

THE VERDICT SET ASIDE.

Tom Ballard's Conviction Reversed by the Supreme Court.

THE JUDGE'S CHARGE DEFECTIVE.

Before Convicting, the Jury Must Believe the Prisoner Sane, and Must be So Charged by the Court.

An Unjust Attack.

LINCOLN, Neb., May 25.—[Special Telegram.]—Tom Ballard, the man who shot and killed Henry Verpoort, the bartender of the St. James hotel, in Omaha, about a year ago, is not to hang. Last night the supreme court, in a very long and elaborate opinion, reversed the judgment of the district court for Douglas county, in which Ballard was convicted and sentenced to death. Justice Reese, who wrote the opinion, refers at length to the charges of bias and prejudice made against Judge Neville by the prisoner's counsel, and says that, after a long and careful review of the case, he is unable to find any proof whatever in support of the unwarranted and unjust attack.

THE POINT ON WHICH THE LOWER COURT IS SET ASIDE.

The point on which the finding of the lower court is set aside is the peculiar wording of the thirteenth clause of the jury's charge, in which he told the jury that if they were satisfied that the prisoner was insane at the time of the killing, they should acquit him of all three of the grades of criminal homicide and turn him loose. The four last words, "and turn him loose," were highly improper, as tending to lead the jury to believe that Ballard was liable to go and do any other thing, he was not bound to. Justice Reese says the language might be objectionable, but does not seem to lay much stress on it. He says, however, that the rule as laid down by Justice Lake in Wright vs. the People, 10 Neb. 407, is that whenever there is testimony tending to show insanity, the jury should be instructed that unless they are satisfied beyond a reasonable doubt that the prisoner was sane at the time of the killing, they should acquit him of all three of the grades of criminal homicide and turn him loose. The four last words, "and turn him loose," were highly improper, as tending to lead the jury to believe that Ballard was liable to go and do any other thing, he was not bound to.

THE LAW OF THE CASE.

The two vital points in the syllabus of the case are:—

1.—Where, in a criminal case, the accused relies on insanity as a defense, and there is testimony to prove insanity, the jury should be instructed that unless they are satisfied beyond a reasonable doubt that the prisoner was sane at the time of the killing, they should acquit him of all three of the grades of criminal homicide and turn him loose.

OTHER COURT BUSINESS.

Mortimer vs. Schulze, mandate ordered. State ex rel. Leese vs. Burr, motion to continue submitted. Buchanan vs. Gregg, motion to correct mandate submitted. Powers vs. Powers, argued. State ex rel. Stevenson vs. White, submitted. Reas vs. Hollister, submitted. Morrissey vs. Schulze, mandate ordered. State ex rel. Conway vs. Weber, argued and submitted. O'Brien vs. Gasin, leave to file supplemental abstracts. State ex rel. Cummings vs. School District No. 6, Clay county, mandate ordered. Pratt vs. Smith, motion to disburse submitted. O'Brien vs. Gasin, leave to file supplemental abstracts. State ex rel. Cummings vs. School District No. 6, Clay county, mandate ordered. Pratt vs. Smith, motion to disburse submitted. O'Brien vs. Gasin, leave to file supplemental abstracts.

Shooting a Desperado.

