

POWERS WILL ANSWER READY

HOLDS FINAL CONFERENCE IN THE GEORGETOWN JAIL WITH MESSRS. OWENS AND WILSON, MEMBERS OF HIS COUNSEL.

SPECIAL JUDGE J. S. MORRIS, OF HENRY COUNTY, WILL PRESIDE AT THE FOURTH TRIAL OF NOTED POLITICAL PRISONER.

Much New Testimony to be Brought Out and Several Hundred Witnesses Are Summoned—Validity of Gov. Taylor's Pardon Will be Urged—Accused Man Denies Himself to all Visitors. Save His Attorneys—Case Will be Called at 9 O'clock Monday Morning.

BY R. LEE DAVIS.

Caleb Powers is anxious for a trial, and when his case is called for the fifth time Monday, before Special Judge J. S. Morris, in the Scott County Circuit Court at Georgetown, for complicity in the assassination of Senator William Goebel he will, through his counsel, answer ready.

This positive announcement was made late Saturday afternoon, after Major W. C. Owens, of Louisville, and Attorney S. M. Wilson, of Lexington, of counsel for Powers, had had a two hours' conference with the noted prisoner in the Georgetown jail.

Whether the Commonwealth will also be ready to go into trial, could not be learned, as Commonwealth's Attorney Robert B. Franklin, chief counsel for the prosecution, has made no public declaration of his intention. It is believed at Georgetown, however, that the Commonwealth will interpose no further delay and that the trial will be entered into. Both sides, at any rate, are making preparations for the hearing, and all eyes will be turned to the capital of Scott county once more Monday to see what will be the fate of the noted political prisoner who for seven long years has been deprived of his liberty through the failure of the Kentucky courts to give him a fair and impartial trial.

The trial this time will be before Special Judge J. S. Morris, of Henry county, who was recently appointed by Governor Beckham, after Special Judge J. E. Robbins had been sworn off the bench by the defense. Judge Morris is said to be an able lawyer and has the reputation of being a very conscientious and upright Judge. The defense has so far made no objections to Judge Morris, and although an appointee of Governor Beckham, the attorneys for the defense are not disposed, upon the face of his credentials, to cavil at his appointment, but to accept him as the trial Judge without demurring to his qualifications for the important task he has undertaken.

Since Powers' last trial more than four years ago, several of the star witnesses at former trials have died, or at least are reported to be dead. "Tallow Dick" Combs was run down and killed by a train last July, near Georgetown, just on the eve of going into the trial for the fourth time. William H. Culton, a former clerk in the Auditor's office who was credited with being one of the leaders of the mountain army and whose testimony was one of the sensations of the first trial of Powers, is reported to have died in the Far West, though the fact has not been clearly established. Other witnesses for both the defense and prosecution have disappeared, or been scattered to other States.

The defense has, however, been vigilant in keeping track of most of them and for the last five or six weeks the attorneys for Powers have been busy locating these witnesses and having subpoenas issued for them. Between 400 and 500 witnesses have been subpoenaed by the defense. Many of these, of course, are character witnesses. The more important are expected to be present on the opening day of the trial.

Among the noted witnesses said to have been subpoenaed by the defense is James Howard, now serving a life sentence in the penitentiary for the same crime with which Powers is charged. Henry Youtsey, another one of the alleged Goebel assassins, who is also serving a life term in the Frankfort penitentiary has not been subpoenaed by the defense, but it is said that he will be introduced by the prosecution to reiterate the testimony made in his famous "confession" made at a former trial.

It is said that the line of defense followed by Powers' attorneys they declined to state in advance for the reason that they do not wish to give away their plans to the prosecution. It can be safely stated, however, that one of the strong bulwarks of the defense will be the urging of the validity of the pardon issued to Powers by Governor Taylor. This was one of the main points in the line of defense at a former trial, and the LEADER feels that it is betraying no confidence in making public this feature of the forthcoming proceedings.

