

# LILLIE MURDER CASE

A Record-Breaking Bill Was Filed in the Lillie Murder Trial

## NEW MOVE IN NOTED TRIAL

Document is One of the Largest Ever Filed New Trial is Asked For

## STORY OF CELEBRATED CRIME

Supreme Court will Review the Evidence in the Case

David City, Aug. 7.—The attorneys for Lena Margaret Lillie, who was convicted at David City on March 3, 1903, of the murder of her husband Harvey Lillie, and sentenced to penal servitude for life, have filed their bill of exceptions to the finding of the lower court, with Clerk Herdman of the supreme court.

The bill of exceptions comprises 1638 typewritten pages or four volumes and enters into a most comprehensive review of the proceedings of the trial. The bill of exceptions includes 12,098 distinct and separate questions and a like number of objections and exceptions. It alleges that testimony entirely foreign to the case was admitted before the jury and that certain members of the jury were biased and prejudiced against the defendant. The testimony in regard to Mrs. Lillie's operations the board of trade is alleged to have had much influence in causing the jury to return the verdict of murder in the first degree and the so-called expert testimony in regard to the powder stains and bullet holes in the lace curtain in the bedroom in which Mr. Lillie was killed. The bill includes exceptions to almost every question asked the witnesses by the prosecution and is for the purpose of determining any possible error which crept into the trial. While not the largest bill of exceptions ever filed with the clerk of the supreme court, the bill is the largest criminal one ever filed in this state.

It will be reviewed by the judges of the supreme court before they pass upon the motion for a rehearing and a new trial.

On the night of Thursday, October 24, last year, Mr. and Mrs. Lillie retired a short time before midnight. They had spent a jolly evening with the other members of the family, and two young women, Miss Julia Kicke, who were helping Mrs. Lillie in her sewing, and Miss Estella Dawson of Linwood, a guest who had been in the home about four weeks. Edna Lillie, the daughter, and Mae Lillie, niece of the man who was killed, also were there. Not a word had been spoken that evening to indicate the slightest degree of ill feeling on the part of Mr. Lillie and his wife. This night had been a happy one. The young women had played games, the older couple joining them in their pranks.

After the six persons had retired everything in the house was quiet until 5 o'clock the next morning. At that time the little daughter, the niece and the two young people heard the sound of a revolver shot. It was followed by silence lasting several seconds. Then there was another shot. Absolute silence again perhaps longer than before. Then the girls heard a scream. The noise came from the room occupied by Mr. and Mrs. Lillie. Mrs. Lillie was in the hall shouting to the girls that "Harvey" had been shot. The silence between the shots and the wife's first scream was not broken by the noise made by the robber.

There were the young women lying in bed, frightened at what they had

heard, straining their ears to catch every sound. And yet none of them heard the robber, Mrs. Lillie says that the robber and murderer escaped by the kitchen door. The girls and Mrs. Lillie went down stairs, the woman to give a telephone call and the girls to arouse the neighbors.

The neighbors came and Mrs. Lillie told the story of the murder over and over again. She said the first shot awakened her. She saw, in the darkness a man standing on the west of the bedroom, the side on which her husband lay, pointing a revolver at her "Reaching for me," she said. She rolled from the bed to the floor. The revolver sounded again and the bullet crashed through the curtain window, and screen. The first ball had entered her husband's brain. The physicians testified a day or two later that it must have caused immediate paralysis of the brain and that Lillie could not have offered resistance. He was rendered unconscious so quickly, the doctors said, that he could not have moved.

When Dr. A. J. Stewart reached the house and was shown into the room by Mrs. Lillie, the injured man was lying on the bed, his face covered with blood. There was a wound on the right side of his head, above and in front of the ear. The skin for half an inch around the wound was blackened, as though by burned powder. The wound was about half an inch in diameter. Mr. Lillie lived until 2:30 that afternoon. He did not revive and no words concerning the crime came from his lips.

Two bullets were found, one in Lillie's head and the other in the side of the barn across the street in a vacant lot, about three hundred feet away.

