

WANTS TO SEE HIS CLIENT.

Kennedy Fighting For His Rights as Burke's Attorney.

A LETTER FROM HIS MOTHER.

After Reading It the Suspect Gives Way to Uncontrollable Anguish—Lonzencker Thinks He Has the Key.

CHICAGO, August 7.—Special Telegram to THE BEE.—Senator Kennedy, Martin Burke's Wisconsin lawyer, walked into the state attorney's office this morning, pulled out an official-looking document and handed it to the assistant in charge. It was addressed to George W. Lonzencker, Esq., 125 May and Joel M. Lonzencker, and read as follows:

"Please take notice that on August 7, 1899, at 10 a. m., his honor, Judge Frank Baker, issued a writ of habeas corpus in the above entitled case, and that said writ will be made returnable at 3 p. m. this 7th day of August, 1899, unless you immediately present Martin Burke, indicted for the murder of P. H. Cronin, to me, his counsel, William Kennedy, in private."

Lawyer Kennedy had in the most quiet manner procured the writ. Judge Baker's presence in the building was not known until after it had been ascertained that the writ was issued. When he entered his court room he found Lawyer Kennedy and Lawyer Carter, together with a stenographer, awaiting him. Judge Baker invited his early callers into his private chambers and, with closed doors, heard the application. The writ was granted, the lawyers hurriedly disappeared, and the judge departed by his private door, escaping from the building without submitting to any further examination. Hubbard was served with a copy of the summons this afternoon. After Deputy Sheriff Gleason had served Chief Hubbard with a copy of the summons, the matter in the case was made public. The petition sets forth that William Kennedy complains and shows that he is the employed attorney of P. H. Cronin, and that on July 19 and received instructions to act as his attorney. On information Kennedy says that on the night of August 1, 1899, in charge of Chief of Police George W. Hubbard, and that when said police officer reached Chicago with his prisoner, he was directed to place his said prisoner in what petitioner has learned since his arrival in said county is a "kew" box. The petitioner in this connection, who is a model of manly courage, and who has never been arrested, and that the said Martin Burke is detained without legal process. The petitioner further says that the petitioner has been refused admission to see and converse with Burke, and that the chief of police has refused to move his prisoner to the county jail. The petitioner further says that it is his belief that the imprisonment of Burke in what is known as the "kew" box is in pursuance of the plan indicated by the name of the aforesaid officers. The petitioner says he spent nearly the entire day of August 6 in making efforts, which were unsuccessful, to obtain an interview with his client, Martin Burke. The petitioner further says that he is informed and believes that some of the officers comprising the squad that had charge of the prisoner stated that they proposed to take Burke to the county jail, and that it is his belief that the petitioner's presence in the county jail would have had the effect of filling the court room with spectators anxious to get a glimpse of the celebrated "kew" box. The petitioner says Burke had not shown up, and the state attorney said he would not.

"Why not?" "By way of an answer the official closed one eye."

"But he must be brought here."

"After a moment's hesitation, the state attorney said he would try to explain. At 3:15 Chief Hubbard, accompanied by Corporation Counsel Hutchinson, entered and the latter proceeded at once to the "kew" box. The substance of Mr. Hutchinson's argument was that Chief Hubbard could not in his capacity as chief of police, and that the writ of extradition Burke was not in his custody, but in that of Officer Collins."

"This Mr. Kennedy, on the part of Burke, declared. He said that he had been given orders to keep Burke in close custody, and directed the actions of the police, he was the constructive custodian of the prisoner."

"Judge Baker gave an intimation of what his decision would be when he said: 'That will hardly do, Mr. Kennedy. As you are well directed by your superior, the mayor because he is the legal head of the police force and gives orders to the chief, and yet it can not be claimed that the mayor has charge of the prisoner.'"

Mr. Hutchinson, in reply to the questions of the opposing counsel as to why Collins should not take charge of the prisoner, replied that while it is true Collins is but a detective in the employ of the city of Chicago, he was in this case the special messenger of the president of the United States bearing a writ of extradition, and as such was not amenable to the orders of the Chicago chief of police."

The mayor of Dr. Cronin is not the first crime of that nature with which Martin Burke has been charged. In 1887 he was arrested on suspicion of having been connected with a man named Laffey, who was shot and killed by a man named Laffey, but for want of proof the charge was not sustained."