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This will be the fourth trial of the

noted case, if it is entered into, and the fifth time that it has been called. The last attempt to bring the case to trial, which was on July 29 last, was an abortive one, as the hearing which had just begun was brought to an abrupt termination by Special Judge Robbins vacating the bench after the defense had filed allegations tending to show that he was disqualified to preside at the trial.

At Powers' first trial which was in July and August, 1900, he was sentenced to life imprisonment. This verdict was reversed by the Court of Appeals and the second trial, held in the fall of 1901, also resulted in a life sentence. A second reversal followed and at Powers' third trial, in August, 1903, he was given a death sentence. At each of his three trials he has been tried by a Scott county Jury, composed mainly of Democrats. More than four years have passed since he has had an opportunity to prove to the world his innocence of the crime with which he is charged—a longer time perhaps than any other prisoner in modern times has been denied a fair and speedy trial and kept in confinement—except the French marquis, Dreyfus. And like Dreyfus, Powers hopes to establish his innocence of the crime with which he is charged and for which he has, he believes, been unjustly incarcerated for more than seven years.

A considerable part of this four years' interim was taken up in an effort of Powers' attorney to get the case before the United States District Court and later the Supreme Court with the view of having these higher courts pass upon the validity of Governor Taylor's pardon. This effort was barren of satisfactory results, as the case was finally remanded to the Kentucky courts. A good deal of time was also consumed by Governor Beckham's delay in appointing special judges who would be acceptable to the Goebel Democracy, which it can not be denied has always been a strong factor behind the prosecution.

Should the trial for any reason be again postponed, it is said the defense will endeavor to secure the release of Powers from prison by instituting habeas corpus proceedings as a last resort.

Below will be found a calendar of the principal events in the Powers case, which will enable the reader to follow its developments down to date:

RECORD OF POWERS CASE. 1900—Caleb Powers, Republican Secretary of State of Kentucky, arrested on charge of complicity in murder of Senator Goebel, March 10. 1900—First trial began, July 9, and on August 19 verdict of guilty was returned and Powers sentenced to imprisonment for life. 1901—Court of Appeals reversed verdict and ordered a new trial. 1901—Second trial began October 8, and on November 8 Powers was again convicted and sentenced to imprisonment for life. 1902—Court of Appeals, December 2, reversed decision in second trial. 1902—Third trial began August 3, and on August 24 Powers was again convicted and sentenced to death. 1904—Court of Appeals reversed verdict for the third time. 1905—United States Supreme Court sent case back to the state courts, March 12. 1907—Powers completed seven years in Georgetown jail, March 9. 1907—Fourth trial began at Georgetown, July 29, but was brought to abrupt conclusion by allegations of attorneys for defense that Special Judge J. E. Robbins was disqualified to preside at the trial. 1907—Special Judge J. S. Morris, appointed to try the case, set November 11 as date for fourth trial, as the result of a conference with attorneys for both sides, held October 8.

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\$150 Per Month

ALLOWED FORMER MRS. JOHN E. MADDEN BY COURT OF COMMON PLEAS IN CINCINNATI—THE WORDS "ALIMONY" AND "MAINTENANCE" DISCARDED.

(Associated Press Telegram.) CINCINNATI, O., Nov. 9.—Mrs. Louis V. Bell, who was formerly Mrs. John E. Madden, wife of the Kentucky turkman, has arrived in New York with her husband from their wedding trip to Egypt. Mrs. Bell was informed by Charles W. Baker, her counsel, that Judge Pfeiffer of the Court of Common Pleas in this city, has concluded to allow her \$150 per month for the balance of her natural life against Madden and his estate or in lieu thereof \$50,000 in a lump. The decree will go on record as quickly as the matter of counsel fees is determined by the Court.

SENATOR MAJORITY LINDSAY

WILL LIKELY BE OVER 15,000.

Republicans Could Have Elected an Appellate Judge in the District Represented by John D. Carroll.

