

# THE OMAHA DAILY BEE.

TWELFTH YEAR.

OMAHA NEB., TUESDAY MORNING, SEPTEMBER 12, 1882.

73

## BURLESQUE JUSTICE.

### The Verdict in the Star Route Cases a Most Ridiculous One.

### Accessories to the Crime Convicted While the Leaders Escape.

### The Faithful Disciples of Dorsey and Brady Stand by Them to the Last.

### The Former Escapes Conviction by One Vote, and the Latter by Two.

### A Lively Talk in Court After the Verdict Was Rendered.

### The Ballots in the Jury Room—General Capital Notes.

### THE STAR ROUTE CASES.

### Special Dispatch to The Bee.

### UNABLE TO AGREE.

WASHINGTON, September 11.—At 2:05 the jury reported that they were unable to agree. The court stated that it had come to the conclusion to accept a partial verdict. The jury then rendered a verdict of acquittal as to Turner and Peck, and guilty as to Miner and Reddell. As to the others they were unable to agree.

On objection of Merrick that Peck had not been arraigned and consequently could not be included in the verdict, the foreman repeated the report as to the others, but left out the name of Peck. The jury were then discharged, and Henkle and Williams for Miner and Reddell respectively gave notice of a motion to arrest judgment and for a new trial.

### A LIVELY FIGHT.

In the course of the argument upon the motion for renewal of bonds in the cases of the defendants, wherein the jury failed to agree, Merrick said, "My motion is to double the amount, and to require new recognizance."

Ingersoll: "It seems this motion is made simply for the purpose of annoyance. The bond now given is certainly good, legally speaking. The only reason for additional bond is that the date and the prosecution pretend that there is good evidence that they are guilty."

Merrick: "The statement that the motion is made for annoyance is gratuitous."

Ingersoll: "I don't know that."

Merrick: "I do know it."

Ingersoll: "I don't care what you know."

Merrick said he had more respect for the motive which prompted the motion than he had for Ingersoll's opinion.

"I don't want your respect," exclaimed Ingersoll.

"And I," retorted Merrick, "don't want yours."

"I don't want yours," continued Ingersoll, "and I should feel humbled to have it."

"Peace, gentlemen, peace," remonstrated the court. The court then said he was of opinion that the recognizances already entered into as to the parties against whom there was no verdict rendered are concerned, are sufficient and valid recognizances; as to the two parties found guilty, Reddell and Miner, I am of opinion there is an end to their recognizances.

Henkle: "Will the court accept a new bond for their pending hearing of the motion for new trial?"

The court stated he would hear Henkle on that subject Wednesday and he would on the same day hear arguments upon Merrick's motion to require new bond.

Foreman Dickson said he was requested to return the thanks and gratitude of the jury to the court for the kind consideration with which they had been treated. They are all grateful for their courteous treatment on all sides. Many of them, though performing compulsory duty since early in March, with an army of witnesses before them and almost talked to death, would leave the court room with pleasant recollections of an unpleasant duty.

different from that of other members of the jury. No doubt it is a matter which will probably be investigated in another way. It does not belong to your verdict."

Foreman Dickson: "No relation whatever."

The court: "No; if it be true, as has been reported to me by several members of the jury, that efforts to bribe have been made, I think no more abominable, no more censurable depth of crime can be named. I think this is not the place for the court or jury to talk on the subject. It is a matter which ought to be in the hands of officers of the law, and if any sounder be convicted of such attempt, I don't know whether the jury would convict him or not. We shall endeavor to do our duty as a court. Good-by, gentlemen."

Ingersoll: "We have no objection to the jury stating who approached them."

Merrick: "Nor have we, and the government will manage the whole matter."

Wilson: "And the counsel for the defence will have a hand in the examination. The government will not make the examination by itself."

Merrick: "Pardon me, sir, but the government will and put it where it belongs."

The Court: (smiling) "I never was so happy in my life. Here are both sides anxious to expose crime, and we shall certainly have a conviction next time."

Court then adjourned until Wednesday.

### HOW THE JURY STOOD.

One of the jurors gives the following information as to the result of the ballot on the first ballot, as to all the defendants except Turner, the vote stood for conviction 8, acquittal 4.

On the final ballot the vote as to Brady stood, for conviction 10, for acquittal 2; the vote as to S. W. Dorsey stood, for conviction 9, for acquittal 3; the vote as to J. W. Dorsey, for conviction 10, for acquittal 2; the vote as to Vaile stood, for conviction 11, for acquittal 1.