The trial of the case was one of the most sensational ever held in the state. Expert testimony consisting of the opinion and views of the local police of David City in regard to the course of the second bullet, a resume of Mrs. Lillie's transactions on the board of trade, and many other things were gone into at the trial. Sentiment was divided as to the guilt of the defendant. Mrs. Lillie's attorneys applied for stay of execution of sentence April 17, and have since been in the compilation of the bill of exceptions.

### He Was Overcome by Heat.

Beatrice, Neb., Aug. 6.—Henry Penner, an aged and respected Mennonite citizen, who resides on a farm two miles west of this city, was prostrated by the heat while hauling grain from a threshing machine. One of the wheels of his wagon came off and in putting it on, he overtaxed his strength, and sank to the ground unconscious. Medical aid was summoned, and he had regained consciousness at last accounts Mr. Penner is 65 years of age.

### Held the Preliminary Hearing.

Geneva, Neb., Aug. 7.—The preliminary hearing of William Franz was held at Albia on Tuesday afternoon. Franz was released on \$1,000. The main witness against Franz at the hearing was Dr. W. Fitzsimmons.

### Looking For Lost Husband

Fremont, Neb., Aug. 4.—Mrs. John Thompson of Hooper, was in the city yesterday and called at police headquarters, where she made inquiries concerning her husband. The latter disappeared from home on Friday night of last week and his wife has heard nothing from him since. She carried a picture of her spouse and showed it to Chief Daugherty, but he didn't remember seeing the original of the photograph.

## A LABOR DAY PROCLAMATION

In accordance with time-honored custom and the provisions of the legislature of the state, Labor day will be observed as a legal holiday in Nebraska. Labor day is the only national legal holiday in the United States and in Nebraska. The first Monday in September is designated in the federal and state statutes as Labor day and Governor Mickey has issued the following proclamation in regard to it.

"There is no section of the country in which the wage-earner is more highly respected and in which his avocation receives greater consideration than here in Nebraska. This is true because our people are generally imbued with a sense of the value of the laborer. It is again true because the great majority of the citizens of this state are laborers and wage-earners themselves and hence have a proper conception of the dignity of their calling. Labor is the most honored instrument of advancement. It has founded republics, built cities, enriched mountains, tunneled rivers, belted continents and has been the great active principle in the development of our superior civilization. The arts and sciences are also its debtors and the realm of literature owes more to persistent, tireless effort than it does to the temporary flashings of genius.

"But some ancient philosopher has said that 'All work and no play makes Jack a dull boy.' What is true of Jack is also true of his progeny. In practical application of this idea the legislature of the state of Nebraska has wisely decreed that the first Monday in September shall be set apart as 'Labor Day' and that it shall be deemed a public holiday.

"By virtue of the authority vested in me by law, I, John H. Mickey, governor of the state of Nebraska, do hereby proclaim Monday, September 7, 1903, Labor day, and especially urge that all business be suspended on that date and that it be observed by general participation in rest and in appropriate observance thereof.

"In testimony whereof I have hereunto set my hand and caused the great seal of the state to be affixed.

"Done at Lincoln, this first day of August, A. D. 1903.

"J. H. MICKEY, Governor.

"G. W. MARSH, Secretary of State.

## THE CONVICTS ARE FOUND

REPORTS OF THE SANGUINARY BATTLE IN CALIFORNIA

Placerville, Cal., Aug. 3.—Reports of an encounter between the officers and the convicts who escaped from Folsom prison are being received tonight, but owing to the remoteness of the scene of battle and the fact that night fell almost immediately following the receipt of the first news details are coming slowly. It is known, however, that the sheriff's posse, assisted by a force of the Placerville militia, came upon some of the fugitives near the Grand Victory mine about dusk and shots were at once exchanged.

