

THE HERALD.

J. A. MAUMURPHY, Editor

PLATTSMOUTH, MAY 1, 1879.

MORTALITY from pneumonia is very great at Leadville.

FRED Nye calls Cortina, the Mexican bandit, the Rosewater of the Rio-Grande. Next.

We have received from Senator Padock a large and valuable public document—"The Foreign Relations of the U. S., &c."

We give the testimony of Dominicus on last page of this paper. It clears up the guilt of all the parties implicated.

RUSH CLARK member of Congress from Iowa died very suddenly in Washington on the 28th ult., of congestion of the brain.

A colored colony, from Ontario, Canada, have settled in Dawson County. They are said to be good farmers and fairly well off in worldly goods.

A DESCRIPTION of the new Jail; several correspondents' letters, and much local and national news is left out or abbreviated to make room for the trial.

The jury in the Green and Baldwin case disagreed after being out eighteen hours and the case will have to be tried again. Better try the jury next time for making foolish and unnecessary expense and general incompetency.

The Supreme Court of the U. S. ruled against Secretary Schurz in the U. P. Land cases about which there was so much fuss last winter—taking the ground that the mortgage of the lands was "disposal" of them within the meaning of the law; and therefore they could not now be open for homestead or pre-emption.

A CRAZY Southerner, by the name of Lowe, undertook to scare John A. Logan, and challenged him. Logan didn't scare worth a cent, and contemptuously ignored Lowe's messenger. Now, Lowe don't know what to do. If he goes home and don't get satisfaction his people will call him a coward. If he jumps on Logan in the street and attempts to lick him the chances are he'll get thrashed himself, and like the fellow who had the bear by the tail, to let go or hold on is dangerous.

A LARGE number of our delinquent subscribers have responded to our call for payment and the majority of them with a cheerful acknowledgment that it should have been paid long ago. The thirty days and considerably more than thirty days grace having expired, the accounts of those who have not paid or made any arrangements with us to pay, have been placed in the hands of Judge Sullivan and others for collection. All have had abundant opportunity to communicate with us and make some arrangements to pay shortly if not at present, and they must now take the consequences of neglect to do so.

In the Olive, Green and Baldwin cases the court has been prompt, there were no legal delays and hindrances to the course of justice and the whole blame falls on the juries. Let the people no more say that a rich man can't be punished because courts are corrupt and lawyers too smart. In this case, the courts and the lawyers were all right, expected nothing, asked for nothing but as much leniency as the case would allow and the jury—composed of the people—deliberately overruled law and evidence from false squeamishness. It will cost this state \$100,000 to prosecute these freebooters and then they'll go clear at last.

The principal of the Lasell Female Seminary at Amherst, Mass., has taken a new departure in the line of studies in his school, having engaged Jennie June to deliver an introductory lecture on dressmaking, which will be followed by others, and by practical instructions in the same art. A Miss Parloa has also been engaged to give a series of object lessons in cooking. The efforts of our instructors are gradually tending towards the inculcating of practical knowledge, and we hail this effort as one of the most practical of the practical, and sincerely hope it may be made successful, and spread rapidly to other institutions.

Erin Go Bragh by Mrs. Mary Andrews Dennison has been received by us from the publisher, Franklin Rives, proprietor of the Globe Printing and Publishing House, Washington, D. C. Mrs. Dennison is the author of "That Husband of Mine," of which two hundred thousand copies were sold within a few weeks after it was published, and of a number of other almost equally popular works, among them "The Old Slip Warehouse," "That Wife of Mine," "Rothwell," "Peter Everett," and a number of works published earlier. Her latest attempt, the subject of our remarks, is a historical novel founded upon the Irish revolution of 1798, and depicts with thrilling force the sufferings endured by Irish patriots, and the love of country ingrained in the heart of every Irishman of high or low degree, and also dwells upon the hope he held that America, the land of freedom, would come to their rescue and aid them in their struggle for liberty. The story is a very effective one and will undoubtedly have as large a sale as the preceding works by the same author.

The President Vetoes the Army Bill.

The debate on the famous Army bill closed Saturday, and Tuesday the President vetoed his little veto ready and sent it in. He takes the true ground that it is unconstitutional to endeavor to coerce the Executive by tacking legislation to appropriation bills, also that the point is covered by the constitutional law.

The democracy are in a bad fix now; they thought the President wouldn't have said enough to veto their revolutionary scheme, but he did, and seems to have stiffened up wonderfully of late. Guess we'll make a President of him yet before the war is over.

