

ELLIS GUILTY OF ASSAULT

SIMPLE ASSAULT, WITHOUT INTENT TO DO HARM.

APPEAL CASE TO HIGHER COURT

Claiming That Grand Jury Was Illegally Impaneled, Defense Carries Case Up—Other Three Cases Will Await Supreme Court Decision.

Madison, Neb., April 11.—Special to The News: Forrest Ellis has been found guilty of simple assault, without intent to do bodily harm. The jury arrived at a verdict at 1 o'clock this morning, after prolonged discussion. The defense made a motion for new trial, which was overruled by Judge Welch. A motion was then made that sentence be suspended pending appeal to the supreme court. This motion was granted and the appeal bond fixed at \$400, which was furnished. The cases against three other former attendants—Wiles, Minnick and Byerly—will be continued until after the supreme court decision is rendered. The defense asked for an appeal on the ground that the indictment against Ellis was null and void and the legality of the indictment is the point to be determined by the supreme court.

Claim Grand Jury Was Illegal.
On the ground that the grand jury which indicted Ellis, and the three other attendants, was illegal, the defense will fight the verdict rendered by the jury today. The defense claims that the grand jury was illegally impaneled. It is claimed that the sheriff selected grand jurors promiscuously and of his own choice and that the only legal grand jury would be one which had been drawn in the same method as a regular jury.

Eleven For Conviction at First.
The verdict was delivered to the court at about 8 o'clock this morning. It became known later that on the first ballot last night there were eleven for conviction on the indictment, charging assault with intent to do great bodily harm, and one for acquittal. After much debate the verdict was compromised and at 1 o'clock the twelve men voted for conviction of simple assault.

An hour was given to each side for argument. County Attorney Koenigstein in half hour's speech opened the prosecution's argument. He made a strong, sharp speech in which he declared the charge had been proven that Patient Prosser's death was hastened by kicks from Forrest Ellis.

Allen's Plea For Defense.
The entire hour for the defense was given to Senator Allen, who made an eloquent plea in defense of Ellis. He declared that Julius Altschuler's testimony was given more in a spirit of revenge than of justice. He handed the testimony of Biggs in a lighter vein, bringing smiles to the jurors' lips, declaring that Biggs was reaching a point in years when his memory was not so good as once it was and appealing to the jurors to treat his testimony lightly. He said that the trial of Ellis was more the result of a general demand that somebody ought to suffer for charges that had been made, than for any definite reason, and that the demand for punishment seemed to have centered upon Ellis. He declared that it would be wholly unfair to convict a man on general principles and said that there had been no evidence introduced to show any crime or any intent at wrongdoing. He said that the prosecution's testimony had been trivial and anything but enough upon which to send a man to prison. He spoke of the necessity of using certain restraint upon the hundreds of insane patients in a hospital, for the sake of good order, and said that it was an easy matter for a revengeful person to convert normal restraint into so-called "assault."

H. F. Barnhart closed the argument for the prosecution, declaring that brutality and cruelty had been practiced upon an innocent patient, whose death was hastened by the kicks of Ellis. He appealed to the jurors to properly punish a brute who would kick a prostrate patient and bring bruises all over his body.

Verdict Expected.
People in the courtroom rather expected that a verdict would be either for acquittal or for simple assault, dropping the "intent to do great bodily harm."

It was rather expected that, if this case resulted in acquittal, an effort would be made to dismiss the other three similar cases.

Sheriff Burns, who was expected to go on the stand, was not used in the rebuttal.

TILDEN BOY PLEADS GUILTY.
For Forging Checks, Earl Olin Will Go to Reform School.
Madison, Neb., April 11.—Special to The News: Earl Olin of Tilden pleaded guilty to the charge of forging cream checks and will today be sentenced to the reform school.

TO OPEN HALL.
Beautiful Catholic School Building at Humphrey is Finished.
Humphrey, Neb., April 11.—Special to The News: The St. Francis school hall is to be opened Friday evening

with a home talent play entitled, "Tony, the Convict." The hall is the largest in town, having a seating capacity of 700. The proceeds of this entertainment will be donated to the school. This building was recently erected at a cost of \$35,000.

DUTRU WINS HIS CASE.
Court Instructs Jury to Find for Defendant.

Madison, Neb., April 11.—Special to The News: In the case of Charles E. Gibson of Boston against Levi Dтру of Newman Grove, involving a land deal, Judge Welch instructed the jury to find a verdict for the defendant.