On the evening of October 25, 1887, a christening was held at the house of a man named Laffey, at 48 Superior street, right in the heart of the Irish settlement of the old Seventeenth ward. The christening was given by the Rev. Father Burke, and the feast was given by Martin Burke, and Tony Gallagher. The feast was plentiful, and Mr. Gallagher became noisy and obstreperous, and was asked to leave. He refused and became more abusive. Martin Burke and John Garrett were requested to remove Mr. Gallagher from the premises. Mr. Gallagher was a pretty husky classman himself, and it took considerable force to remove him. There was a free fight, and Mr. Gallagher was elected with Messrs. Burke and Garrett as an escort to take him down the stairs. He was fighting desperately all the time. That was the last seen of Mr. Gallagher till November 17 following, when his dead body was fished out of the river near the Indiana street bridge. There were marks of violence on his body, and it was found that he had been struck on the head with a brick bat. The disposition of the body and the wounds are so strikingly similar to the Cronin tragedy that it is thought that Burke put into practice the lessons he received in the Gallagher murder."

Chief of Police Hubbard, in company with several of Dr. Cronin's friends, went down to see Burke this afternoon for the purpose of identification by friends. Hubbard carried him a letter which had been in the north side postoffice for some time. It was from his mother in Iowa. The prisoner opened the letter and perused it. When he had finished, he threw himself upon the floor with his cell and cried like a child. Seeing his grief-stricken condition, it was decided to postpone the confrontation of witnesses until another day."

Afternoon paper says Chief McKee, of the Winnepeg police, will be a witness at the trial; that he was Burke's confidante during the Cronin case; that he was the man who took Burke to the prison under a promise to him. The authorities here are confident that Burke will eventually confess.

Chicago, August 7.—Result of to-day's game: Cleveland, 0 2 4 0 0 0 1 3—29. Washington, 1 0 0 1 0 1 0 2—6. Base hits—Cleveland 19, Washington 13. Errors—Cleveland 3, Washington 7. Batteries—Cleveland, Beatty and Batters; Washington, Sullivan and Clark. Umpire, Lynch.

INDIANAPOLIS, August 7.—Result of to-day's game: Indianapolis, 3 0 0 0 0 0 0 3—13. Boston, 1 0 0 0 0 0 0 0—0. Base hits—Indianapolis 15, Boston 5. Errors—Indianapolis 3, Boston 9. Batteries—Indianapolis, Krock and Sommers; Boston, Redburn and Gazzell. Umpire—Curry.

CHICAGO, August 7.—Result of to-day's game: Chicago, 1 0 0 0 0 0 0 0—9. New York, 1 0 0 1 0 1 0 1—4. Base hits—Chicago 6, New York 5. Errors—Chicago, Tener and Farrell; New York, Crane and Ewing. Umpire—Powers.

THE AMERICAN ASSOCIATION. KANSAS CITY, August 7.—Result of to-day's game: Kansas City, 1 0 0 0 0 0 0 0—1. St. Louis, 0 1 0 3 0 0 0 0—4. Base hits—Kansas City 10, St. Louis 10. Errors—Kansas City 2, St. Louis 1. Batteries—Kansas City, Galloway and Galloway; St. Louis, Galloway and Galloway. Umpire—Curry.

LOUISVILLE, August 7.—Result of to-day's game: Louisville, 1 0 2 0 1 0 0 0 0—5. Cincinnati, 1 0 0 1 0 0 0 2 0 1—4. Base hits—Louisville 10, Cincinnati 10. Errors—Louisville 2, Cincinnati 1. Batteries—Louisville, Galloway and Galloway; Cincinnati, Galloway and Galloway. Umpire—Curry.

PHILADELPHIA, August 7.—Result of to-day's game: Philadelphia, 0 0 0 0 0 0 0 0—0. Baltimore, 0 3 2 0 3 0 1 0—9. Base hits—Philadelphia 0, Baltimore 9. Errors—Philadelphia 0, Baltimore 0. Batteries—Philadelphia, Galloway and Galloway; Baltimore, Galloway and Galloway. Umpire—Curry.

COLUMBUS, August 7.—Result of to-day's game: Columbus, 3 0 0 0 0 0 0 5—8. Brooklyn, 0 1 3 0 1 0 0 0—10. Base hits—Columbus 3, Brooklyn 10. Errors—Columbus 0, Brooklyn 0. Batteries—Columbus, Galloway and Galloway; Brooklyn, Galloway and Galloway. Umpire—Curry.

AMATEUR GAMES. COLUMBUS, Neb., August 7.—[Special Telegram to THE BEE.]—The third game of base ball between the Lafayettees, of Omaha, and Columbus, at the fair grounds this afternoon resulted in a score of 4 to 0 in favor of Columbus.

BASE BALL.

THE NATIONAL LEAGUE.

THE SPEED RING.

Grand Circuit Races.

BUFFALO, N. Y., August 7.—[Special Telegram to THE BEE.]—There was a larger crowd and some fine contests for the second day of the grand circuit meeting. The time made shows the track to have been in good shape, three trotters entering the 2:30 list, while the pacers went several fast heats. Although sixteen heats were disposed of, only two races were decided, leaving two others to be finished to-morrow before the program can be reached.