We are very sorry to learn that we have lost our faithful correspondent from Weeping Water, "Lucile" who writes us that she returned to her old home in Ohio on Monday last. Lucile's short, pithy, and newy "Notes," at the time she commenced writing, filled more nearly a newspaper publisher's idea of good correspondence than any we had had for a long time previous, with the exception of our Louisville correspondent. Since then several regular and good correspondents from various parts of the country have added interest to our pages by their items, but we still retain a kindly feeling for "Lucile" as a sort of pioneer wherever she may go, either in the character of Lucile or under her (his) proper appellation of B. F. Bellows.

AND now, comes the Omaha Herald and charges that Senator Saunders signed a written agreement agreeing to protect and help the U. P. railroad before he was nominated Senator, and Church Howe has the pledge. The Bee dars 'em to produce the pledge, and says that if Saunders did this sign such a pledge he'll tear his shirt, and if he didn't he wants him vindicated.

Tut, tut, boys! this won't do—next time somebody will say Congressman Collector Crouse, went to the U. P. just before he wasn't nominated and offered to bury the hatchet, be friendly, "sell out," or whatever you call it. This is the day of minority rule and by genes. If you don't quit stirring these things up somebody'll get left soon.

It was noticed in these columns a week or two ago that a negro colony had settled in Dawson county in this State; about that time the Omaha Herald became very much excited over a drenched influx of colored people here, and the News drops into poetry in answer, as follows:

A night of rain poured through Miller's brain, And in his sleep he saw The Negro settling on his plain. Against all right and law, And straightway was proclaimed the news, "No darkeys need apply."

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FITZGERALD-MCNEILL CASE.

(Continued from Extra.)

OPENING FOR DEFENSE.

MOSES CHEVROTT FIRST WITNESS CALLED.

By Marquett.—Saw deceased the day after he was shot, about 2 p. m.; he said—(Objecting to question by Watson, and argued, Judge says it is rather weak testimony but finally admits the evidence.) Chevrott says: I asked him how he felt; he said he was easily not so much, he answered, he would again recover; McN, was a well formed, well developed man, weighing 175 or 200 lbs. (Question about his being able to get away with Fitz, when well, objected to and sustained.)

By Watson.—Exact words asked for. By Witness.—He said "he did not suffer as much, but felt some easier;" and those are his exact words, (very positive.)

JOHN BROOKS SWORN.

By Marquett.—McN, was a big sized man, weighs about 200 lbs. Cross Examination by Watson.—Saw D. McN, on Fitzgerald's farm and on his McN's place; was three inches taller than I am; Watson wants him to guess at his age too, don't make much of witness.

WM. GULLION CALLED.

By Marquett.—Have seen D. McN.; no acquaintance; pretty large man; well made.

Cross Examination.—Larger than witness, taller and bigger.

MAURICE FITZGERALD'S OWN TESTIMONY.

The defendant was then sworn and questioned by Marquett.

By Marquett.—Have seen D. McN.; had an introduction to him once, on the 18th of December last; heard some one shooting; ball shot and asked what was shooting; he said rabbits and quails; told him to go away; he asked if I owned the quails and had papers for them; told him it was none of his business to go on there; he answered, "Kiss * * * I said if I was over there I would kick your * * *"

Heard shooting further down, crossed the creek and passed McNeill's step before I saw him, turned and asked who was shooting; asked if he was down there; were you the man that told me to kiss—said he was the man; told him but for your relations I would kick you off the place; told him to get off; I called him an ornary S—of a B— and then he struck me and knocked me down. As I came to I hit him again; I said strike me again and I'll shoot you; he drew again; I pulled out my revolver and shot; shot two times; he was off there; he answered, "Kiss * * * I said if I was over there I would kick your * * *"

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one place scalp was broken. To Marquett,—a pretty severe wound.

Case goes to jury, Hon. Geo. Smith opening for the prosecution and Pottinger following for the defense.

Then Marquett for defense and Watson closed for the prosecution. The Attorneys made able speeches. It is so impossible to give the personal magnificence of a speech, the wonderful power of eloquence on paper; it seems so tame, so cold to read the words that seemed to burn, that we shall not attempt to give them, even if we had the space. Both prosecution and defense were ably presented by as able attorneys as practice at this bar. Their efforts have been thus summed up by a good Judge:

Counsel: Smith, the most eloquent; Pottinger, the most severe and bold; Marquett, most legal in argument, and Watson, most in earnest and searching.

