# WENT AGAINST BOYD.

Eupreme Court Gives Out a Decision in the Contest Case.

THAYER DECLARED TO BE GOVERNOR.

Judges Cobb and Norval Hold in Favor of the Ex-Governor.

JUDGE MAXWELL DISSENTS FROM THEM

He Emphatically Declares That Boyd is and Has Been a Citizen.

PRETEXTS FOR JUDGMENT OF OUSTER.

Sy labus of the Decision Which Puts the People's Choice Out of His Office Given Here Com-

plete.

LINCOLN, Neb., May 5 .- | Special Telegram to THE BEE. |- The great Boyd-Thayer contest ended at 4:30 o'clock this afternoon by the supreme court declaring that Thayer is governor and by ousting Boyd. The opinion was handed down by Judge Norval, a brother of Dick Norval, attorney for Governor Thayer. The opinion was concurred in by Chief Justice Cobb. Justice Maxwell. however handed down a dissenting opinion couched in the most emphatic language, in which he declared that under the enabling act Boyd became a citizen of Nebraska and was one when he was nominated for governor and when he qualified for that position

Judge Maxwell's opinion comprises nearly a thousand pages. The following is the syllabus of the opinion handed down by Judge Norval: State ex rel, Trayer vs Boyd quo warranto. Judgment of ouster. The supreme court has jurisdiction to entertain proceedings by information in the nature of quo warranto instituted for the purpose of determining the rights of persons claiming the office of govern-Under the provisions of section 2

5, of the constitution, no person is eligible to the office of governor who has not been a cit-izen of the United States and of this state for least two years next preceeding election at which such officer to be chosen. Where a plurality of votes are east for a person for a public of-fice who is ineligible the election is void. Un-der the fourth section of the act of congress, entitled "An act to establish an uniform rule of naturalization," approved April 14, 1802, the child of an alien under twenty-one years of age, although born in a foreign country, becomes a citizen by the naturalization of his parent if dwelling within the United States at the time the parent is admitted to citizen-ship, but it does not have that effect if he is over twenty-one years old at the time the parent is naturalized. The order of a court admitting an alien to citizenship is a judicial act in the nature of a judgment and can be proved only by the record. The fact that an alien has for many years voted at elections held in this state and filled important public offices does not establish that he is a citizen of the United States. Where an alien is natural-ized under the naturalization laws his citizensuip dutes from the time the order of the court is made admitting him to citizenship. The alien inhabitants of the territory of Nebraska at the time of its admission as a States by virtue of the acts of congress admitting the state into the union. The words "citizens of the United States" as used in section 2 of article 5 of the state constitution is construed to mean a person who is an American citizen by birth, or a person of foreign birth who has been duly naturalized under the provisions of the uniform rule of naturalization established by congress. Under section 1 of article 5 of the constitution a person elected to the office of governor is

the emoluments of the office for the term of two years from the first Thurday after the first Tuesday in January following his election and until a successor is duly elected and qualified. Where the person receiving the highest number of votes for the office of gov ernor is ineligible under the constitution be elected the governor holds over. T duties of the chief executive office of the state devolves upon the lieutenant governor in certain contingencies, among which are the failure of the governor-clect to qualify and the disability of the governor. It cannot be said that there has been a failure to qualify where no person has been constitutionally elected to the office. The words "other disabilities of the governor," appearing in section 16, ar-ticle 5, of the constitution, have no reference to the ineligibility of the person to be elected but covers any disability of the governor not specifically enumerated in the section, and occurring after the commencement of his term of office. Held, that when the nonelection of a person to a public office is ascer-tained by the proceedings in quo warranto the person entitled to hold over must then

quality.

The opinion had no sooner been handed down than Thayer immediately filed his bond with the secretary of state. As the matter is a federal question it is reported that Governor Boyd will appeal the case to the supreme court of the United States.