Livery Stable Sold.
Humphrey, Neb., April 11.—Special to The News: The Fangmann livery business has passed into the possession of P. E. McKillip in exchange for South Dakota land. Mr. Fangmann will continue to manage the barn until such time as Mr. McKillip can dispose of it.

Masonic School at Butte.
Butte, Neb., April 11.—Special to The News: Robert E. French, grand custodian of the Masonic order for the state of Nebraska, has been in Butte from Kearney for the past two days holding a school of instruction for the members of that order. Some twenty have been in attendance. Those who were here from other towns are: Charles Brown of Fairfax, S. D.; C. H. Ware, Will Woods and Rev. Mr. Isaac of Spencer; Mr. Henderson of Osola; J. B. Bailey and G. E. Van Naper. Mr. French is without a doubt one of the best posted Masons in the order.

GI. 75 TO LIBRARY.
Economic Department of Woman's Club Elects Officers.

At the annual meeting of the economic department of the Woman's club held in the home of Mrs. Gillette, the following officers were elected for the ensuing year: Mrs. H. T. Holden, leader; Mrs. J. Baum, assistant; Miss Minnie Verges, secretary. Fifteen dollars of the funds of this department were voted to be given to the public library.

HIGH SCHOOL WALLS FALLING.
Tower and Chimney Soon to Follow. Foundation Not Considered Safe.

The entire north portion of the old high school building had been leveled to the foundation by Wednesday afternoon. Section by section the old walls are being pulled over by the workmen under the direction of Contractor A. Morrison. A windlass arrangement is being used in pulling over the weakened walls. By Thursday evening the remaining walls and possibly the tower will be down. Mr. Morrison expects to have the one remaining chimney toppled over some time Friday. As the workmen are taking the standing walls down some question as to the condition of the old foundation has been raised. Men working on the building do not consider the foundation very secure.

FORAKER TO FIRE FIRST GUN.
Ohio Battle Will Begin in Speech Which Foraker Gives.

Columbus, Ohio, April 10.—Senator Foraker is expected tonight at the annual Canton Board of Trade banquet to fire his first campaign gun against Taft in the battle for republican supremacy in Ohio. The largest hall in Canton has been hired, and it is believed it will not be large enough to hold the throng.

THAW JURY STILL OUT

AGREEMENT IN FAMOUS CASE THOUGHT IMPROBABLE.

SAID TO BE HOPELESSLY DIVIDED

District Attorney Jerome Makes Plea for Conviction of Prisoner—Jury Hears Merciless Castigation of Evelyn Thaw.

New York, April 11.—Charged with the responsibility of deciding the fate of Harry Kendall Thaw, the jury which since January 23 has been sitting in judgment on the young slayer of Stanford White, spent the night in the jury room of the criminal courts building. Justice Fitzgerald had gone to his club uptown and had an automobile in readiness to make a quick trip to the court house should he be needed. His instructions regarding locking up the jury were telephoned. It was said that when Justice Fitzgerald's message was received at the court house the officers on duty there put the matter up to the jurors themselves, asking if there was any possibility of a verdict within the next few hours. The reply was strongly negative. The jury was said to be almost hopelessly divided and nobody connected with the case would venture the hope of anything better than a disagreement as the climax of the long-drawn-out trial.

Thaw, who was much depressed at the close of Jerome's attack on him as a cowardly, brutal murderer—a rich illiterate who always had had his own way until he fell into the clutches of the law, revived in spirit as the time wore on and the chances of an unfavorable verdict seemed to him to become more and more remote.

The disagreement of the jury is the most unfavorable outcome that Thaw had at any time anticipated during the progress of the trial. His family and counsel were much alarmed lest the jury, under Justice Fitzgerald's charge, might find a verdict of some less crime than murder in the first degree. The prisoner did not share this gloomy outlook and laughed and joked to dispel the serious looks on the faces of his mother and wife.

From the opening of court until the jury retired the fates dealt unmercifully with Thaw. Beginning with District Attorney Jerome's final argument and throughout the judge's charge, Thaw had to listen to a scathing attack upon his character and to a narrative drawn from the evidence, which was meant to strip his deeds of the halo of chivalric glory which his own attorneys had thrown about them.

Judge's Charge to Jury.
The judge's charge was a concise outline of the law and gave to the jury the alternative of rendering any one of the following four verdicts—murder in the first degree, murder in the second degree, manslaughter in the first degree or not guilty on the ground of insanity. The statute governing the plea of insanity was defined clearly, much stress being laid on the fact that an irresistible impulse to kill had no place in the law. Altogether the charge, while consisting principally of a complete explanation of the law, was considered by those who have followed the trial as adverse to the defendant. The attorneys for the defendant took exceptions because the judge had failed to include any of their requests.