LOUISVILLE, Nov. 9.—The majority of Augustus E. Willson, the Republican nominee for Governor of Kentucky, is 14,155, with two counties to hear from, Wolfe and Martin, both Republican, which will increase the majority to over 15,000.

The official count was begun yesterday and completed in a majority of the counties.

In Scott, Garrard, Clark, Harrison and Barren the count was not taken up Friday on account of local conditions which prevented some of the Commissioners from being present. In Paducah, Covington, Newport and Louisville the count was begun, but not completed. In Carter county there was a dispute over the ballots in certain precincts and the count was not completed. In Fleming there was the same disagreement and the count was expected to be completed in each of these places Saturday.

The official returns show that in the cities the Democratic candidates for the minor places on the ticket ran ahead of Judge Hager, but that in the country he ran ahead of them. The difference was not large in but a few instances, such as Louisville and Kenton and Campbell counties. Although the candidates for the minor places ran ahead of Judge Hager, on the whole showing, taking in Louisville, there is not enough difference to affect the result in any race.

Had the Republicans nominated a candidate for Appellate Judge in the district represented by Judge John D. Carroll he would have been elected had he received the same vote as did Mr. Willson. The district, accepting the figures in the Governor's race, was Republican by 1,563.

In furtherance of this idea it is also known that the Governor-elect, if a Democrat, to try the cases and it is likely from a Republican in a position to speak that if he will consent to go on the bench and if his health will permit, former Senator William Lindsay, of Frankfort, will be commissioned to preside over Caleb Powers' trial. He will, it is learned, be appointed by Governor Willson and every effort will be made to induce him to accept the appointment.

For many weeks Senator Lindsay has been in poor health and for days his life was despaired of. Now he is much improved, however, and it is believed that he is on the road to recovery.

Several partisan Democrats and partisan Republicans with whom this information was discussed, for the purpose of securing expressions, said if Governor Willson could get Judge Lindsay to try Powers it would be the only solution of the case.

"I have often thought," said a Democrat, "that it would never be possible for Powers to get a fair trial either from the Democrats or from the Republicans. So many Democrats are convinced of his guilt and nearly all Republicans believe in his innocence. For Judge Lindsay to be the trial judge is really the only solution to the case that I can see."

The Governor-elect is doing no talking about his official acts, but naturally enough during his campaign and since the election he has discussed with close friends and party leaders some of the things he hopes to accomplish. The trials of Taylor and Powers by Judge Lindsay or some man like him is one of the hopes of the new Governor.

Friends of Jim Howard and Henry E. Youtsey, who are now serving terms in prison, will seek pardons for them, but it is not believed that Mr. Willson will give these cases early consideration, as he deems it more important to see that Powers and Taylor get trials.

CHARGED WITH STEALING FOWL. Dave Allen, colored, was arrested Saturday night by Capt. Ford and placed in the police station for chicken stealing. He is charged with entering a chicken coop at Third and North Limestone streets and getting away with several fowls. The police were notified and he was taken to the lock-up and a charge of house breaking lodged against him.

NEWSPAPER MAN DEAD. SAVANNAH, Ga., Nov. 9.—Col. J. H. Estill, proprietor of the Savannah Morning News died tonight.

ENAMEL YOUR PANTRY SHELVES. An excellent idea for pantry shelves is to give them two coats of ordinary white paint and then a third finishing coat of white enamel. Do not cover the shelves with oilcloth or paper, but leave them bare.—The October Delinquent.

THE WEATHER. Lexington, Ky., Nov. 9, 1907. Highest temperature Saturday 56; lowest temperature Sunday 44. Average temperature 50, which is 3 above normal. Last year the temperature ranged from 59 to 34. Highest and lowest on record for Nov. 10 were 70 in 1897 and 28 in 1905. Precipitation trace. Sun sets Sunday at 4:30 p. m.; rises Monday at 6:15 a. m. G. HAROLD NOYES, Local Forecaster.

