

## MRS. LILLIE GUILTY

SUPREME COURT AFFIRMS JUDGMENT OF LOWER COURT.

## MEANS A LIFE SENTENCE

SOLD THAT EVIDENCE SUSTAINS THE VERDICT

Judge Hodgwick Writing the Opinion, Declines to Interfere—Mrs. Lillie Means Down in Jail.

From State Journal.

LINCOLN, Neb.—Mrs. Lena Martz Lillie must serve the rest of her life in the penitentiary for the murder of her husband, Harvey Lillie. The supreme court of Nebraska affirmed the judgment of the district court of Butler county. Mrs. Lillie was convicted of murder in the first degree at David City for the killing of her husband. Mr. Lillie was shot and killed while he slept in his bed early on the morning of October 24, 1902. The state presented a strong chain of circumstantial evidence and the woman was convicted by a jury. The Nebraska law gives the jury discretionary power to impose the death penalty or imprisonment for life. The jury in this case did not recommend the death penalty and Judge Good, the trial judge, pronounced the life sentence. The woman's attorneys have forty days in which to file a motion for a rehearing in the supreme court.

DAVID CITY, Neb.—When Mrs. Lillie was told of the decision of the supreme court affirming the life sentence imposed upon her by the district court she broke down and cried bitterly. It was feared for a time that she would be completely prostrated. She became calmer and at once held a consultation with her attorney, C. H. Aldrich shortly after 4 o'clock. After he talked the case over with her Mr. Aldrich announced that he would file a motion for a rehearing.

A half hour after Mr. Aldrich left Mrs. Lillie she sent for him again and he has been in consultation with her and her father the entire evening. The decision of the court gives very general satisfaction to the people of this city.

### Fleet Goes Out.

LONDON.—An official dispatch from Tokio says the Japanese corvettes at Gen San, Korea, reports as follows:

"Early this morning, June 30, six Russian torpedo boats entered the port, fired about two hundred shots upon the settlement, sank a steamship and a sailing vessel, then rejoined their ships outside the harbor and disappeared. Two Koreans and two soldiers were slightly wounded. The damage done to buildings is insignificant."

The report, which was sent by the commander of the Takushan army, says the Japanese army, in three columns commenced operations June 26 for the occupation of Feng Shui pass where the Russians had constructed semi-permanent fortifications, with forts, entrenchments wire entanglement, and abatis. The Russians stubbornly resisted, but after a fierce engagement the Japanese succeeded in surrounding the Russians and finally captured the pass June 27.

### Surrendered By Bondsman.

ST. LOUIS, Mo.—Col. Edward Butler, who was on the bonds of Charles A. Gutke and Charles F. Kelly, former members of the house of delegates, who were convicted of bribery, has surrendered them and announced that he will also withdraw from the bonds of the former delegates already convicted or awaiting trial on the charge of bribery. The two men mentioned were before the grand jury for the purpose, it is stated, of giving the story of the doings of the hoodie combine that existed in the St. Louis house of delegates for years.

Gutke and Kelly were committed to jail in default of another bondsman to go their surety in place of Butler.

### Two Admit Their Guilt.

BUTTE, Neb.—Sheriff Anderson captured three horse thieves "Rube" Newton, "Bill" Bennett and Lynch, Ed Adams of Baker, Newton and Bennett admit their guilt. Adams will be taken to Holt county where he is alleged to have committed the crime.

### Attacked By Insane Man.

SAN FRANCISCO.—Robert Allen, an inmate of the city hospital, was beaten and trampled to death by a fellow patient, Burnomo Maranta, who suddenly became insane. Maranta, who is a young Italian, weighing nearly 200 pounds was only overpowered after a desperate struggle. Allen was an old and feeble Scotchman. His jaw was broken and nearly every bone in his body was broken.

## WAITED THROUGH NIGHT

BONESTEEL LAND SEEKERS HELD PLACES IN LINE.

Arrangements for Handling the Crowds Pressed by Officers in Charge—Richards Lays Down the Law.

BONESTEEL, S. D.—The government registration books for entry upon the Rosebud Indian reservation were opened today. A crowd of 316 people waited through the night the night in a driving rain to be present when the registration office opened. At 9 o'clock when Inspector McPhaul opened the door of the city hall there were about 1,500 people waiting to take their turns at the registration desk.

Wet and steaming under the hot sun those who had stood the night through in line sat on the ground and played cards and ate lunches which they purchased from vendors up and down the line.