PAPILLION, Neb., May 25.—[Special Telegram.]—Frank Devore, a laborer at a camp on the B. & M. railroad camp, northwest of town, was shot and killed this evening by officers attempting his arrest. The particulars of the affair are as follows: Devore one of the leading desperadoes on the railroad grade, came to town this morning, got drunk and became very abusive to people on the streets. In the evening he became so bad that citizens demanded his arrest. Every officer who went to town on business, County Judge Hancock appointed Chris. Saftfield a special constable. Devore took possession of Bush's saloon and defied the constable, declaring he would not be arrested. Hancock then appointed Edgar Howard, editor of the Papillion Times, as constable. Armed with a revolver, Howard issued a warrant against Devore. By this time Devore became fairly excited and said to Howard: "Come near me and I will shoot you dead." The field was on the point of attacking him until Howard a second time when Saftfield knifed him and he fled. The constable fired the main field shot, and the body fell with his COMPLIMENTS TO THE SHERIFF. Sheriff Campbell, who had been out on the town, arrived just in time to receive the body on a stretcher from the town of Devore. The sheriff did not fire a shot as he was reported. Everybody here justified Saftfield's action. He acted with caution, and only shot when necessary to save his own life. Devore claimed to have been recently discharged from the regular army at Fort Riley. Papers in his pocket showed he was a native of New York. The town is in a state of excitement, and a large number of the friends of the dead man from the railroad camps are expected down to retaliate. "To prove that the Mayor and Board of Health are not afraid of the desperado," the coroner's jury decided the killing was in self-defense.

An Episcopal Convention.

DES MOINES, Iowa, May 25.—[Special Telegram.]—A day-long, all-day convention of the thirty-eighth annual convention of the Episcopal diocese of Iowa met to-day with a large attendance of clergy and laity. The convention sermon was preached by Rev. Theo. J. Mackay of Central Hall. Holy communion was celebrated by Bishop Ferry, assisted by thirty clergymen. In the church, the bishop gave his annual address this evening, and tonight reception is in progress at St. Catharine's Seminary.

Struck by Lightning.

RISINGS, Neb., May 25.—[Special Telegram.]—Gus Johnson and another young man named Dixon, were struck by lightning while driving the prairie, northeast of Risings, Douglas county, on Sunday last. Saturday night, Johnson and the horses were instantly killed, and Dixon knocked in-sensate. Johnson was a swede in the employ of Dixon's father.

Impediment Quibbling.

DES MOINES, May 25.—[Special Telegram.]—An impediment trial was held to-day, the greater part of the time being consumed in quibbling over points of order. The court decided that the questions asked by the state were "not proper to be asked." After the taking of the testimony was concluded.

Religious Novitiate.

DES MOINES, May 25.—[Special Telegram.]—At St. Joseph's convent, Table Mount, fifteen young ladies have taken the novitiate vows as sisters of charity. Among them were Miss Louise West of Spencer, Miss McCoy, of Akeley, Miss Kinsida, of Dubuque, and Miss Dickie, of Peoria, Ill.

FOREIGN NEWS.

Concession of Dissolution.

LONDON, May 25.—This evening the general opinion is that to-day's meeting of the cabinet resolved on a dissolution of parliament and an appeal to the country. If the government be defeated on the second reading of the home rule bill, it is thought that Gladstone's visit to Windsor Castle this afternoon will be purely of a ceremonial nature, the queen's consent to a dissolution before the departure of the court to-morrow night, for Balmoral Castle.

Later.—The upshot of to-day's meeting of the cabinet is virtually a move in the direction of concession to disaffected liberals.

Several ministers in the clause 24 of the home rule bill, be eliminated. After a long discussion it was decided to leave the matter in Mr. Gladstone's hands, to deal with as he might think fit. His mind was apparently quickly made up for early in the evening, the government whippers were instructed to summon the rank and file of the liberal party to a general meeting on Thursday, when modifications of the bill were to be discussed. The ministers are confident that with the accession of thirty-five radical dissidents and "doubtful" Conservatives, the bill will be dropped after a second reading. It is probable that parliament will be dissolved in the summer, and the government will be returned to the winter session of the year. The government will be devoted exclusively to a discussion of the home rule bill.

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SOLDIERS AGAINST POLICE.

Some members of the Irishmen's militia, stationed at Aldershot, attended a conservative meeting, which was held in the evening, and during the course of the evening they were denounced as being unfit for the name of being British soldiers. The speakers in the meeting were the police, and the police were called in to protect the speakers, and a fight ensued between the Irish soldiers and the police. The police were called in to protect the speakers, and a fight ensued between the Irish soldiers and the police. The police were called in to protect the speakers, and a fight ensued between the Irish soldiers and the police.

