

COURT ERRED, CHARGES HAYS, ASKING RETRIAL

Motion Filed, Monday—Absence of
Wife, One Ground for Plea

Motion for a new trial in the case of Marshall M. Hays, given five years by a jury Friday, for killing R. E. Boswell, was filed with the district clerk Monday.

The defendant alleges error on the part of the court in refusing the application for continuance because of the illness of the defendant's wife, by whom the defendant expected to prove that the daughter, Ruth Hays, had told Mrs. Hays that Boswell had insulted her on the day preceding the shooting, and that she never communicated this fact to the defendant until after 5 o'clock on the day of the shooting.

It is further alleged that the court erred in admitting the testimony of Mansker, Carruthers, Boden and others to the effect that they had been investigating certain thefts and burglaries in the Texas & Pacific yards, that they had had Hays up before them and he had made a statement concerning these thefts; also that the court erred in permitting the state to ask Hays if he had not, when discharged from the Rock Island yards, taken a gun and gone and tried to kill certain men.

The defendant alleges that the court erred in refusing a charge of self-defense; also in refusing to charge the jury that if it had reasonable doubt as to whether the defendant was guilty of murder or manslaughter, it could acquit him.

Chicago Produce.

CHICAGO, Oct. 21.—Butter, steady; creameries, 24½@29c; dairies, 22@27c. Eggs, steady; receipts, 4,603 cases; at mark, cases included, 19@20c; ordinary firsts, 21c; firsts, 24c. Cheese, steady; daisies, 17½@17¾c; twins, 16¾@17c; young Americas, 17¼@17½c; longhorns, 17½@17¾c. Potatoes, weak; receipts, 115 cars; Minnesota, 28@40c; Michigan, 40@42c; Wisconsin, 27@42c. Poultry, live steady; turkeys, 15c; chickens, 12c; springs, 13c. Veal, steady, 9@14c.