### THE VERDICT IN DETAIL.

The verdict in the star route cases was received with profound astonishment by the general public. In an interview with a representative of the press, Mr. Wm. Dickson, foreman of the jury, made the following statement in regard to the balloting during the session. After long discussion of the case it was agreed that two informal ballots should be taken. The question first submitted was: "Has conspiracy as to all defendants been fully proven?"

The vote resulted, guilty—Cox, Doniphan, McCarthy, McLain, McNally, Murray, O'Leary, O'Connell and Tobriner; says—Brown, Dickson, Holmead and Martin.

The next question was: "Have overt acts as to all defendants been fully proven?"

Not guilty, as to all, Brown and Martin; guilty to all, Turner, Cox, Doniphan, McCarthy, McLain, McNally, Murray, O'Leary and Tobriner.

Guilty as to J. W. Dorsey, Miner, Vaile and Reddell; guilty as to J. W. Dorsey, Miner, Vaile and Reddell; guilty as to J. W. Dorsey, Miner, Vaile and Reddell; guilty as to J. W. Dorsey, Miner, Vaile and Reddell.

First former ballot resulted in the acquittal of Turner. The next ballot was on the question, "Are J. W. Dorsey, Peck and Miner guilty as indicted," and the result was: J. W. Dorsey, guilty 9, not guilty 3; Miner, guilty 9, not guilty 3; Peck, guilty 4, not guilty 3.

Third formal ballot was on the question, "Who of the defendants are guilty of conspiracy and of commission of overt acts perpetrated since the 20th of May, 1879?" The result was: Brown voted guilty as to J. W. Dorsey, Miner and Reddell; Dickson guilty as to J. W. Dorsey, Miner, Vaile and Reddell; Holmead, guilty as to J. W. Dorsey, Miner, Vaile and Reddell; Martin, guilty as to J. W. Dorsey, Miner, Vaile and Reddell; O'Leary and Tobriner; guilty as to all except Peck—Cox, Doniphan, McCarthy, McLain, McNally, Murray, O'Leary and Tobriner.

Summary—J. W. Dorsey, guilty 11, not guilty 1; Miner, guilty 11; S. W. Dorsey, guilty 8, not guilty 4; Vaile, guilty 9, not guilty 3; Reddell, guilty 12; Brady, guilty 10, not guilty 2.

The fourth formal ballot was as to the rest of defendants, excepting Peck, Turner, Reddell, and Miner. Guilty as to all—Cox, Doniphan, McCarthy, McLain, McNally, Murray, O'Leary, O'Connell and Tobriner; guilty as to all—Cox, Doniphan, McCarthy, McLain, McNally, Murray, O'Leary, O'Connell and Tobriner; guilty as to J. W. Dorsey, Miner, Vaile and Reddell; guilty as to J. W. Dorsey, Miner, Vaile and Reddell.

Summary—J. W. Dorsey, guilty 11, not guilty 1; S. W. Dorsey, guilty 9, not guilty 3; Vaile, guilty 11, not guilty 2; Brady, guilty 10, not guilty 2.

ment as special agent of that department, and stated he was authorized to act in the matter, if he would favor the conviction of Brady and Stephen W. Dorsey. That statement would be corroborated by witnesses and by circumstantial evidence. When he made his offer in court to-day to make a sworn statement he had intended to take the stand, but on reflection he was sure that his course pursued by the court was the better one, as he would be placed in a false position. There were others of the jury who had been

APPROACHED FROM DIFFERENT DIRECTIONS, but it seems the offers were small, from \$200 to \$300. The man who approached him told him he represented the attorney general, but he (Dickson) did not believe that. He concluded the man took him for a fool or knave and that his only protection was to notify Judge Wylie of the matter. He suggested to Judge Wylie he should coax the man on, but the judge remarked that was too much like police duty and advised him to do nothing but keep clear of the man. The following day the man sent in a card asking an interview and appointing a time and place. He made no reply and had not seen the man or his companion (who was also a member of the department of justice) from that day to this. He made inquiry a few days later and learned that the man had left the city upon the following day. He did not believe he had \$25 in his possession, much less \$25,000, and it was his opinion the man had been employed to get the unwary to commit themselves. He would not allow this matter to drop, but would see the thing through.

Passing on then to a brief statement of

### THE OPINION OF THE JURY

in regard to defendants, he said there was nothing against Brady until Walsh's evidence was admitted and very few of the jurors believed Walsh's testimony. As one of the grounds for his own incredulity he cited the fact that shortly before Walsh appeared on the stand a remission to the amount of \$25,000 had been made on his route from Prescott to Santa Fe.