Dallas Bosquit, the son of sheriff Bosquit, is said to be among the slain and a message by telephone says his body was found along the roadside. Milton Dill was shot through the body and is not expected to recover. The greatest anxiety prevails here concerning the soldiers. It is known that six of them went into the brush after the convicts and the only trace of them was the wounded man Dill, who was unable to give any clue concerning his companions. The convicts are believed to have taken refuge in the Grand Victory mine and there is talk of setting fire to it and drying out the criminals. Additional forces are being hurried to the mine tonight, and if a second battle is not fought tonight the pursuers will be in strong position tomorrow to give the convicts a fight.

Another account of the battle reached Brainerd E. Smith, Chief clerk of Folsom prison. He was notified that three of the attacking party were killed and that it was presumed two of the convicts were badly wounded. Two of the killed are presumed to be young Bosquit, Dill and one of the sheriff's posse whose name has not been ascertained. The scene of the shooting was near Cool, a small place a few miles outside of Placerville.

### A Transport For Manila

San Francisco Aug. 3.—The United States army transport Sheridan sailed Saturday for Manila via Honolulu and Guam. Besides about one hundred saloon passengers, including Col. L. B. Kerr and five other officers of the general staff in the Philippines.

### Put To Death At Sing Sing

Ossinig N. Y., Aug. 3.—Antonio Truckowski, a Pole, was put to death today in the electric chair at Sing Sing prison. He declared on his way to the chair that he was innocent of the murder of John Shepotski, a Brooklyn saloon keeper, March 6, and of which he had been convicted. Truckowski was sentenced June 22, and the time elapsed between pronouncing of sentence and his execution is said to have been the shortest on state record.

## NEGROES MAIM BOY

Cruel Assault Committed on an Indiana Invalid While Hunting Squirrels

### MUTILATE WITH A KNIFE

Attack Unprovoked and Vengeance Demanded

### 200 JOIN IN THE CHASE

ALARM GIVEN AND FARMERS ALL OVER NEIGHBORHOOD HUNTING THE CULPRITS.

Hartford City, Ind., Aug. 4.—George Hershner, an invalid, aged nineteen, while hunting squirrels on his father's farm near here at noon yesterday was approached by two prowling negroes. They grabbed the boy, searched his clothing for money and finding none tore his clothing from him. While one negro held him another mutilated him with a knife. The boy succeeded in reaching home. He told his story and his father gave the alarm, mounted a horse and called for volunteers to wreak vengeance upon the flying negroes. Two hundred men and boys joined in the chase. Neighboring farms and towns were warned by telephone and the country was secured. No trace of the negroes was found. The hunt proceeded till nightfall.

Sheriff Morigal with a detachment of deputies and police followed the mob to prevent a lynching if possible.

### Another Fight with the Convicts.

Dutch Flat, Cal., Aug. 4.—Two of the Folsom convicts were surrounded here last evening and a fight ensued. It is supposed that one of the convicts was shot by Glen Wedgewood. Wedgewood was shot in the hand by the convicts.

Placerville, Cal., Aug. 4.—The convicts who escaped from Folsom prison are still at large. The five who engaged in a fatal fight with the pursuers at the Grand Victory mines Saturday have not been seen since and apparently have made a successful retreat. In their haste to get away from the militia they left a water can, several hats and some fire arms on the hillside where the fight occurred. The dead bodies of Festus Rutherford and W. C. Jones, the two militia men who were shot by the outlaws, were found this morning where they had fallen. Jones had served in the Philippines as a member of the First Tennessee and the Thirty-seventh volunteer United States Infantry. Al Gill, the national guardsman who was shot through one lung is expected to recover.

Another victim of the convict chase was Philip Springer, a resident of this district. He is hard of hearing and failing to respond to an order to halt, was fatally shot by a picket early this morning.

A report received last evening stated that four convicts, not believed to be the same who ambushed the officers last night, were discovered near Lotus near the Webbercreek district. A number of shots were exchanged but so far as known without result.

