

BUT ONLY OF MANSLAUGHTER
IN SECOND DEGREE.

Maximum Penalty is Four Years in
Penitentiary—Father of Chillian
Boys is Incensed Over Verdict
and Speaks Plainly About It.

The jury in the St. Pierre murder case at Elk Point, S. D., returned a verdict of guilty of manslaughter in the second degree Sunday morning, after being out about nineteen hours.

The jurors discussed the evidence and balloted all night long. Not one was for murder, and five were for acquittal at first. These five at last were brought around to consent to some punishment and the matter of degree of manslaughter finally became the only disagreement.

The penalty for the crime is not more than four years, nor less than two years in the penitentiary, or not more than one year in the county jail or a fine of \$1,000 or by both a fine and imprisonment in the county jail at the discretion of the judge.

St. Pierre has not yet been sentenced. John St. Pierre, the fiddler, who for the past week has been on trial on the charge of murder, heard the verdict in his cell at the county jail and was visibly affected. Leaning against the bars, the prisoner, who has faded from a man of 190 pounds to a mere shadow of his former self, said:

"I had expected a verdict of acquittal. I sincerely believe the Chillian boys came to my house for the express purpose of beating me. I shot with the intention of scaring them and was greatly grieved when I learned I had killed Albert and Clarence Chillian, boys with whom I was long intimately acquainted. At the time I came to Sioux City and gave myself up to the police I did not know the shots had taken fatal effect. I was told this in the jail after I had been locked up. And to think that I had killed the boys broke my heart.

"The days and nights I have spent in jail since the shooting have been bitter ones to me. I have thought of the many pleasant times when I have fiddled at dances at which Albert and Clarence Chillian were in attendance, and I have thought of their mother, who has been almost a mother to me."

Joe Chillian, father of the boys who were killed by John St. Pierre, was not very lenient in his expressions. "He should have been hung! He killed my boys," he said. "And he did the act in cold blood."

STRONG APPEAL FOR PEACE
Manchurian Tragedy is Indeed Appalling.

Tokio advises state that there is a strong appeal for peace in the appalling tragedy which is now under enactment in Manchuria. Both armies have fought ferociously for a week, and desperate fighting still continues. It is probable that the death toll will be largely increased before the final shot is fired.

GIBBONS VERY INDIGNANT.

Cardinal Much Annoyed Over Father Schell's Course.

A Washington, D. C., special states that Cardinal Gibbons is very indignant that Father Schell should have cast reflections upon Indian Commissioner Jones, and that Schell should have brought Mother Drexel, of Philadelphia, into the affair.

Father Ketchum, in charge of the Catholic Indian mission bureau, made a special trip to Baltimore Friday morning to lay the Schell matter before the cardinal. The latter had seen the story in which Schell reflected on Commissioner Jones, and was extremely annoyed, as are other leading Catholics in the east.

The cardinal expressed keen regret that Schell should have so far overstepped the bounds of propriety. The cardinal said Schell had a perfect right to urge action, and in case he felt the officials were not doing all that should be done, even to take the matter up with the president, if he felt so disposed, but that such an attack on a high government official was indefensible.

Father Ketchum says Mother Drexel does contribute to support the Winnebago mission, but that this contribution is made to the mission and does not constitute authority or support to Schell.

The sensational feature of the investigation being held at Homer, Neb., by Inspector Wright came Friday, when Father Schell, instigator of the investigation, was charged by William Odell, of the firm of Odell Bros., butchers of Homer, with attempting to intimidate him in order to make him testify adversely to the Ashford and O'Connor, who are the merchants who Father Schell says have demoralized the Winnebago Indians.

This came after the inspector had heard much testimony in regard to the buying of heirship lands. When the matter of the Ashford and O'Connor charging the Indians usurious interest was taken up, it was claimed by Father Schell that the Indians had to pay a usurious interest on money borrowed from the banks of O'Connor and the Ashfords.

The testimony of the Ashford Bros. and O'Connor on this point was that the interest charged the Indians for money ranged from the legal rate on the best loans to 100 per cent on small loans where considerable risk was involved.

CHILD'S BODY DISMEMBERED
Horrible Development of Voodooism in St. Vincent.