Of the many fast miles, the two heats trotted by the Maine bred stallion, Nelson, were the most noteworthy. With a lead of one to one to win the 2:23 state, and he did so in straight heats. In the first heat he and the gray gelding, Speed, together with the red gelding, when Nelson drew away and won the heat in 2:15. The next mile was slower, and Lady Bullion finished close on the straggler. In the third heat Nelson was sent from the half, and again was credited with 2:15 for the mile, many outsiders making 2:14 1/2, had he 1:30.

The pacers, together with the trotters, was thought to be within the powers of Aaleina, a mare bred by the owner of Nelson, and by the same sire. Aaleina got two heats, one in 2:10 and then the Boston stallion J. R. Shedd was cut loose and the next three heats were won by him. The finishes in the third and fourth heats were very close, and the pacers, Shedd winning in the last few yards.

The pacers had a battle of five heats, and still the issue is in doubt. Roy Wilkes was the favorite in the first heat, and in the third heat, and the latter was the choice thereafter. Jewett surprised everybody by his finish in the fifth heat, when Gossip seemed to have the lead.

The three heats of the 2:30 trot were fast. Jack was a 3 to 1 favorite till Greyflight led in the second heat, and then the former carried the Chicago crack to a break in the second heat. He was the choice at 4 to 1 in the third heat, and Jack and Greyflight both broke on the home stretch, the former catching first and getting past the other gray.

Besides these two unfinished contests, there are four events for Thursday, including the name of the horse, the name of the driver, and the name of the owner. The race is a favorite. Summary: WOODS, \$5,000, 2:22 CLASS. Nelson (Woodbury)..... 1 1 2 1 1 Lady Bullion (Crawford)..... 2 2 3 3 3 Sensation (Keating)..... 3 4 4 4 4 Lynn W. (McCarthy)..... 3 4 4 4 4 Emence (Johnson)..... 5 5 5 5 5 Golden Rod (McDonald)..... 5 6 6 6 6 Delmonte (Davis)..... 6 6 6 6 6 Time—2:15, 2:15, 2:15, 2:15, 2:15.

WALKER, \$5,000, 2:27 CLASS. J. R. Shedd (Bowen)..... 2 4 1 1 1 A. A. (Woodbury)..... 1 1 2 2 2 J. A. Fuller (Stanley)..... 2 2 2 2 2 S. G. (Goldsmith)..... 3 3 3 3 3 Annie Wilkes (Ernst)..... 4 4 4 4 4 Elesta (Doble)..... 5 5 5 5 5 Annie H. (Van Meter)..... 5 6 7 7 7 Frank S. (McCarthy)..... 6 6 6 6 6 John Ferguson (Goldsmith)..... 6 6 6 6 6 Time—2:15, 2:15, 2:15, 2:15, 2:15.

PRIZE \$1,000, FREE-FOR-ALL, UNFINISHED. Roy Wilkes (Ernst)..... 1 2 3 3 3 Jewett (Petat)..... 3 3 3 3 3 Lady Wilkes (Brown)..... 4 4 4 4 4 Time—2:15, 2:15, 2:15, 2:15, 2:15.

PRIZE \$1,000, 2:30 CLASS, UNFINISHED. Greyflight (Goldsmith)..... 1 1 2 2 2 Jack (Doble)..... 2 2 2 2 2 Lucille's Baby (Green)..... 3 3 3 3 3 Pennak (Geers)..... 4 4 4 4 4 Geneva S. (McCarthy)..... 5 5 5 5 6 No time given.

DUPP GREEN'S PERSECUTION.

It is Exhibited in the Arrest of Young Nestlehouse. A case of folio persecution was brought to light in police court yesterday. The victim is William Nestlehouse, a young man whose mother is the wife of one of the wealthiest and best known citizens in Omaha. On Friday last, Nestlehouse was arrested, charged with being a vagrant. By employing a packed jury the prosecution convicted him and he was sent up to forty days in the county jail. There is no doubt that the case and furnished the necessary bond. It is alleged that the juror who secured the verdict of guilty in the case was a Democrat, and that he was a member of the Omaha lodge of the Grand Lodge of the I. O. O. F. It is said that Green has hounded the young man for months and has arrested him on every conceivable pretext, but has failed in every instance to convict him of a single crime. He said that he was found in last night's struggle. It was reported that the sporting editor of THE BEE was finally selected upon as referee, and time called, and Lewis went right at the other man, and struck a fast fall. McMillen, however, seemed equally determined to remain on his feet. By this time the match had become a free-for-all, and the two men were covered with scars and abrasions and contusions from his famous battle with the champion of the world. The fight was a night, which was won after fourteen consecutive hours of heroic effort.