Walsh had got more in the way of remission on his own route than any other defendant had obtained on their respective routes. The prosecution had tried to get the case against Brady supported by Walsh's testimony extracted from him by Woodward after those remissions had been made by the present administration. That was his honest conviction. In regard to Stephen W. Dorsey, there was nothing against him.

### NO DIRECT CRIMINAL ACT

was shown. The case against him was made up of circumstantial evidence. He believed conspiracy existed as far as the contractors were concerned, and that Reddell, while nominally acting as Stephen Dorsey's clerk, was actually working in the interests of Miner, Peck & Co. During their discussion willingness was developed on the part of the jurors to exchange notes on whom they individually regarded as innocent. Dickson said he had promptly checked this, saying that no man's liberty should be jeopardized to help another. Dickson gave an amusing description of

### SCENES IN THE JURY ROOM.

Songs were composed and sung by the jury, and ludicrous sketches made by one of the jurors.

Judge J. E. Wilson, of counsel for Brady and Turner, in an interview to-day, expressed surprise at the verdict so far as his clients were concerned. He thinks the jury would not have been out an hour before returning with a verdict of acquittal had it not been for the violence of the charge.

Respecting the alleged bribery of the jury, Wilson says

### NOTHING OF THE KIND

was attempted by any of the defendants and that if any bribery was attempted it came from government spotters, who have endeavored to ascertain if any members of the jury were approached.

Henkle, of counsel for Miner, of the convicted men, said the verdict was a most extraordinary one. It is beyond his conception how the jury could find his client and Reddell guilty and at the same time disagree as to Brady's guilt. This result is entirely unaccountable. Henkle says, in view of the fact that the court several times during the trial held that

BRADY WAS THE KEY to the conspiracy, if there was one; and here could have been no spot for or unless Brady was a party to it. Henkle thinks Judge Wylie will hold the verdict inconsistent with the case and not aside. Henkle, while holding the evidence did not justify the verdict against any of the defendants, maintains that the verdict of guilty against all would have been consistent with the testimony.

John B. McCarty, one of the jurors, said that himself, and in fact many of the jurors were not by any means satisfied with the verdict. He and eight other jurors voted from first to last to convict those of the defendants upon whom the jury had disagreed. There was, he says,

### BUT LITTLE CHANGE

in the ballots from first to last. Those jurors who favored a conviction of all the defendants, excepting Turner, were convinced of their guilt and would not change their votes, because they had considered the case well before arriving at this conclusion, and those who voted for acquittal used the most subtle arguments in support of their decisions and would not yield.

Speaking of the verdict, Merrick said that the vote of the jury on conspiracy stood 8 for conviction and 4 for acquittal, the four being Dickson, Holmes, Brown, and Martin.

### THE INTERCHANGE OF NOTES,

he said, between the four, is one of the most mysterious things ever occurred in the transaction of a jury. It can only be accounted for by something that was neither in proof nor made subject of argument. The government will proceed immediately to

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take such steps as may be necessary to discover the guilty parties on the charge of bribery now made apparent in this case, it will also immediately summon its witnesses and proceed to try the parties in regard to whom there was a disagreement, and it may reasonably be expected that with a trial of this indictment and the trial of other indictments against Brady the criminal court will be occupied till the first of February, if not longer. Counsel for the government are well prepared with their labors and are not disposed to resume them until the 1st or 15th of October.

### CAPITAL NOTES.

### WASHINGTON, September 11.—

The corn crop in all regions south of Pennsylvania and the Ohio river is in a high condition in every state except Virginia, represented by 100 or higher figures. In many districts of the south the crop is reported best in 20 years.

In the New England states there has been a very sharp decline, except in Vermont, from 81 to 75 in Maine, 95 to 62 in New Hampshire, 87 to 60 in Massachusetts, 93 to 70 in Rhode Island, and from 96 to 65 in Connecticut; a decline of 8 per cent in New York and New Jersey, and 4 in Pennsylvania is indicated. The loss in all these states is due to drought, which has been especially severe in New England. There has been abundant rain in all the other states.

In the corn growing states of the Ohio valley the prospects average very nearly as at last report. The general average of condition is 83, same as in August. Last year there was a decline from 77 in August to 60 in September. In 1880 the September average was 91. If early frosts do not injure the crop, the product will be materially larger than last year, but the heavy production in 1879 and 1880 cannot be approached under the most favorable circumstances.