Advices from Kingstown, island of St. Vincent, state that police investigation into the matter of the murder of a little white boy, whose heart and dismembered hands were found in the house of an old man (negro sorcerer) in the island of St. Lucia, as related in a dispatch to the Associated Press on Oct. 11, has resulted in the arrest of a seemingly intelligent negro butcher and a disclosure of barbarous superstition and diabolism that survives to a startling extent in the West Indies, the heritage of a savage ancestry.

The child, it appears, was the victim of the man now in custody, and who had been concerned in some litigation, to "work a spell" upon the judge of the supreme court who was to try the case. To this end the negro deceived the child to the house on a deserted estate and there the child was murdered and his corpse dismembered.

JAPANESE SUCCESSES.

Seem to Have the Upper Hand in the Recent Fighting.

No appreciable progress has been made in the projected advance southward of the Russian army under Gen. Kuropatkin since the initial success of the movement in the capture of Bentzaputze. Fighting of the most stubborn description continues practically along the entire front.

Field Marshal Oyama reports the capture of thirty guns from the Russians, and claims distinct successes in forcing the Russians to retire from some of their advanced positions.

Gen. Kuropatkin's report to Emperor Nicholas is couched in guarded terms, and claims nothing in the way of accomplished results.

Reports from the Russian military mander at Port Arthur show that the Japanese have brought a shell fire to bear upon the inner forts. The garrison, however, is reported to be hopeful of the outcome of the siege.

St. Petersburg dispatches say that desperate fighting and heavy losses on both sides, with varying success for the Russians, is the summing of the situation by Gen. Kuropatkin in a telegram filed Oct. 13. There is no sign of the battle slackening. On the contrary, Gen. Kuropatkin telegraphs that he had ordered the army to resume the fight with unabated vigor Thursday.

Gen. Kuropatkin himself is in the thickest of the fighting and Gen. Sukharoff, his chief of staff, is personally directing reconnaissances. The advance guards at these points had to be repeatedly reinforced owing to the great pressure of the Japanese attacks.

At nightfall on Oct. 12 the Russian right was withdrawn from its main position; but one of the abandoned positions was retaken at the point of the bayonet during the night.

HUNDREDS FACE STARVATION
Flood Situation in the Southwest is More Serious.

Seventy dwellings in San Marcial, 80 miles south of Albuquerque, N. M., have been wrecked by the floods of the past week, and there is great suffering and destitution. The plight of the Mexican people in the surrounding valley is terrible, and hundreds must starve unless immediate relief is furnished from the outside. Not only their crops and stores, but their lands have been ruined.

The Santa Fe announced that it will require two weeks to restore train service between Albuquerque and El Paso. The road is still tied up north of Waterous, but the line between Las Vegas and Albuquerque has been opened. Trains are compelled to run slowly on account of the poor condition of the roadbed.

STATE OF NEBRASKA
NEWS OF THE WEEK IN A CONDENSED FORM.

No Bootlegging at Homer—Selling Liquor to Indians Has Been Stopped—Investigation Not Yet Begun—Other Nebraska News.

The crusade and investigation set on foot by Rev. Father Schell, of Homer, has borne fruit, and bootlegging has been stopped at Homer. If the Winnebago Indians get whisky now—and it is alleged that they do—they get it either at Hubbard or Sioux City.

Indian Inspector A. O. Wright, who arrived recently, did not begin his investigation of affairs at the agency at once, because of the absence of Father Schell. It is understood the priest is in Omaha, conferring with Bishop Seannell. When he returns the charges he has brought will be thoroughly investigated.

The new order, brought about on recommendation of Father Schell, has greatly incensed the Indians. Heretofore they have received money for sale of their lands in a lump sum; now, on recommendation of Father Schell, they receive it in monthly installments.

The Indians grumble greatly at this, but there is no doubt their money goes farther and does them more good than if they got it all at once.

Intense interest is taken at Homer in the coming investigation. Bootlegging and other alleged irregularities have given Homer an unenviable reputation, and all good citizens will be glad to see the recommendations for betterment of conditions carried out.

OVERREACHED HIMSELF.
Father Schell Likely to be Removed from Homer.

A Washington, D. C., special of the 12th inst. says: Father Schell, the Catholic priest stationed at Winnebago Indian agency, Homer, Neb., is not likely to remain long at his present mission. Official cognizance has been taken of his utterances relative to Indian Commissioner Jones, and he will undoubtedly be removed.