The prosecution closed at 3:45 p. m. The Judge gave an elaborate and careful charge, very exhaustive, on the rules of evidence, and the jury went to their room at 4:10.

VERDICT.

The Jury came in at 8:30 Thursday morning and handed in their verdict, through the foreman, M. L. White, to the following effect:

We, the Jury do find and say the said defendant is guilty of manslaughter, and not of murder in the first degree, as charged in the indictment; but recommend the extreme penalty the law allows as punishment for the crime.

M. L. WHITE, CLYDE CREAMER, DAVID GRAHAM, JAS. O'NEIL, SAM'L RECTOR, C. J. METTEER, SAM'L LONG, WM. PIGOT, J. W. MARTIN, J. W. BARNES, JULIUS BATES, WM. HALE, Jurors.

The defense moved for a new trial, and asked for suspension of sentence until to-morrow morning. The Court granted the same, and one more night of suspense remains for Maurice Fitzgerald.

LATER.

Contrary to expectation the Attorney's agreed to have sentence passed this forenoon and just before Court adjourned for noon, the Judge called the prisoner and passed the sentence of Ten Years at hard labor in the Penitentiary.

The Prisoner was asked if he had anything to say whereupon Maurice Fitzgerald arose and stated that he was not guilty of crime, he hardly thought he had a fair trial, the witnesses were prejudiced and Mr. Marquett had not time to get his witnesses here. He seemed to take it very hard, desperately in fact, and again said after the Judge pronounced sentence—"That is a hard sentence for a man that is not guilty."

CORRESPONDENCE.

Elmwood Points. Messes in town. Lots of work for the Dr. Elmwood chickens hatched. For five dollars we will now inform "Advocate Ketchum" of the unflattering calculation by which he may always count his chickens before they are hatched.

The Elmwood brass band is a certainty. In fact a "hatched chicken." The instruments were purchased from Prof. Fowler of Plattsmouth.

One day last week there were no less than twenty teams in town. The surrounding country is setting up rapidly; every now and then a new house springs up, shut out from the world by a fire break.

At the recent school meeting after a hot contest, Mr. Greenslate was elected Director. Leater Tyson is employed to instruct the youths of Elmwood school. Hattie Hogan is teaching at Centre.

On the 15th inst, friends made Rev. Loofbrow and wife a kindly and unexpected visit. The evening was spent in having a social time, an excellent supper, after which the guests said good night, having been assured by the parson that his latter had been abundantly replenished.

Mr. Hackworth from Greenwood made our town a flying call. Miss Kate Hobbs of Plattsmouth came out last week to visit her brother, the Dr. and her sister Flora, who is in the vicinity teaching music.

The Methodists will hold their Quarterly meeting at Clear Creek school house the 10th and 11th of May. Elmwood was greatly enlivened by the visit of St. Joe runners. Charlie Clapp has gone to Lincoln.

Cap. Greenslate started for Omaha, yesterday. Mr. Hogan is riding out in a new buggy. "So will wait for the buggy in hopes to get a ride."

Mr. Bailey is out selling trees. The citizens have been beautifying their residences by setting out a variety of forest trees.

An extensive fire swept the prairie last night, doing considerable damage to the small trees in the graveyard. Will some correspondent who knows please tell us when the County Sunday school convention is to be held?

"Samson" forgets, methinks, in his article of April 14th the relationship existing between himself and "Deilah" when he addressed her as aunt; we advise him also to look to the orthography of his cognomen.

We think too that he may be wrong in imagining that the gentleman named in his letter would seriously object to the title of Rev. since his work in life is to lead the people aright, and in such work, we are sure he should be a man "entitled to respect, mingled with fear and affection" which is Webster's definition of reverend.

"Samson" objects to the use of the word reverend, in the sense in which it is commonly used, because of the one instance in which it is applied to Deity, which is as an adjective. Now with equal reason, he might object to all words which express high moral qualities as applied to man, as all such words have been used in showing to us the Divine attributes. For example, he must not say of this man he is

a just man, of another he is a merciful man.

"Samson" was noted for his great physical strength and not for his intellectual brilliancy, or power of reasoning, as is manifest in the poor logic of his letter. We agree that Rev. Alton cannot be found among the great "curiosities of Elmwood museum," as he is a live man.