Notwithstanding these drawbacks, no case has been so interesting and exciting of all the sporting events that have taken place in Omaha within a twelve-month. The match was catch-as-catch-can, the shoulders on the carpet constituting a full, three best in five, for a purse of \$500, hung by the city of Omaha. After a couple of very tame bicycle races the two gladiators made their appearance. They were introduced by the spectators by Manager "Frisco" and were received with vociferous applause. It was plain to be seen that neither man was in condition to fight, and that the match was a foregone conclusion. The two men were covered with scars and abrasions and contusions from his famous battle with the champion of the world. The fight was a night, which was won after fourteen consecutive hours of heroic effort.

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A BIG FIGHT IN PROSPECT.

Western Roads on the Eve of a Great Rate Battle.

ATCHISON WILL NOT PRO RATE.

President Strong's Circular Taking That Position Expected to Be Issued During the Coming Week—Intense Interest.

It will Be a Desperate Struggle. CHICAGO, August 7.—[Special Telegram to THE BEE.]—The Chicago, St. Paul & Kansas City road to-day issued a notice that in the event of lines west of the Missouri river charging local rates to Kansas City, "We shall shrink rates east sufficient to promote the movement of traffic." This is the exact ground taken by the Atchison, and will make them extremely interesting when the Atchison tariff appears, quoting no through rates except over the Santa Fe to Chicago. For a perfect understanding of the matter it is necessary to remember that General Manager St. John, of the Rock Island, gave notice that his line would meet local traffic this rate made as a proportion of the through rate from points west of Kansas City. This will inaugurate a sea-saw reduction in rates, already explained in these dispatches. There is no way of avoiding this fight except by a decision of the inter-state commerce commission declaring the stand of the Atchison and Chicago, St. Paul & Kansas City to be illegal. The Atchison people seem at such a decision, President Strong, of the Atchison, says his notice refusing to pro rata with other roads will be issued during the week. Railroad men say it will mark the beginning of the most desperate struggle ever seen between western roads.

President Strong, of the Inter-State Commerce Railway association, has called a meeting of the board of managers of the association for August 14. In view of the fact that the Atchison people have an extremely important meeting, Chairman Walker also gives notice that on August 12 will be heard the appeal of Chicago, St. Paul & Kansas City to the Interstate Commerce Commission. It is expected that the Atchison people will apply to the Interstate Commerce Commission for a ruling on the matter. The Atchison people are expected to apply to the Interstate Commerce Commission for a ruling on the matter. The Atchison people are expected to apply to the Interstate Commerce Commission for a ruling on the matter.

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National Bank Force Will Play a Game of Base Ball Saturday Afternoon.

The Blue Stars of Omaha and the Sobokers Will Play Base Ball on Sunday, August 17, in the Third Ward Park.

Mr. John Cleary has Just Moved to the City from Crete, and has Rented One of the Pretty Cottages Recently Built by E. T. Lyon near St. Bridget's Church.

August 14th, the man who claims to have been held up at Sheely's and robbed, has made charges against many persons, one of whom was arrested and let go by the police, that the police think he was not robbed at all.

SPARKS FROM THE WIRES.

The steamship Montreal lies a total wreck on Belle Isle. All on board were saved. A telegram from Scottsboro, Ala., says the prisoner held there is not Dick Tait. St. Joseph wants the world's fair. She will pledge \$300,000 of her own staff, and promises to secure an amount of \$300,000 by passing the hat among her admirers.

Parnell's Health Broken. LONDON, August 7.—Parnell's health is broken. His physicians have advised him to go to the south of France and remain until next summer.

The Coat Fitted. Texas Siftings: Colonel McSpinkins has a wayward named Tom, who is much given to visiting beer saloons. A few days ago the old man was walking through the hall, when he saw Tom's coat on the hat-rack, so he went up and snuffed it. The result of the investigation committee seemed convincing, for he braided out in an angry tone of voice: "Tom, you young scoundrel, you have been in a saloon again. I can smell the fumes of liquor and tobacco on your coat. There can be no mistake about it."

Why, father, that coat on the hat-rack is your own, and I have never seen the lodge last night," replied Tom. "If you ever insult me that way again," said old McSpinkins, putting on the coat, which fitted him perfectly, "I'll break every bone in your body." Verdict for Tom, and no appeal.

A Roman Girl's Doll. A wooden doll, with jointed arms and legs, was found in a sarcophagus containing the skeleton of a young girl lately unearthed in Rome.

Colonel North's Wonderful Railway. Colonel North's railway from Iniquity to Pisumipa, in the Chili river district, is one of the most wonderful in the world. It zigzags up and down the Cordilleras in the solid rock for forty-eight miles. The engine drawing cars on the road are double-deckers, some of which are alike at both ends, with two smokestacks and one cab.

To Investigate London's Fogs. The London county council has appointed a commission to investigate the causes of the dense fogs which prevail in that city during the winter months, and the best manner of dealing with them as regards the public health.