S. Barnes, New York city, was the first man to be registered, having taken his position at the hall door at 4 o'clock Monday afternoon. At the Baptist church where ladies and old soldiers were registering, only a corporal's guard of men waited through the night and were on duty at sunrise. The experiences they had during their time of service made them more oblivious to the storm of the night than were the younger generation at the city hall. During the night the old veterans sat around on logs which they had provided for that purpose and exchanged experiences of the campaign.

The ladies began coming in as early as 4 o'clock in the morning and were placed in line with the old soldiers, who gallantly gave up their places to them. Miss Jennie Conway of Omaha was the first to register at this place. But at 9 o'clock there were about fifty women in line and their ranks were followed by about 250 old grizzled veterans of the civil war. Only a few Philippine veterans were in line.

"We will register this crowd like a whirlwind," said the Commissioner Richards. "Of course others will take their place as each train arrives, but we have to keep ahead of the crowd, or at least keep even. I am more than well pleased at the good arrangements for landing the crowds, and at the orderly condition of everything. The opening is a success in every way."

"The rules and laws concerning these land distributions are very elastic and can be changed and remade without much trouble. And that is the way we will control all the people who have anything to do with this distribution."

"Now, regarding the matter of contests. We have that all arranged. Of course, any one can file a contest, but instead of waiting for months the register and recorder of the department will investigate and will give a decision within one day from the time of filing. If either party is not satisfied with this decision he must appeal to the secretary of the interior within twenty-four hours, and the answer will be back to Bonesteel within ten days from the date of contest.

"Regarding town sites—any one can give notice that they wish to file on a quarter section under the land laws. This appeal will be investigated and a decision given before August 8, when the reservation is formally opened. If an affirmative answer is given the regular land laws will govern the making of the town."

"Here is something I wish to say in particular. I wish to commend the people of Bonesteel for the good arrangements they have made for this registration, and for the good police force and the cheapness of everything. Bonesteel is where the people ought to come and it is where they will come."

"How many people can you register in a day?" was asked Mr. Richards.

"We can simply register everybody who comes, and there will be no delay whatever. Our clerks are all trained and some of them can register 1,500 per day each. Then we expect to clean up everybody around Fairfax by noon tomorrow and six of the eight clerks down there will be brought to Bonesteel. We expect, each day, to finish up with everybody in sight, and to let any return to their homes the day following their arrival in Bonesteel."

### House Boat Was Blown Up.

LAWRENCEBURG, Ind.—James Wilson's houseboat, moored a mile below town on the Ohio river bank, was blown up with dynamite early today. Wilson's wife and infant child are believed to have perished in the ruins. Wilson has been drinking for several days and it is known that he and his wife have been quarrelling. He has disappeared and no trace of the bodies of the woman and child have been found.

## BIG LINER SINKS

DANISH STEAMER GOES DOWN WITH NEARLY 800 PEOPLE

## STEAMER NORGE ON ROCK

TIDINGS OF AWFUL DISASTER OFF COAST OF SCOTLAND

Ill-Fated Craft Bound From Copenhagen for New York With Danish and Norwegian Emigrants

LONDON.—Over 700 Danish and Norwegian emigrants bound for New York are believed to have been drowned in the North Atlantic on June 28. Out of nearly 800 souls on board the Danish steamer Norge which left Copenhagen June 23 only twenty-seven are known to be alive, and for the rest no hope is held out.

When last seen, the Norge was sinking where she struck on the Isle of Rockall, whose isolated peak rises from a deadly Atlantic reef some 200 miles off the west coast of Scotland.

Early on the morning of last Tuesday the Norge, which was out of her course in heavy weather, ran onto the Rockall reef, which in the distance looked like a ship under full sail. The Norge was quickly backed off, but the heavy seas poured in through a rent in her bow.

The emigrants, who were then awaiting breakfast below ran on deck. The hatchways were scarcely built for these hundreds of souls, and became clogged.

The Norge quickly began to go down by the head. Eight boats were lowered, and into these the women and children were hurriedly put. Six of these boats smashed against the side of the Norge and their helpless inmates were caught up by the heavy seas.

Two boat loads got safely away from the side of the sinking ship, and many of the emigrants who were left on board, seizing life belts threw themselves into the sea and were drowned. Captain Gundel, so say the survivors, stood on the bridge until the vessel could be seen no more. The vessel foundered suddenly and some six hundred terrified people were thrown into the water or drowned within the sinking ship.

Those who could swim tried to reach the boats, but these were already too full, and their occupants beat off the drowning wretches with oars.

The boats kept together for some hours. Practically all of her occupants were passengers, and were not used to handling such crafts. The boat occupied by the survivors landed at Grimby was a lifeboat.