TOO LATE TO CLASSIFY. FOR RENT—Nicely furnished front room for one or two gentlemen. 112 Barr street, old phone 1494. / 103

K. U. DEFEATS BEREA

THE ELEVEN FROM MADISON COUNTY IS UNABLE TO SCORE AGAINST CRIMSONS.

In the foot ball game Saturday afternoon between Kentucky University and Berea College played in this city, the K. U. eleven won by a score of 29 to 0. The game was played at the K. U. athletic park, and was called at 2:55 o'clock, and lasted for two hours and ten minutes. A large crowd was present.

Although the Berea College mole-skins were unable at any time to carry the ball across the Kentucky University goal line, the game was hard fought and several times it seemed likely that the University team would be scored against.

The Berea team was composed of big, husky fellows, out-weighting the K. U. eleven men on an average of twenty pounds to the man. The Kentucky University team played at a great disadvantage on account of the advantage in weight by their opponents, but overcame this obstacle by superior team work and plucky playing.

The individual playing of the members of the Berea eleven was excellent, but the team work was not so good. All the Berea players put up a snappy contest from beginning to end. The Berea team, seeing that it was impossible to score against the K. U. warriors by gains in the regular advance of the ball, attempted several times towards the last of the contest to kick the goal on drop-kicks from the twenty and thirty-yard lines, but failed.

The game put up by the K. U. team in the first half was unusually poor. The players got down to hard work in the second half, however. The latter part of the game was characterized by fast playing on the part of the K. U. men, long gains being made with ease.

The last two touch-downs of the game were made in seven and one-half minutes of play, and when the referee blew his whistle at the close of the second half, the K. U. warriors were going down the field at the average rate of ten yards at each down.

At one time near the close of the first half, the ball was secured by Powers, of the Berea team, in an open field for the goal. A spectacular run was made for a touch down, when Fowler, of the K. U. team, made the grandstand play of the afternoon, by outrunning his opponent and downing him within six yards of the goal.

The defensive work of the K. U. eleven has greatly improved since their last game. The Berea College team is the hardest aggregation the K. U. eleven has been up against this season, yet the score rolled up by the Crimson Saturday afternoon is much larger than at any of the former games.

The star playing for the Bereas was done by Swope, Powers, Clark and Marsh. Swope and Clark, who played at the positions of left and right ends respectively, played a hard game at all times. Swope's end-runs were features and his tackling was unexcelled. Capt. Powers, left half, made several long gains on end runs and forward passes. Marsh, left tackle, succeeded at times in breaking through the line and downing the man with the ball behind the line of scrimmage.

The stars for the Kentucky University team were Campbell, Evans and Fowler. Evans, right half and captain of the K. U. team, put up his usual excellent game on defensive work and long gains at end runs and forward passes. Campbell, at right end, started often on his end runs and excellent tackles. Several times he succeeded in escaping with the ball for long runs, being downed only by the quarter-back on the opposing team. Fowler's work at left half and his superior speed in running were among the features of the game.

The game was rough and very hard on the players. Slight injuries were received by several players on both sides, but only one man was compelled to retire from the game on account of being injured. Powers, left-half and captain of the Berea team, was badly hurt in the second-half and had to be carried from the field. His right shoulder was wrenched and left ankle sprained. His injuries are so serious that he will not be able to play any more this season.

The first touch-down was made in the first four minutes of play by Evans. The second score was made by T. Moore.

One goal was kicked, Evans failing at the second. The score at the close of the first-half stood 11 to 0. The first score of the second half and third touch down was made by Moore. Wilmington, quarter-back, succeeded in crossing the goal line for the fourth touch down, the last being made by Fowler. All of the goals were kicked in the last half by Evans, making the final score of 29 to 0.

The summary and line-up of the game are as follows: Kentucky University—Houston c. Bodenhafer lg, Sallee and Meng rg,

Francis lt, Treadway rt, T. Moore lb, Campbell re, Wriginton g, Fowler lg, McCash and Dutt f, Evans capt, rb, Berea College—Wheeler c, Kirk rg, Caldwell lg, Gamble rt, Marsh lt, Clark re Swope lb, Mease g, Logan rb, Eastman fb, Powers Capt, th.