Thaw was much depressed by the judge's words and could not suppress his feelings. He left the court room dejected.

The district attorney's summing up was a comparative and forceful review of all the evidence adduced. He declared at the outset that romance and sentiment did not enter into the issue; it was not a question of Stanford White's character or Evelyn Thaw's sufferings, it was a plain matter of fact homicide.

"A common, cowardly tenderloin murderer," as he termed it. The novel plea of "dementia Americana" made by Attorney Delmas at the very close of his argument was attacked by the district attorney and he repeatedly referred to it in tones of sarcasm.

Mr. Jerome dealt mercilessly with Evelyn Thaw, to whom he referred as the "angel child," and to Thaw, whom he termed alternately "St. George" and "Sir Galahad."

WESTERN PEOPLE DEFRAUDED.
D. C. Willoughby Is Said to Have Deceived Victims With Forged Deeds.

Des Moines, Ia., April 11.—D. C. Willoughby, whom the New York police officers sought to detain, but who sailed for Europe just before they reached him, is charged here with obtaining money by false pretenses. He is alleged to have sold thousands of acres of land, giving in return fraudulent deeds. He is said to have victimized in Denver and Omaha.

Carmon Layton, a well-to-do farmer, is the complainant. Layton says he will cause Willoughby's arrest when the steamship reaches the other side.

Exiles Start for Siberia.
St. Petersburg, April 11.—A train bearing 340 political exiles left here for Siberia. This is the largest consignment of political prisoners sent to the far east for several months past and it is a result of the efforts to clear the prisons in view of the expected raising of martial law.

LINCOLN MAY GO "DRY" A MONTH

Owing to Charter Changes Saloons Are Closing Until May 13.

Lincoln, April 11.—For the first time in its incorporated history Lincoln may become a "dry" city the coming week. Under the new charter saloon licenses expired and the new municipality will not begin until May 13. Of the forty-one saloons in the city only four were open today, made possible because their licenses were late in being granted last year. Of the four two must close tomorrow, the third a week from today and the fourth a day or two after.

In the meantime leading prohibitionists have filed suit in the district court to enjoin the excise board from issuing any licenses whatever the coming year.

Thurston's Picture Turned.
Omaha, April 11.—Because of the anti-Roosevelt sentiment expressed by John M. Thurston, former senator from Nebraska, in his Philadelphia speech, his picture hangs in the rooms of the Fontenelle club, the leading Republican club of Omaha, with its face to the wall. Pasted on the back of the picture is a newspaper clipping with extracts from the Philadelphia speech.

White Memorial Building Dedicated.
Lincoln, April 11.—The C. C. White memorial building of the Nebraska Wesleyan university was dedicated in the presence of a distinguished company. The dedicatory address was given by Governor Henry A. Bunch of Colorado. Chancellor Huntington and former Governor John H. Mickey, chairman of the board of trustees, also delivered addresses.

Officers Elected by Stock Growers.
Rapid City, S. D., April 11.—The special cars with the Omaha and Sioux City delegations left by a special train for the northern hills and from there to Belle Fourche for the Northwestern Stock Growers' association meeting. Officers elected are: C. K. Howard, president; H. A. Dawson, vice president; Frank Stewart, secretary and treasurer.

Hunt and Mrs. Bassett Wed.
New York, April 11.—Rev. E. Lawrence Hunt, who retired from the Presbyterian ministry, was married to Mrs. Fanny Rice Bassett, the woman who was divorced by Charles Cheser Bassett in Washington recently because of her alleged misconduct with Pastor Hunt.

Bundy Held for Austin Shooting.
Tekamah, Neb., April 11.—The verdict of the jury at the coroner's inquest held over the body of H. E. Austin was that "Austin came to his death from a gunshot wound, the gun being held in the hands of Bruce Bundy."

Close Railroad Offices to Obey Law.
Council Bluffs, Ia., April 11.—In preparation for the nine-hour law, the Chicago and Northwestern railroad is closing scores of its smaller offices throughout Iowa. Twenty offices on the Galena division alone have been discontinued within the last week, and many others will be closed this spring.

FREMONT FACES COURT MARTIAL

Charged With Borrowing Money on False Representations.
New York, April 11.—Major Francis P. Fremont of the Fifth United States infantry a son of the late General John C. Fremont, faced a court-martial here to answer charges of borrowing money on false representations, as to his financial standing. Clinton E. Vraire, an officer of the Thirty-Fourth Street National bank, testified that the bank loaned Fremont \$300 in March, 1906, on his representation that he had \$12,000 worth of property in San Francisco. The cashier of the bank declared that the loan was still unpaid.