We should rather expect to find the fossil remains of "Samson" there. Not having been troubled with "ague fits" we claim to be in our right mind while writing Elmwood Points, and think that any person possessing a moderate degree of observation and acuteness, can see that our statements are true.

DEILAH.

Looking for Happiness.

The utmost we can look for in this world is contentment; if we aim at anything higher we shall meet with grief and disappointment. A loss of sex, a fit of sickness, or even the death of a friend are so slight afflictions when we consider whole kingdoms laid in ashes, families put to the sword, and cities set up in dungheaps, and the like calamities of mankind that we are out of countenance for our own weakness if we sink under such strokes of fortune.

Old Thoughts.

Imagine the misery of a person who always conceals his real self under a mask; never taking it off even in the most familiar moments.

It is only an accessory, that should seem to belong to the wearer, and not the wearer to it.

The hand of Time, imperceptible in its touch, steals the color from our opinions; and like those who look on faded pictures, we wonder at having been struck with their force.

NEW ADVERTISEMENTS.

BEFORE BUYING A Piano or Organ. Do not fail to send for my latest 20 page illustrated prospectus with prices. Any person who writes me before buying elsewhere, I will send him a copy of my prospectus free. New Piano, \$125-\$155. New Organ, \$45-\$55. Measure to write me before buying elsewhere. Address, DANIEL F. REAVY, Washington, D. C.

National Life.

is the title of a new Pamphlet of 25 pages, it contains the biographies of all the Presidents of the United States from Washington to Hayes by their own countrymen. Price 25 cents. For this source also 100 portraits of Canadian statesmen, patriots and worthies. Send for a copy by mail, on receipt of 25 cent stamp. Address, H. S. JOHNSON, Bangor, Maine.

NEW RICH BLOOD!

Parson's Purifying Pills make New Rich Blood, and will completely change the blood in the system. It is a powerful medicine, and every one who will take it will find it worth its weight in gold. It is a powerful medicine, and every one who will take it will find it worth its weight in gold. It is a powerful medicine, and every one who will take it will find it worth its weight in gold.

BENSON'S CAPLINE POROUS PLASTER.

There is no doubt about the great value of this plaster. It is a powerful medicine, and every one who will take it will find it worth its weight in gold. It is a powerful medicine, and every one who will take it will find it worth its weight in gold. It is a powerful medicine, and every one who will take it will find it worth its weight in gold.

\$25 Every Day.

Well Angers & Drills. We are the only makers of the "Well Anger" and "Drill" in the West. We warrant the best on Earth. Send for our prospectus, 25¢ per copy. Book and Stationery, 25¢ per copy. Address, LEONIS & HYMAN, Tiffin, Ohio.

REVOLUTION!

Standard Singer. \$25 Every Day. New agents wanted in every town. Sample machine furnished on application. \$25 to be returned with order, as a guarantee of five days' trial. Every machine warranted, and a full guarantee given with each machine. It keeps in order for two years. Two machines, \$40; five machines, \$150. Special prices on large orders. Address, FAISON'S, FOSTER & CO., 125 & 127 Clark St., Chicago, Ill.

MILK.

J. F. BAUMEISTER. Special calls attended to, and Fresh Milk from our own farms furnished when wanted.

PAPER HANGING.

PAINTING. M. McElwain. Shop over BANNER STABLES, on PINE STREET. Satisfaction Guaranteed.

New Miller.

WAVERLY ALLEN. Has just bought the CASCADIA MILL, NEAR WEEPING WATER, From Chase & Teiksbury, and with an entire new run of machinery, is prepared to turn out the best of

FLOUR, FEED, &c.,

At all times. Mr. Allen has been Nine Years selling in this county, and is well known as a reliable dealer. He takes possession the 1st of May.

LOUISVILLE MILLS,

A. H. Jackman & Son. PROPRIETORS. Manufacturers of Flour, Meal, ETC. AND Shippers of Grain.

Special attention given to all kinds of Custom Grinding. LOUISVILLE, NEBRASKA.

THE MARKETS.