Referee—First half, J. F. Wallace. Second half, Prof. Willson. Umpire—First half, Fulkerson. Second half, Wallace.

Field Judge—Dr. Robert Coleman. Linesmen—Flaney and Wheeler. Time Keeper—Sweeney and Seale. Halves 30 and 30. Score—K. U. 29; Berea College 0.

GEN. ROGER D. WILLIAMS

TIPPED FOR ADJUTANT GENERAL TO SUCCEED HENRY LAWRENCE.

Stanley Milward's Name Mentioned as Fire Marshal to Replace Mott Ayres—Post-Election Developments.

Post-election developments indicate that Lexington will come in for a good share of the State official pie as the result of the Republican landslide which resulted in the election of Governor Augustus E. Willson and the Republican State ticket.

Among the prominent Lexingtonians slated for appointment under the new administration is Gen. Roger D. Williams, now Brigadier General of the Kentucky State Guard, who is "tipped" to succeed Henry R. Lawrence as Adjutant General. It is understood here that the Kentucky State Guard Association, composed of the officers of the State Guard, are practically a unit for General Williams, Col. Jouett Henry, commander of the Third Regiment, is said to be one of those most active in pushing General Williams' claims, and it is understood that at the proper time the State Guard Association will make a formal request of Governor Willson for his appointment.

When seen Saturday in regard to the matter General Williams was non-committal as to the prospects of his appointment, but he admitted that his friends among the officers of the State Guard had taken the matter in hand and were boosting his candidacy. It is also known that a number of prominent local Republicans have interested themselves in the movement and have strongly indorsed General Williams for the place. Whether General Williams can afford to sacrifice his private business interests to accept the appointment or not will not be accepted by his friends and admirers in the party, who will urge that he is the most available man for the place and in view of his past splendid services in the State Guard is the logical successor to General Lawrence.

In view of the fact that Governor-elect Willson is quoted as having said during the campaign that the Adjutant General of the State should be a tried military man, coupled with the experience and splendid record of General Williams, it looks good for the popular and efficient Lexington officer, and his appointment is regarded as a foregone conclusion by his close personal and political friends.

There is a strong "tip" out that Stanley Milward, late chairman of the Republican Campaign Committee of the local Majority campaign, will be offered the appointment of State Fire Marshal, now held by Mott Ayres, of Fulton, Ky. This is one of the best appointive offices within the gift of the new administration, paying \$2,400 a year, and Mr. Milward is admirably equipped to fill the place. Mr. Milward is the son of Col. W. R. Milward, who made such a gallant fight at the head of the local Republican ticket for Mayor on a reform platform, and was himself a candidate for Mayor of Lexington several years ago, having been beaten by less than three hundred votes. He has been one of the most prominent and untiring workers for the party in Lexington for years, and is widely known in fraternal circles, being a prominent member of the Odd Fellows, Pythian and other orders. His appointment to this office would be only a deserving recognition of his splendid party services.

Should these two appointments fall to Lexington men, it is hardly probable that a local man would be considered for the superintendency of the Eastern Kentucky Asylum, located here. But it is understood that most of the subordinate positions will be sought by Lexington Republicans. Dr. Porter Prather, who was first assistant physician at the local asylum under the Bradley administration, will, it is said, ask for that appointment again, while William T. Sellers is tipped for the position of steward now held by James H. Reed. Mr. Sellers was also connected with the institution under the Bradley regime. Both Dr. Prather and Mr. Sellers made good records while in the public service and their claims will no doubt receive proper consideration when the time comes.

There is also a strong tip out on A. Bablitz for the position of State Factory Inspector, a position that has usually gone to representatives of organized labor, and for which he is exceptionally fitted. Mr. Bablitz is a man of wide information and practical experience and a leader in labor organizations, and his good work in the campaign just closed merits recognition. He is now in attendance at the convention of the American Federation of Labor at Norfolk, Va.