One account says that three boats were successfully launched, the other two holding about ten persons each. The life boat made faster progress and fell in with the Salvia. What became of the other boat is not yet known.

### Moyer May Give Surety.

CRIPPLE CREEK, Colo.—Sheriff Edward Bell took Charles H. Moyer, president of the western federation of miners to Denver today, where he will be permitted to furnish sureties in the sum of \$10,000 on the information charging him with murder and conspiracy to murder in connection with the Victor street riot on June 6, in which two men were killed.

### Telluride, Col.—Harry A. Floaten, manager of the People's supply company's store in this city, who has been twice deported by the citizens' alliance, supported by the military authorities, returned today. He was not molested.

"I am going to stay here and defend myself and my rights," he said. "I have had the best legal advice and was told to stand on my constitutional rights as a citizen and not submit to the tyranny and oppression of the citizens' alliance."

The only accusation ever brought against Mr. Floaten was that he transacted the financial business of the miners' union.

### More Troops to Mobilize.

ST. PETERSBURG, July 4.—7:30 a. m.—The Official Messenger publishes a call for a fresh mobilization of troops in the district of St. Petersburg. The call does not indicate how many men will be affected.

Emperor Nicholas has personally donated \$500,000 for the relief of the sufferers by the tornado at Moscow.

### Twenty Killed in a Wreck.

ST. LOUIS, Mo.—A special to the Globe-Democrat from Litchfield, Ill., says the Chicago limited on the Wabash railroad, due in St. Louis at 7 p. m., and half an hour late, was wrecked tonight inside the city. The train struck an open switch and was overturned, and seven of the nine cars were burned. It is believed that twenty persons perished in the second and third coaches, and that forty were injured.

## DAYS HE GOES TOO FAR

GOVERNOR PEABODY'S POSITION DECLARED UNJUST

Holders Dissenting Opinion Holding Suspension of Habeas Corpus Legislative and not Executive Function.

DENVER, Colo.—Justice Robert W. Steele of the state supreme court today filed his opinion dissenting from the decision of the majority in refusing a writ of habeas corpus to Charles H. Moyer, president of the western federation of miners, held a military prisoner at Telluride by order of Governor Peabody.

The opinion, containing nearly 10,000 words, deals exhaustively with the situation created in this state by military rule and cites a mass of authorities to show that only the legislature can suspend the writ of habeas corpus. Justice Steele says in part:

"No person who has the slightest claim to respectability should hesitate to approve the action of the governor in enforcing the law, and I am willing to uphold him and to applaud him so long as he keeps within the lines of the constitution. But I am not willing to uphold him, when in my opinion he breaks down the barriers erected by the people for their protection, nor am I willing to accord to the constitution elastic properties for the purpose of sustaining him, nor to join in the establishment of a precedent which will not apply to other classes or other conditions when another governor undertakes to exercise the same arbitrary power.

"I am not willing to concede the power claimed by the governor and exercised by him, because, in my opinion, such power is not vested in him by the constitution. The people could never have intended to erect such an engine of oppression.

"It follows, of course, that if the present executive is the sole judge of the conditions which can call into action the military power of the government and can exercise all means necessary to effectually abate the conditions, and the judicial department cannot inquire into the legality of his acts, that the next governor may by his use, exercise the same arbitrary power.

"If the military authority may deport the miners this year it can deport the farmers next year.

"If a strike, which is not a rebellion must be so regarded because the governor says it is, then any condition must be regarded as a rebellion which the governor declares to be such, and if any condition must be regarded as a rebellion because the governor says so, then any county in the state may be declared to be in a state of rebellion,

whether a rebellion exists or not, and every citizen subjected to arbitrary arrest and detention at the will and pleasure of the head of the executive department. We may then with each succeeding change in the executive branch of the government have class arrayed against class, and interest against interest, and we shall depend for our liberty, not upon the constitution, but upon the grace and favor of the governor and his military subordinates.

"In no other case presented in this court have principles so important and so far reaching been involved. It was elaborately and ably argued, and the position of counsel was clearly defined, yet the court has evaded the fundamental questions and has based its decision upon theories long ago determined by jurists and statesmen to be illogical and false."

Justice Steele then quotes high authorities to show that the constitution makers never contemplated placing the power of suspending the privilege of the writ of habeas corpus in the hands of the executive, and that the power is exclusively vested in the legislative branch.