Edward J. Donnelly of Pittsburgh testified that he was a partner with Major Fremont in a tobacco plantation in Cuba and that the major said he had \$5,000 in a bank at Havana subject to the order of the firm's agent in Havana. Mr. Donnelly said there was no such bank as the one named by Major Fremont and that he was unable to find the money, although the major had given him an order for \$1,500.

REPORTS ON RUSSIAN FAMINE

Commissioner of Society of Friends Says Twenty Million People Dying.
London, April 11.—Mr. Kennard, commissioner of the Society of Friends, who was sent to investigate the Russian famine, writing from Samara, in the heart of the famine district, under date of April 3, appeals to the United States and Great Britain to promptly send help. He says: "There are 20,000,000 people distributed in the southeastern provinces of Russia who, without aid, cannot live to see another harvest."

Kansas Rate Hearing Ends.
Topeka, Kas., April 11.—The interstate commerce commission hearing relating to the grain rates from Kansas points to the gulf, in which discriminations in favor of Kansas City were alleged, was ended here. The commission set the Kansas cases and two cases involving the same rates originating in Oklahoma for argument in Washington June 7 and 8.

REFUELS SCORES A POINT

PLEA FOR GREATER PERSONAL LIBERTY IS GRANTED.

PROBES BALLOT BOX STUFFING.

Grand Jury Takes Up Charges That Hearst Editor Hired Repeaters at Primary Election in 1904—Witnesses Declare They Know Nothing of It.

San Francisco, April 11.—Inquiry by the grand jury into the alleged ballot box stuffing by agents of William R. Hearst and into the telephone franchise corruption and a decision by the state supreme court increasing the personal liberty of Abraham Ruef were the not results of the procedure in the municipal "graft" investigation. The grand jury took up the charge recently published in an afternoon paper to the effect that Edward Graney, a prize fight promoter and ward politician, had confessed to Special Agent Burns that he had in August, 1904, caused primary ballot boxes to be stuffed at an expense of \$600 furnished by J. P. Barrett, news editor of the San Francisco Examiner.

A number of witnesses who were summoned denied unequivocally the charge comprised in Graney's alleged confession or any knowledge bearing upon it.

The first victory of consequence scored by the defense since Ruef was indicted for extortion was achieved in the supreme court. It came in the form of a partial ruling by that tribunal sitting en banc, by which Ruef's prayer for greater personal liberty is granted. The court withheld decision as to that portion of Ruef's habeas corpus petition which denies the legal right of a court to clothe an elisor with custodial powers. This leaves the main contention yet undetermined.

HERMANN ADMITS NEPOTISM
Former Land Commissioner Gave Positions to Six of His Relatives.

Washington, April 11.—The principal developments in the cross-examination of Hinger Hermann were his admissions that while he was commissioner of the general land office he gave positions to six of his relatives. Reference was again made to the "tip" which Mr. Hermann is alleged to have given E. P. Mays regarding the Blue mountain forest reserve, but Mr. Hermann, while admitting that he dictated the telegram, could not remember its details.

It was also brought out that Hermann had received a part of the government compensation of his brother as payment on a mortgage and that he received some of the compensation of Cy L. Miller, a son-in-law, but declared that it was in payment for advances he had made Miller.

Mr. Hermann admitted that he wanted to become United States senator in 1903, but denied that it was his plan to have his resignation as commissioner of the land office held up until after the senatorial election.

Correspondence between H. A. Smith and the defendant and W. N. Jones and the defendant was introduced to contradict Mr. Hermann's testimony that he had never corresponded with them.

A special report from the land office in the west intended to show the prevalence of fraud in timber and stone entries was made the basis of a question asked Mr. Hermann to show that he had warned friends in the west that an investigation was to be put on foot by the government. This Mr. Hermann would not admit.

Fifteen Perish in Fire.
Lisbon, April 11.—Fifteen people were burned to death in an apartment house fire here. It is believed to be a case of arson and three people have been arrested on suspicion.

John Henry Clews Dead.
New York, April 11.—John Henry Clews, a member of the banking firm of Henry Clews, died after a long illness, aged 51 years. A widow and one daughter survive him.

Russian Mutineers Sentenced.
Vilna, Russia, April 11.—Seven men who participated in the mutiny of a sapper battalion here were sentenced to various terms of imprisonment or to death.

Ouster Suit Set for Hearing.
Jefferson City, April 11.—The ouster suit of Attorney General Hadley was set for hearing before the supreme court en banc on April 24. The hearing of the suit instituted by Attorney General Hadley to dissolve the alleged merger of the Gould railroads and other interests in Missouri was set for the same date.