HOME MARKETS. REPORTED BY F. E. WHITE. Wheat, No. 2, 95 1/2; No. 3, 95; No. 4, 94 1/2; No. 5, 94; No. 6, 93 1/2; No. 7, 93; No. 8, 92 1/2; No. 9, 92; No. 10, 91 1/2; No. 11, 91; No. 12, 90 1/2; No. 13, 90; No. 14, 89 1/2; No. 15, 89; No. 16, 88 1/2; No. 17, 88; No. 18, 87 1/2; No. 19, 87; No. 20, 86 1/2; No. 21, 86; No. 22, 85 1/2; No. 23, 85; No. 24, 84 1/2; No. 25, 84; No. 26, 83 1/2; No. 27, 83; No. 28, 82 1/2; No. 29, 82; No. 30, 81 1/2; No. 31, 81; No. 32, 80 1/2; No. 33, 80; No. 34, 79 1/2; No. 35, 79; No. 36, 78 1/2; No. 37, 78; No. 38, 77 1/2; No. 39, 77; No. 40, 76 1/2; No. 41, 76; No. 42, 75 1/2; No. 43, 75; No. 44, 74 1/2; No. 45, 74; No. 46, 73 1/2; No. 47, 73; No. 48, 72 1/2; No. 49, 72; No. 50, 71 1/2; No. 51, 71; No. 52, 70 1/2; No. 53, 70; No. 54, 69 1/2; No. 55, 69; No. 56, 68 1/2; No. 57, 68; No. 58, 67 1/2; No. 59, 67; No. 60, 66 1/2; No. 61, 66; No. 62, 65 1/2; No. 63, 65; No. 64, 64 1/2; No. 65, 64; No. 66, 63 1/2; No. 67, 63; No. 68, 62 1/2; No. 69, 62; No. 70, 61 1/2; No. 71, 61; No. 72, 60 1/2; No. 73, 60; No. 74, 59 1/2; No. 75, 59; No. 76, 58 1/2; No. 77, 58; No. 78, 57 1/2; No. 79, 57; No. 80, 56 1/2; No. 81, 56; No. 82, 55 1/2; No. 83, 55; No. 84, 54 1/2; No. 85, 54; No. 86, 53 1/2; No. 87, 53; No. 88, 52 1/2; No. 89, 52; No. 90, 51 1/2; No. 91, 51; No. 92, 50 1/2; No. 93, 50; No. 94, 49 1/2; No. 95, 49; No. 96, 48 1/2; No. 97, 48; No. 98, 47 1/2; No. 99, 47; No. 100, 46 1/2; No. 101, 46; No. 102, 45 1/2; No. 103, 45; No. 104, 44 1/2; No. 105, 44; No. 106, 43 1/2; No. 107, 43; No. 108, 42 1/2; No. 109, 42; No. 110, 41 1/2; No. 111, 41; No. 112, 40 1/2; No. 113, 40; No. 114, 39 1/2; No. 115, 39; No. 116, 38 1/2; No. 117, 38; No. 118, 37 1/2; No. 119, 37; No. 120, 36 1/2; No. 121, 36; No. 122, 35 1/2; No. 123, 35; No. 124, 34 1/2; No. 125, 34; No. 126, 33 1/2; No. 127, 33; No. 128, 32 1/2; No. 129, 32; No. 130, 31 1/2; No. 131, 31; No. 132, 30 1/2; No. 133, 30; No. 134, 29 1/2; No. 135, 29; No. 136, 28 1/2; No. 137, 28; No. 138, 27 1/2; No. 139, 27; No. 140, 26 1/2; No. 141, 26; No. 142, 25 1/2; No. 143, 25; No. 144, 24 1/2; No. 145, 24; No. 146, 23 1/2; No. 147, 23; No. 148, 22 1/2; No. 149, 22; No. 150, 21 1/2; No. 151, 21; No. 152, 20 1/2; No. 153, 20; No. 154, 19 1/2; No. 155, 19; No. 156, 18 1/2; No. 157, 18; No. 158, 17 1/2; No. 159, 17; No. 160, 16 1/2; No. 161, 16; No. 162, 15 1/2; No. 163, 15; No. 164, 14 1/2; No. 165, 14; No. 166, 13 1/2; No. 167, 13; No. 168, 12 1/2; No. 169, 12; No. 170, 11 1/2; No. 171, 11; No. 172, 10 1/2; No. 173, 10; No. 174, 9 1/2; No. 175, 9; No. 176, 8 1/2; No. 177, 8; No. 178, 7 1/2; No. 179, 7; No. 180, 6 1/2; No. 181, 6; No. 182, 5 1/2; No. 183, 5; No. 184, 4 1/2; No. 185, 4; No. 186, 3 1/2; No. 187, 3; No. 188, 2 1/2; No. 189, 2; No. 190, 1 1/2; No. 191, 1; No. 192, 1/2; No.