### PROSECUTIONS MUST GO ON

Washington, Aug. 4.—Postmaster General Payne resumed his official duties at the department today. He says he feels much improved from his trip. Mr. Payne said it could not be said, by any means, that the investigation was ended. He pointed out that the inspectors are working on the cases in various parts of the country and developments may occur at any time. Mr. Payne declared that every one against whom any evidence has been found will be treated according to the evidence.

A son of John T. Cupper, the mayor of Lockhaven, Pa. telephoned today that Cupper would come to this city to surrender in court Monday.

Council for August W. Machen today filed in the criminal court a demurrer to the former indictments of Machen. It is alleged that every one in that it fails to show that Machen was an officer of the government at the time the offenses were committed. Machen withdrew a plea of not guilty.

The demurrer to the indictment for bribery against Diller B. and Samuel A. Groff in connection with Machen was also filed. Like Machen the Groff brothers withdrew their plea of not guilty, and say every count of the indictment is defective.

### Met With Instant Death.

Fairbury, Neb., Aug. 4.—During the heavy electric storm here last night the farm residence of F. L. Norman a short distance southwest of Daykin was struck by lightning and Pearl the sixteen year old daughter of Mr. Norman was instantly killed. The balance of the family were stunned but recovered in time to escape from the building which had caught fire and later burned to the ground.

## Nebraska Notes

C. B. Horton, superintendent of the Western Union, left for Denver, Wednesday evening.

The annual reunion of the old settlers of Pierce county will be held at Plainview on September 12.

A severe electrical storm passed over Papillion. A heavy rainfall was also chronicled. Crops were not damaged.

By a vote of 444 against 37 Wahoo has decided to issue \$8,000 worth of bonds for the erection of a new school house.

The remains of Henry M. Winslow, who fell dead Monday, were buried at Columbus. He was a prominent cattleman.

With work being done on fourteen residences and two business blocks Albion is enjoying the greatest boom in its history.

Secretary Frazer of the state printing board and family will leave Lincoln today for a ten days' trip to Manitou, Colo.

W. D. Carrick, general baggage agent for the Chicago, Milwaukee & St. Paul, with headquarters in Chicago, is in the city.

Dennis Likens of Bassett was fined \$20 and costs by Judge Olson of Lincoln for shooting three ducks and one prairie chicken out of season.

Three cars attached to a Union Pacific freight train went into a ditch at Holmesville. The cars were all loaded and were badly demolished.

The Virginia Telephone company of Beatrice filed articles of incorporation. The capital stock is \$1,000. The company will be located at Beatrice.

The capital stock of the Seward cereal mills has been increased from \$20,000 to \$25,000. The limit of the firm's indebtedness has been placed \$16,000.

Secretary of State Marsh and family have gone Hot Springs, S. D., where they will remain while Mr. Marsh takes treatment for his declining health.

Eight carpenters employed on the Huett block at Fremont have struck because one of their number was required to work ten hours instead of nine as prescribed by the union.

Wednesday afternoon the thirteen-year-old son of Peter Powers of Beatrice was shot in the leg. The accident happened at the home of Levi James, two miles south of inland.

The Chautauqua board at Beatrice met and found that after paying all bills they had on hand a surplus of \$1,000. The annual meeting of the board will be held Sept. 7 and officers will be elected.

Shimmon Lavin of Fremont has begun a personal damage suit for \$5000 for injuries alleged to have been received at the hands of his brother-in-law, Simon Bordy, a merchant of that city.

Monday was the forty-sixth anniversary of the organization of Gage county, the county having been regularly organized on August 3, 1857, at which time Nathan Biakely was county clerk.

Word received by Secretary Royse of the state printing board from A. N. Dodson, his assistant, states that the mother of the latter, who has been very ill Camden, W. Va., is rapidly regaining her health.

The bank of Odel, of Gage county, which changed hands several days ago, has incorporated as a state bank, the capital stock being \$20,000. The incorporators are Matt Williamson, Arthur Williamson, Mary Williamson and J. B. Lower.

Labor Commissioner Bert Bush is out of the state investigating a number of charges that certain steam laundries are violating the state laws in compelling their female help to work more than ten hours a day.

