

MAY LOSE HIS OFFICE.

Mayor Willard on Trial in the Court
of Common Pleas.

CHARGED WITH MALFEASANCE.

Alleged That He Failed to Enforce
the Prohibitory Law.

An Enraged Husband Makes an Unsuccessful
Attempt to Slay the Destroyer of
His Domestic Happiness—Bathany
Hospital in New Quarters.

In the court of common pleas yesterday the case of Mayor Willard, of the city of Argentine, was called and after a fight that lasted all day there was a jury impanelled and the introduction of evidence was begun. The prospects are that the trial will last for the next week and in the trial there will be one of the most stubborn fights made for years.

Mayor Willard is charged with malfeasance in office in not reporting to the county attorney, as is required by law, the violations of the prohibitory law that came under his notice. The offense is a serious one under the Kansas law and the penalty on a conviction is a fine of not less than \$100 nor more than \$500 or by imprisonment for a period of time ranging from one to six months in the county jail. Nor is this all for the law states that the conviction works a forfeiture of office.

When the case was called yesterday morning there was some delay experienced in securing a jury, and the day was well gone when the twelve men were all secured. The jury is composed of the following gentlemen: J. A. Shaunessy, H. F. Johnson, Benjamin Schnierle, George Master-son, J. D. Green, J. E. Sass, William Gorman Otho Green, Thomas Hart, C. S. Griffin, A. D. Gates and Jack Gray.

The state is represented in the case by County Attorney Cobb, Assistant County Attorney Holt, J. F. Getty and N. H. Carskadon. The defendant has employed John Hale, W. S. Carroll and H. A. Baily. At the opening of the case, when City Clerk Dolly was put on the stand and was asked a question by Mr. Carskadon, the defense objected to Mr. Carskadon or Mr. Getty appearing for the state, for the reason that they had not been employed by the county attorney.

A long legal fight was ended by the court ruling that they were all right and could appear. It was shown that Mr. Getty was requested to assist by Mr. Cobb, and that Mr. Carskadon was employed by some citizens of Argentine, as could be done by the provisions of the law.

The defense then objected to the introduction of any evidence, as the law did not provide when the reports were to be made, and as Mr. Willard was still in office he could make the reports when he chose. The court overruled this objection and said that the time should be reasonable, but that the question as to the length of time was something for the jury to pass upon.

The introduction of the evidence then began and had not proceeded far when the court adjourned for the day and the case was rested until this morning, when it will be resumed.

The fight that brought this prosecution about has been in progress for some years in this city. Last spring the fight for mayor was very hot, and there was a large number of candidates in the field, and with the fight the present incumbent was elected. He was a Populist, and from the first his administration has been a very stormy one. He is not supported by the council, and when he made appointments they were promptly thrown out, and he has run a single handed city since.

It was said that his attempt to oust Chief of Police Harry Higginbotham was by order of Governor Lowelling, as that official was very wroth at the chief for acting as a deputy sheriff at Topeka last winter during the Populist insurrection.

Yesterday when Mr. Carskadon was telling who employed him to assist the prosecution, Mayor Willard prompted his attorney to ask the names of certain parties to see if they were in the meeting. The names used were: Fred Fenwick, Otto Habermahl, J. R. Boeke, J. O. Gaskill and Steve Hays. Mr. Carskadon replied that none of the parties were there that he knew of.

The number of witnesses is very large, and the prosecution will endeavor to show that Mayor Willard did know of the joints and that he had drunk in them. The information given by the informant was the bartender remembered his drinking for the reason that he always drank sherry and eggs, while the popular tonic of the city was beer.