Commissioner Jones said that he had nothing to say beyond that Schell's assertions were ridiculous. He says that Schell talked and acted with moderation people might have believed him, but he has overreached himself in extravagant and unwarranted statements.

A Homer special of the 12th says: Testimony of witnesses before Indian Inspector Wright in his investigation brought about by charges of Father Schell, indicated that the Catholic missionary, instead of being a help, has in fact been a hindrance in the suppression of bootlegging among the Winnebago Indians.

W. C. T. U. CONVENTION.
Officers Elected at the Annual Session in Lincoln.

Mrs. Dora V. Wheelock, of Superior, was re-elected president of the Nebraska Women's Christian Temperance Union at Thursday's session of its annual convention. Mrs. M. D. Russell, of Lincoln, was elected vice president. Mrs. E. Patterson, of Omaha, corresponding secretary. Mrs. C. W. Woodworth, of David City, recording secretary. Mrs. Annetta Nesbitt, of Pawnee City, treasurer.

KILLED BY A TRAIN.

Taylor Ewing Meets Death Under Wheel of Freight Train.

An east bound freight train on the Northwestern line ran over an old man by the name of Taylor Ewing in the yards at Bassett Monday morning a little after 8 o'clock, cut one of his legs off below the knee and crushed the other above the knee.

Mr. Ewing was walking up town from his home in the northeastern part of the village and had passed the train which struck him. On arrival of the physicians it was found necessary to amputate both legs above the knees. Mr. Ewing died during the operation.

CONVICTED OF MURDER.
Mrs. Nannie Hutchinson and Her Son Must Answer for Crime.

A Nelson special says: The jury in the Feasel murder case returned a verdict of guilty of murder in the second degree against Mrs. Nannie Hutchinson and her son, Charles. The third defendant, Harley Feasel, was, upon request of the prosecution, released, as the testimony was not sufficiently strong to hold him. Eli Feasel, an old man, disappeared from his home and the Hutchinsons, who had lived with him, told conflicting stories about where the old man had gone. The fact that they were disposing of his personal property also added to the suspicions. They were arrested, but at the time sufficient evidence to warrant holding them could not be procured.

DAKOTA CITY WILL CELEBRATE
Expected Gasoline Cars Will be Running in a Few Days.

Capt. R. A. Talbot, general manager of the Sioux City, Homer and Southern Railway Company, has received a telegram from Kansas City that the gasoline propelled combination car for use on the line from South Sioux City to Homer would positively be shipped from that point on Wednesday of this week.

Arrangements are now foot to have a celebration in Dakota City on the advent of the running of the car, which will probably include a barbecue, speeches, and general good time, with free rides on the road. The track between Dakota City and Sioux City is now in condition that cars can be run. Tracklaying is still in progress.

Elope and Leave Children.
The fact developed that Frank Hansom and Mrs. Fred Ortman, who have resided near Beatrice for some time, eloped the other day.

Before their departure Hansom sold a team of horses which was mortgaged to William A. Wolfe, a banker of Beatrice. Hansom leaves a wife and four children and Mrs. Ortman a husband and four children, the youngest being a daughter 2 years old. The officers will make an effort to locate the unfaithful couple.

Columbus to Have Gas.
After two months of darkness the city council of Columbus has solved the problem, and the streets of that city will soon be lighted.

At a special meeting an ordinance was passed granting a franchise to E. B. Pichardt, of Chicago for the construction and operation of a gas lighting plant. By the terms of the ordinance the plant will cost \$50,000, and must be in operation and one mile of pipe laid within ninety days.

Arrested for Wife Desertion.
William Patton, a barber in Louisville, deserted his wife and their 2-year-old child July 14, 1903. His wife commenced proceedings in the district court charging her husband with the crime of wife desertion. Patton was arrested by Sheriff Mc Bride and placed in jail. His case will later be disposed of in district court.



The new cells at the state penitentiary are filling a long felt want, for in his report for the month of September, Warden Beemer does not mention a single infraction of the rules of the institution. During the month there were received into the prison 16 prisoners and 15 were discharged, leaving 315 on hand at the end of the month. Of these 195 were employed by the Lee Cronin and Duster Company. Only one convict was paroled during the month, Michael Enright, sent up from Douglas County for ten years for robbery. Charles Boyd, of Douglas County, who escaped, has not yet been apprehended. The adoption of the new blue uniform for those convicts who make records for good behavior is having a good effect and at this time two-thirds of the inmates have been able to lay aside the stripes. As fast as a convict demonstrates that he is going to be good he gets the new uniform and apparently all of them are now working to get rid of the old-time stripes.