The oat crop when harvested was in an unusually high condition, yielding heavily, the general average being 100, very few states falling below that figure. Among them are New Jersey, Pennsylvania, Maryland and Virginia. The rye crop is also above the average in nearly all states and has averaged in good condition.

General averages of tobacco 89, in Pennsylvania 85, Maryland 92, Virginia 93, Kentucky 91, Ohio 75, Missouri 93.

THE NINETEENTH INFANTRY, stationed at Fort Brown, Texas, is authorized to remove into the interior as the threatened overflow of the Rio Grande will drive them into the yellow fever district.

MEANEY'S CASE. Acting Secretary of State Davis says no instructions have been given Stephen J. Meaney, (arrested in Ireland) as to his action in surrendering his bail bond; also that any action of this kind that Meaney may have taken is entirely on his own responsibility.

### FOREIGN NEWS.

### DISSENTIONS IN GERMANY.

ALEXANDRIA, September 11.—General Wood and staff yesterday reconquered the coast from Ramleh to Aboukir, in a steam battle. One officer who recently deserted from Arabi's army, and who accompanied them asserts that a regiment at Madara is prepared to desert at the earliest opportunity. Firing was heard last behind the enemy's position, which caused the supposition that dissensions have broken out in the camp from the active drilling and firing of the practice of the new levies. Arabi Pasha has been at Tel El Kebir since the 25th of August.

LIMERICK, September 11.—Francis Hynes was hanged at 8 o'clock this morning. Hynes endured the pining and recited his prayers calmly. Only a slight tremor was perceptible immediately before the bolt was

drawn. Death was almost instantaneous. A large crowd outside the jail waited for the hoisting of the black flag, many praying for the convict's soul. It is not known whether Hynes made a statement previous to his death, but it is certain that up to Sunday he denied any complicity in the murder. A military guard was held in readiness and 700 extra police from the northern counties were drafted to Limerick in view of the possibility of a disturbance. During Sunday prayers for Hynes were offered in many of the Catholic churches in the counties of Limerick and Clare.

### ANOTHER HIGH FLOWN REPORT.

KASSASSIN, September 11.—Prisoners reported that the object of Saturday's operations was the capture of Kassassin, which they believed would be weakly defended. The Egyptians lost over 1,000 killed, the number of wounded being unknown. There is little doubt that the first attack came upon us in the nature of a surprise. About 5 o'clock in the morning the Thirtieth Bengal lancers, who were out to set videttes, to their astonishment found themselves suddenly in the presence of three squadrons of the enemy's cavalry, and a number of infantry advancing in regular attack formation. Col. Pennington dismounted and opened a galling fire. Three squadrons of cavalry have advanced to surround him, and being so hard pressed he mounted his men and charged the nearest body of the enemy with such fury that he killed ten of them. Soon the rest of the regiment, 400 strong, came up to the rescue. They found a picket of Hussars with mounted infantry already posted side by side with the gallant party.

### IRISH CRIMES.

DUBLIN, September 11.—The murders of the Joyce family will be tried in Dublin. In many towns in the west of Ireland business places are closed to day on account of the execution of Hynes.

### FEMALE EMIGRANTS.

LONDON, September 11.—A public meeting will be held in Liverpool to aid the plan for international protection of female emigration. A branch of the woman's emigration society will be formed.

### CHOLERA RAVAGES.

MADRID, September 11.—One hundred and three deaths from cholera at Manila Sunday; 237 deaths are reported in the provinces.

### CANAL TOLLS.

PORT SAID, September 11.—From 100 English men of war and transports, used in the Suez canal between Aug. 20th to Sept. 6th, the canal company realized from tonnage and passenger dues £30,000 pounds.

### Stage B. Liberty.

ST. LOUIS, September 11.—The stage coach which runs between Sedgwick and Eureka Springs, Ark., was stopped last evening by two masked men, heavily armed, and ten passengers in the stage robbed, one of \$500 and considerable jewelry. The mail pouch was also robbed of registered letters. There is no clue to the highwaymen.

### ANTI-MONOPOLY.

The third District Convention. It was the purpose of a resolution adopted at a joint meeting of the State Alliance executive and state organizing committees, held at Lincoln, June 1882, here will be held at Hastings, Nebraska, September 27, 1882, a congressional convention to nominate a candidate for the Third congressional district. The district comprises all the counties north of the Platte and from east to west, except Douglas county. The number of delegates from each county is specified in the call of the convention that meets at Hastings at the same time. Let very count be fully represented by anti-Valen delegates.