Alleged Murderer Taken.
New York, April 11.—News of the arrest in Los Angeles of Charles Henry Rogers, alias Charles B. Carpenter, charged with the murder of Willis Olney, Frederick Olney and Alice Ingerick at Middletown, N. Y., on October 6, 1905, was received here.

Spalding Resigns as Trustee.
Washington, April 11.—The board of trustees of the Catholic university accepted the resignation of Bishop Spalding of Peoria, Ill., as a member of the board. Bishop Spalding gave ill health as his reason for resigning.

THE CONDITION OF THE WEATHER

Temperature for Twenty-four Hours. Forecast for Nebraska. Conditions of the weather as recorded for the twenty-four hours ending at 8 a. m. today:

Maximum	53
Minimum	38
Average	46
Barometer	29.82

Chicago, April 11.—The bulletin issued by the Chicago station of the United States weather bureau gives the forecast for Nebraska as follows: Generally fair tonight and Friday. Cooler tonight.

DUMA DEFIES STOLYPIN

Invites Experts to Assist in Consideration of Budget.

St. Petersburg, April 11.—Premier Stolypin's attempts to limit the competence of the lower house of parliament by forbidding its committees to obtain statistics from the zemstvos and avail themselves of outside expert advice has been defied by the house. Premier Golovin has written a curt letter to the premier asking him on what ground and under what law he is entitled to address such demands to the imperial parliament. The law, M. Golovin says, contains a paragraph authorizing the lower house of parliament to interpellate the minister, but nowhere was there a statement of a reciprocal right on the part of the ministers toward the house. The budget committee had decided by only two adverse votes to defy the premier's order and to invite experts to assist in the consideration of the budget.

The actions of President Golovin and the budget committee were taken after a long conference between the president and the leaders of all parties in parliament except the extreme rights and brings the issue squarely before the cabinet.

The discussion of the budget in committee is expected to last from four to six weeks. The estimates probably will be accepted with minor changes by the house when presented.

TRY TO 'KILL GRAND DUKE
Sentry Balks Another Attempt on Life of Nicholasievitch.

St. Petersburg, April 11.—It was announced that another attempt on the life of Grand Duke Nicholas Nicholasievitch, president of the council of national defense and a second cousin of Emperor Nicholas, had been frustrated.

The grand duke, accompanied by his brother, Peter Nicholasievitch, was returning from Tsarskoe Selo by train. When the train reached Kuzmino, thirteen miles from St. Petersburg, it was brought to a sudden stop by a fusillade of shots from the trackside. A sentry said he had seen four men hiding behind an embankment, evidently awaiting the coming of the train. He at once began shooting, firing in all twelve shots. The four men succeeded in getting away uninjured.

Every foot of the remainder of the tracks into St. Petersburg was carefully searched before the two grand dukes ventured to complete their journey.

DEEP WATERWAY FEASIBLE
Governor Deneen Transmits Report of Commission to Illinois Legislature.

Springfield, Ill., April 11.—Governor Deneen sent to the senate and the house the report of the commission appointed by him two years ago to investigate and report upon the possibilities of a deep waterway between the lakes and the gulf.

According to the report, the channel containing eighteen feet of water is entirely feasible from Chicago to St. Louis. Governor Deneen recommends that legislation be enacted conferring upon the canal commissioners the power necessary for the development and use of the immense water power.

SHOCK KILLS INDIANA MAN

Farmer Stricken When He Learns His Sanity Is Questioned by Physician.

Logansport, Ind., April 11.—Summoned to the office of Dr. John W. Ballard supposedly for a friendly call, H. F. Stoughton, a farmer, found Ballard and others assembled as a lunacy board to inquire into his sanity.

"My God, John, would you send me to the madhouse?" he screamed, then fell unconsciously from his chair. When resuscitated he was speechless and totally paralyzed and died a few hours later. Stoughton's relatives had petitioned for the appointment of a commission, fearing a few weeks' treatment would restore his faculties.

EMPLOYERS' LIABILITY LAW

Constitutionality of Federal Regulation Being Argued in Supreme Court.

Washington, April 11.—Argument was begun in the supreme court of the United States in the two cases of Lamont Howard and N. C. Brooks, involving the constitutionality of the employers' liability law, holding railroad employees engaged in interstate commerce responsible for damages to employees when caused by the neglect of fellow employees or deficient appliances. The cases have attracted wide attention, and in both of them the trial courts held against the validity of the statute.