H. G. Leavitt, of Omaha, has made application to the state board of irrigation for an appropriation of water from the North Platte River for an immense canal project. The application filed is supposed to be a part of an amendment to the rights granted the Farmers' Canal Company. In the construction of the canal Mr. Leavitt stated in his application that he expects to spend \$1,548,000 and to irrigate 125,000 acres of land. The headgate will be constructed in Scott's Bluff County, near Mitchell, and the canal will be 150 miles in length, ending near Bayard, Cheyenne County, in Red Willow Creek. The canal will go through Scott's Bluff, Sioux and Cheyenne Counties and is to be completed by 1914. The new venture is to bear the name of the Union Canal.

Lancaster County must pay the face of the Midland Pacific bonds, which were issued in 1873 to aid in the construction of a line to connect Lincoln with the Union Pacific. The supreme court at this sitting has handed down a decision to the effect that regardless of all other facts the county would be liable to pay the bonds unless they were absolutely null and void, because in the suit brought to test the validity in 1885 by Charles E. Lewis the case was compromised by a reduction of the interest rate from 10 to 5 1/2 per cent. Since that time until 1903, when a suit was brought by a Lancaster County taxpayer, Thomas Calburn, to test their validity, the county regularly paid the interest and redeemed two of the bonds. This the court states is further reason why the issue should not be held void.

Both the authorities of Richardson County and the members of the Omaha Real Estate Exchange, of Omaha, lost out in their fight in the supreme court to compel a higher valuation of railroad property located in their respective taxing districts as a basis for county and municipal taxation. The supreme court held in both cases that the law which provided for the valuation of railroad property being fixed by the state board of equalization and distributed according to the mileage of the road was constitutional. The opinion held also that a depot, terminal facilities, bridges and other structures that were a part of the railroad system were to be considered in the valuation of the entire system, and that the local taxing authorities had no right to assess them separately.

The case of Sorenson against Sorenson, involving an alleged common law marriage, remains where it was prior to the rehearing, the decision of the supreme court being adverse to the young child of Ellen Ferguson, of Ord, for whom the \$20,000 estate of Hans Sorenson, who died at that place in 1896, was claimed. The first decision in the case was written by Commissioner Ragan in 1898, and it has been pending on rehearing since that time. The court sustains the former decision that there was not enough evidence of a common law marriage between the woman and Sorenson to establish the child's claim to the property against other relatives of the man.

The Bankers' Union of the World is in the supreme court again with a brief in which it asks the court to reverse the decision of the lower court, which commanded it to pay to Bruce F. Mixon \$1,000, due on a benefit certificate held by William Riley Mixon. The deceased had not taken out his policy stated he had not been vaccinated and agreed to waive any claim against the company if he should die or was disabled as a result of smallpox. The brief stated that a number of witnesses would swear that Mixon died of smallpox, while other witnesses would swear that he died of a complication of diseases. The question at law is whether the company had a right to allow Mixon to waive any benefits.

Lincoln very appropriately celebrated the launching of the battleship Nebraska Friday afternoon. Promptly at 4:02 o'clock, the time the ship slid into the water, the old cannon at the state house was turned loose eight times, the Burlington whistles and all other whistles began to shriek and general bedlam held sway. A direct wire connected with the city of Lincoln with Seattle and just as the message was flashed across, the noise began.

Edward Schreiber, who lost out in a suit for damages against the Omaha Street Railway, has brought his case to the supreme court. Schreiber was driving across Jackson and Tenth and was run into by a motor car, which he claimed was running faster than the law allows.

The secretary of the State Spiritualist Association of Nebraska, announces that the tenth annual convention of the association will be held in Lincoln beginning on the 11th day of October, 1904. The state board will on that day decide whether it will have public lectures and test meetings during the balance of the week or not. This convention is authorized and chartered by the state of Nebraska and is a spiritualist association which will receive all spiritualists as members and protect them under the laws of the state and association.