M. P. Pillsbury, the star fullback on the Nebraska University football team, and Miss Dell Bryson, daughter of W. E. Bryson, were married at Adams. Mr. and Mrs. Pillsbury will make their home at Falls, Okl.

Robert Forgan, deputy revenue collector, of Lincoln, was in Beatrice Thursday and while here he visited a number of the business men to find out if any of them were engaged in the sale of unfermented grape juice, which was recently examined by the government chemist and found to contain a percentage of alcohol. It is understood that there are a number of grocers and druggists who have handled this class of goods, being ignorant of the fact that it contains alcohol.

## SARTO IS THE POPE

The Cardinals on the Seventh Ballot Make Happy Choice

### NEW PONTIFF IS POPULAR

Conservatism Blended With Liberal Views

### STRONG FROM THE OUTSET

TAKES THE TITLE OF PIUS X, AND RECOGNIZED AS REIGNING HEAD OF CATHOLIC WORLD—NOTABLE DAY FOR ROME.

Rome, Aug. 6.—The conclave after being in session for four days, today elected Giuseppe Sarto, patriarch of Venice, as pope, to succeed Leo XIII, and he now reigns at the vatican and over the Catholic world as Pius X. Tonight all Rome is illuminated in his honor.

His election and the assumption of his holy office were marked by striking demonstration and impressive ceremonies at the vatican which only ended this evening. Tomorrow the new pope, clad in his full pontifical robes and with all the ritualistic ceremony, will receive members of the diplomatic corps, the cardinals and the bishops, who will then offer their official homage, this notwithstanding the fact that twice today the cardinals and many high officials of the vatican went through a similar ceremony.

The date upon which the coronation of Pius X. will occur has not been decided but the impression prevails that it will occur August 9. Although the election was over at 11 o'clock this morning and was announced to the world forty-five minutes later by the appearance of the new pope at the window of St. Peter's, the conclave was not formally dissolved until 5:30 this afternoon. The cardinals then returned to their various apartments in Rome, with the exception of Cardinals Rampolla and Oreglia who temporarily retain their official suites in the vatican and Cardinal Herrero y Espinosa who is too ill to be moved for several days. It was to the sick cardinal that the new pope paid his visit after being formally proclaimed pontiff.

The cardinals will remain in Rome for tomorrow's ceremonies and should the coronation be fixed for next Sunday they are not likely to return to their respective homes until after that ceremony. With the exception of the Spanish cardinal Herrero y all the others are now in fairly good health.

The election of the patriarch of Venice this morning was unanimous.

After Monday's ballot it was a foregone conclusion that he was the only candidate sufficiently acceptable to all to secure the necessary two-thirds which the laws of the church require. One of the cardinals said to the representative of the Associated Press tonight that he believed Pius X. would follow the broad lines of Leo's policy although not likely to accentuate it. This voices the general feeling here which is one of satisfaction.

The new pontiff is a man of simple origin and although not a very prominent candidate he has been frequently mentioned as one of the many cardinals who might be taken up as a compromise. In several respects he resembles his venerable predecessor notably in his reputation for culture and piety. Having been associated with no factions this fact alone won him much favor from foreign cardinals who were without an especial candidate. Pius X. was humorously described as "a country mouse who could not possibly find his way about Rome."

Venetians who know the new pope say he will soon be as much beloved as pontiff as he was yesterday as the beloved patriarch of the poor of the Adriatic.

In appearance Pius X. is a very handsome man. He has a fine erect figure despite his sixty-eight years his face greatly resembling that of the late Philip Brooks the eminent Boston divine.

### Kills His Brother's Wife.

Danville Ill., Aug. 5.—Dodge Carrington who has served two terms in the Indiana penitentiary shot and killed his brother's wife at Gape Creek near here tonight. A few years ago Carrington killed a man at Grand Crossing near Terra Haute and at South Bend while out on parole shot and seriously injured another. Carrington escaped on a freight train and the authorities are after him. The brother has been arrested.