The Home Rule Crisis.

LONDON, May 25.—1, p. m.—The cabinet met at noon and is still in session. The conference is generally regarded as exceptionally important, as bearing directly on the political situation of the country.

Zealous Presbyterians.

ST. LOUIS, Mo., May 25.—The Presbyterian general assembly at Minneapolis the morning devotion were led by Dr. E. E. Swift. Answers to overtures, etc., were ordered as follows:

To President, Dayton: It is not admissible to receive Swedenborgians by letters of dismission.

To President, West Virginia: The assembly does not admit widespread neglect of infant baptism. Yet it recommends careful inquiry and instruction by sessions and presbyteries.

To President, Rio de Janeiro, relating to a marriage with a wife's relation: Overture to this effect was ordered sent down to presbyteries.

Wm. Reed, corresponding secretary of the Reformed Episcopal church, was introduced, spoke and received a cordial welcome.

Dr. H. H. Hickok, of Orange, N. J., reported for the standing committee, and was elected in addresses by Secretary Roberts and others.

Annual reports show the receipts of the year were \$117,715, a larger sum than last year, and the disbursements were \$100,000 less, a gain in general contributions of \$13,000, due largely to increased efforts on the part of the churches.

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IRELAND FOR THE IRISH.

Immense Mass Meeting in Chicago in Favor of Home Rule.

GOVERNOR OGLESBY PRESIDES.

An Expression of American National Feeling—The Governor's Address—Cable Dispatch to Gladstone.

Governor Oglesby Presides.

CHICAGO, May 25.—Fully 10,000 friends of home rule in Ireland were present to-night at a meeting held in behalf of that cause, in the battery, on Lake front. A crowd outside, half as large, could not get in. Governor Oglesby presided, and made an excellent speech, in which he expressed his sympathy for the cause of home rule in Ireland, and his confidence in the wisdom and justice of the British government.

Expressed an American National Feeling—The Governor's Address—Cable Dispatch to Gladstone.

The governor presided, and made an excellent speech, in which he expressed his sympathy for the cause of home rule in Ireland, and his confidence in the wisdom and justice of the British government. He said: Fellow citizens, I accept with becoming diffidence, I trust, the unusual honor conferred upon me by the presence of so distinguished an assembly of citizens of Chicago, under the auspices of the Irish National League. I do not most ardent advocates of the treaty at present, and I am confident that the British government will not be less anxious to see the cause of home rule in Ireland carried to its logical conclusion.

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HE PLAYED AND LOST AT POKER.

The East St. Louis Recorder on Trial for Embezzlement and Robbery.

ST. LOUIS, May 25.—Canty, ex-city recorder of East St. Louis, is now on trial at Bellville, Ill., charged with expropriation of the city's funds and robbery of the safe in the treasurer's office. The crime is supposed to have been committed about two years ago and the police have been tried and convicted of the latter offense and is now serving a sentence of five years in the penitentiary. During the proceedings in the court yesterday Duffy was placed on the witness stand, and made a confession which, if it remains by subsequent testimony, will undoubtedly convict Canty. Duffy testified substantially that J. Canty and witness were in Shea's saloon at St. Louis, Mo., on the 22nd of August, 1884, and that they were playing poker. Canty had lost money at poker and he wished some one would blow the market house to—D. J. Duffy was put on the stand and testified in detail of the above confession, after which the court adjourned until to-day.

THE MEXICAN TREATY.

WASHINGTON, May 25.—In reporting adversely the bill to carry into effect the Mexican treaty, the majority of the committee on ways and means says that the treaty, if such it can be rightly termed, is not an exclusive right to either party, but studiously preserves the right of the other to act with perfect independence and in a direction which seems to conserve the best interest of either. Even the most ardent advocates of the treaty admit that its provisions, if enacted, would, within a few years, utterly destroy our sugar and coffee plantations, and would do incalculable injury to our tobacco trade.