"The authority is so overwhelming," continues the opinion, "that the position of the governor cannot be sustained that the power of suspending the privilege of the writ of habeas corpus is legislative and not executive; that martial law can only prevail in places where the civil law is overturned by force, and that it exists only so long as it is necessary to reinstate the courts; that martial law cannot prevail where the courts are open and exercising their functions; that the judicial department will take notice

### Kills Himself in His Office

ST. LOUIS, Mo.—Discouraged by an examination for life insurance which showed that he was afflicted with an organic disease that was fatal to insurance and would terminate his life before long, Allan T. Simpkins secretary of the Renault Lead company shot and killed himself in the office of the company, where his body was found today. He left letters to his wife and brother explaining his reason for committing the deed.

### Fall Down With a Trestle

KANSAS CITY, Mo.—An engine and seven cars heavily loaded with sand and concrete fell twenty-five feet with the collapse of a trestle leading from the Kansas City bell line to the distributing yards of a sand company in this city tonight, injuring five persons. The sand company attributes the accident to the alleged carelessness of the train crew, while the train men say the trestle was overloaded. The property damage is \$200,000.

## NEBRASKA NOTES

Mrs. George Bullock died at her home, near Hooper. She had been ill only a few days.

Mrs. Charles Balduff of Fremont died this week, aged 59 years. She was a member of two lodges.

Mrs. Kate Heimer died at her home in Falls City. She was 22 years of age and leaves a husband and three small children.

Blair is to have a big street carnival, commencing July 4. Contracts have been made for an abundance of amusements.

The H. H. Smith farm of 160 acres, near Beatrice, was sold for \$12,000, being \$75 per acre. W. S. McHugh of Chester purchased the place.

Another case of smallpox has been reported at the Soldiers' Home at Grand Island. Mr. Jay, the assistant engineer being the one affected. The members of the home are being vaccinated.

Miss Theres Hempel of Plattsmouth has returned from a trip to Lookout mountain, near Chattanooga, Tenn., where she attended a meeting of the superior lodge of the Degree of Honor.

The police have been notified at Beatrice that all gambling must cease in that city. A stranger, who lost about \$40 in a poker game, made complaint and the mayor is now determined to resort to strenuous measures.

The Woodmen of the World at Fremont unveiled the monument of the late Henry D. Dodendorf. A large crowd was present, many members of the order from surrounding towns participating in the ceremonies.

At the annual school meeting at Papillion the old board was reelected and a levy of 25 mills was voted to meet the expenses of the current year. Prof. S. S. Osceola has been elected to the position of principal of the Papillion school and with his family has moved there.

James Blair, living near Powell, Jefferson county, was killed by being thrown from his buggy, his horse running away. He was over 70 years of age and had resided in that county about thirty-five years, living on the same farm where he first settled.

The infant child of George Gillespie of Alliance was fatally injured by being thrown out of a buggy in a runaway. The mother was driving to a neighbors' house when the accident occurred.

In Chadron four generations are now represented at the residence of Samuel T. Mote, county commissioner, in that city, the third younger being Mrs. E. F. Church, Mrs. Walter Osbeck and son, of Marshalltown, Ia.

Theodore Smart, a Burlington telegraph operator, committed suicide at the fair grounds at Wymore by shooting himself. He had been in poor health for some time. He was about 35 years of age and single. The coroner held an inquest.

The Dodge County Sunday School convention will be held at Hooper. The meetings will be held at the Methodist Episcopal church and a large gathering is expected. Mrs. Manie Haines of Lincoln will be one of the interesting talkers of the convention.

Congressman Burton L. French of Idaho's only representative in congress, was married recently at New York to Miss Winifred Hartley. They left immediately for Moscow, Idaho, where they will reside. Mr. French is the youngest congressman in the United States.

At a meeting of the Richardson county Sunday School convention which was held at Falls City the following officers were elected for the coming year: President, V. G. Lyford, Falls City; vice president, J. G. McBride, Stella; secretary Dr. E. B. Mathers, Falls City; treasurer Miss Lum Verdon. The next convention will be held at Humboldt.

Alfalfa is being cut in great quantities all over the county near Chadron. The call for help is great. It seems impossible to keep the Board of Equalization together long enough for the people to do their kicking. There is so much work to do and everyone so prosperous it seems easier to work than complain. The year 1904 bids fair to yield the best crops of all kinds ever raised in the country.

Roy Philpot a well known young man of Humboldt while assisting a few companions in a premature celebration of the Fourth, discharged a 22-caliber pistol in the left hand, tearing quite a hole in one of his fingers and causing him considerable pain. Unless complications arise, no serious trouble is anticipated, but the weapon was so close that the flesh was badly burned and there is some danger of poisoning.

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