont., September 1. We now control the independent lines of Utah and will connect those of Montana.'

The successful conclusion of these negotiations bring to a close the difficulties which have confronted the local company and hampered its progress. The difficulty first arose when the Stromberg-Carlson company, which had the securities of the Utah company, was absorbed by the United States Independent company. This placed the local company in the control of the United States company virtually the Bell company, as it is understood.

The master of the segregation of the securities was taken up in the courts at New York. Mr. Jones contending for the right to purchase the bonds of the Utah Independent company. In this option Friday is the result of the negotiations carried on looking to the requirement of the bonds by the interests represented by Mr. Jones. These interests, it is understood, are purely local; that is, the local capital which, judging from Mr. Jones' statement, he has already secured.

SWIFT TURNED DOWN McPherson of Omaha Elected President National Livestock Exchange.

KANSAS CITY, July 19.—Protesting against his own election and demanding the re-election of J. C. Swift of Kansas City, Thomas E. McPherson of Omaha, was elected president of the National Livestock exchange today as the culmination of a campaign which was waged against Mr. Swift's re-election by the livestock men and packers over the post mortem examination rule.

Mr. Swift and Mr. McPherson were the only men placed in nomination. In an impassioned speech he deplored the existence of friction in the organization, President Swift withdrew his name. Mr. McPherson made a speech in which he urged the re-election of President Swift and asserted that he declined to be a candidate against the president. The president refused to allow Mr. McPherson to withdraw and the latter was unanimously elected. A resolution was adopted which praised the administration of President Swift.

The convention will be held in Omaha next year and the date will be selected by the executive committee.

Other officers elected were C. W. Baker, Chicago, secretary; P. S. Graves, Indianapolis, treasurer. Among the vice presidents and on the executive committee is A. J. Campion, Denver.

INTERMOUNTAIN PEOPLE AT CHICAGO HOTELS

Special to The Tribune.—Western people at Chicago hotels are:—Salt Lake—W. C. Windsor, Jr., C. C. Burtan, George W. Christensen, Manager; J. W. Keogh, Stratford; A. S. Martin, H. Vancott, wife and daughter, Great Northern.

Idaho—Soda Springs, R. F. Bicknell, Great Northern.

Wyoming—Cody, J. M. Schwab, Kaiserhof.

Continued on Page Seven