By order congressional committee of the Third congressional district. H. C. ORTERHOOT, Chairman.

## BLAINE'S HOME.

### The Republicans of Maine Sweep the Political Field.

### An Overwhelming Victory for the Straight Ticket.

Special Dispatch to The Bee.

PORTLAND, Me., September 11.—One hundred towns give Robins 29, 248, Plaisied, 22,978, Lohan, 244, Vinton 142, scattering 72; Robins's plurality 6,272, a republican gain of 2,708; 209 towns give Robins 46,429, Plaisied 38,685, Chase 653, Vinton 192, scattering 1-2; against, in 1880, Davis 47,625, Plaisied 44,593, Joy 104, Nye 222, scattering 64. Robins's plurality 7,744, against 2,432, a republican gain of 5,312.

The towns to be heard from gave in 1882—Basis 29,510, Plaisied 29,117, Joy 20, Nye 187, scattering 8. If the republicans gain these towns in the same ratio as the vote received, the vote will be, Robies, 73,783, Plaisied 63,925, scattering 1,561; aggregate vote 138,168, against in 1880, 149,779. Robies plurality will be 8,759. Of the scattering vote Solon Chase, straight greenbacker, should have about 1,000, and Vinton, independent republican, about 300. Republican congressmen in all four districts elected by the same plurality, a gain of two congressmen, or a net gain of one, allowing for one lost by the new apportionment. Congressional returns are very meagre, but all show the vote has been but little out. The vote all elected on a general ticket, instead of by districts. Reed and Dingley will have a few more votes than Robies. Boutwell and Miliken fall about one per cent short from the governor's vote.

Cumberland county has gone republican, probably electing the whole county ticket. Reports from other county seats demonstrate that the legislature is overwhelmingly republican, insuring Senator Frye's re-election.

### BOARD OF TRADE.

### Important Meeting of the Commercial Body of Omaha.

### Honors to Hon. Geo. B. Loring—Captain Quinn to be Visited.

The regular monthly meeting of the Omaha board of trade was held at their rooms, in Lytle's block, last evening, and was called to order by President Clark. The minutes of the preceding meeting were read and approved.

The secretary, Mr. Thomas Gibson, read several communications from gentlemen desirous of coming to Omaha to start up in important business industries, most of whom wanted a good bonus to start on. Two of the letters were from men wishing to start tanneries, one from Ontario and one from Iowa. Another was from a gentleman who wanted to start a wholesale watch factory. All proposed to organize companies of about \$100,000 capital, and one proposed to put in \$10,000 himself.

The most interesting fact in this connection was that showing the general attention now being attracted to Omaha as a business center and a desirable location for wholesale business of every kind.

The secretary reported that Mr. Telf had been appointed a delegate to the National Industrial convention on September 12 and 13 at Denver.

On motion a committee of six, consisting of Messrs. John Evans, C. S. Chase, J. C. Cowin, Max Meyer, Thos. Gibson and P. C. Himebaugh, with

President Clark in the chair, was appointed to wait upon Commissioner Loring and pay him the respects of the board and tender him any courtesies that their judgment might suggest.

On behalf of the Montana excursionists, a committee consisting of John Evans, Dr. O. F. Wood and C. F. Driscoll, Esq., was appointed to draft resolutions expressing the thanks of the excursionists to the men who treated them so hospitably on their trip.

Mr. Max Meyer called the attention of the board to the fact that Captain Quinn, a competent government engineer, had arrived in the city to take charge of the river improvements. Captain Quinn had been located at Galveston, and had removed to this city with his family to undertake this important work. He suggested that some of the members all on him and invite him to attend a special meeting of the board.

On motion Max Meyer, T. W. T. Richards, and J. Wakefield, were appointed as a committee to call on Capt. Quinn and also invite Senator Saunders to be present at the meeting.

It is understood that Senator Saunders has some important communications to make to the board concerning the proposed new bridge across the Missouri river at this point.

President Clark made a statement in regard to the possibility of building the proposed Northwestern railroad. The Ekhorn Valley branch of the S. C. & P., is pushing into the Black Hills rapidly, and Mr. Clark thought the Northwestern railroad might be built to West Point, which would shorten the distance thirty miles, or to Bell Creek, and the S. C. & P. compelled to run its through trains into Omaha. Cedar and one or two other counties wholly without railroad facilities offer a promising field for a new line. The subject was discussed informally and left until the next meeting.

On motion the board adjourned.

### A Standing Need.

Philadelphia Times. There are ever present signs that reform is necessary.

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