Lincoln, Neb., May 5.—(Special Telegram to Tair Ber.)—About an hour after the contriou was handed down a wait of court are

cpinion was handed down a writ of ouster was served on Governor Boyd by a deputy sheriff. The governor was ordered to turn the office over to Thayer, and he did so, but remained first to see that all his private papers were packed. Thayer took possession of the executive office and was immediately surrounded by a number of ex-officials who owed their discharge to Governor Boyd. A large crowd gathered in the state house after the opinion of the supreme court was known and the greatest excitement prevailed in the city

## CUT AND DRIED.

## Thayer's Attorneys Were Probably Or

the Inside in the Matter. Lincoln, Neb., May 5 .- (Special Telegram to THE BEE. | - The main subject of discussion on the streets and in the hotels tonight is the unexpected decision of the supreme court tate this afternoon in regard to the Boyd-Tayer contest. It was expected that the de cision would be handed down this morning. The opposing attorneys were on hand ex pectant, but the entire morning was spent in considering minor cases and it was announced at noon that the court would adjourn

Counsel for Governor Boyd was therefore led to believe that there would not be any decision handed down until tomorrow. Generals Cowin and Judge Crawford, attorneys for Governor Boyd, left for Omaha and Mr. Howe was out in the city and did not arrive at the executive office until after Governo

Boyd had been ousted.

The general unpression seems to be that The general impression seems to be that the counsel for Governor Thayer were not resting in such blissful ignorance of the purpose of the court, for at 5 o'clock, when the opinion was filed, a writ of ouster had already been prepared, was instantly signed, placed in the hands of Deputy Sheriff Hoxie who, accompanied by O. P. Mason, John L. Webster, Ed. Carnes, Dick Norval, (brother of the judge), and a posse of about fifty of the judge), and a posse of about fifty others, marched into the governor's office, served the writ on Governor Boyd and de-

manded immediate pessession.

Governor Boyd said: "I am ready to obey
the mandate of the court, but I would like to have a few moments' delay until my counsel who have been telephoned for, can arrive." Judge Mason seemed favorably inclined to such a course, but was called aside by John I. Webster, and after a few moments' con-sultation Webster came back and told the

deputy sheriff to demand immediate possession of the executive office.

To this Governor Boyd immediately com-Mr. Howe arrived less than

ninutes after, and was indignant at what he called the bot haste of proceedings.

One of the comical features of the great event was after the office had been turned over to Thayer, Judge Mason ambled up to Governor Boyd, reached out his hand, and graphing that of Governor Boyd said: "I am very sorry that you have to vacate this office under these circumstances." To this Governor Boyd smilingly replied: 'Don't shed any crocodile tears on my ac

The judge was paralyzed for a few moments, colored up, and for the first time in his life was at a loss for words.

Governor Tanyer had evidently been previously informed of the intended decision

of the court, as he was ready with his bond and filed it immediately with the secretary of state. On assuming the duties of his office. he immediately set to work, and cut off five

official heads.
Adjutant General Vifquain first fell a victin to the official guillotine and Adjutant General Cole was put in his place. Father Corbett, chaplain of the penitentiary, was the next in line, and his head came off. Elder Howe was reinstated.

Captain Crawford, the janitor at the state house recently discharged, was reinstated.
Governor Thayer then fired the recently appointed superintendent of the asylum at Norfolk, and wrote out a commission for John Wilkinson.

Colonel Harry Downs, recently assistant to the deputy labor commissioner, will be re-instated, as will also Mr. Ferris, clerk in the executive office under Governor Thayer. Tonight the new chief executive is sharpen-ing up the guillotine for further slaughter.

#### WHAT BOYD THINKS.

#### Will Take the Case to the United

States Supreme Court. Lincoln, Neb., May 5. - Special Telegram to Tue Bee. |-Governor Boyd was seen this evening at the Hotel Lincoln. He was in his usual good spirits and said he was glad that the supreme court had finally come to some decision. The governor said:

"I don't regret so much about being ousted from the position of governor as I do that a majority of the court has declared that I am not a citizen of the United States. I believe with Judge Maxwell, in my opinion the ablest judge on the bench, that I am a citizen of the United States, and of course it goes without saying that I always intended to be such. A man who has lived in this country since he was a child and been a resident and citizen of this state for thirty-five years, and who helped to frame the constitutional provision now invoked to oust him from office, and who was a member of the first state legislature that accepted the provisions of the enabling act under which the state was admitted into the union, and who has done perhaps as much as any other man in building up and de-veloping the resources of the state, is certainly entitled to citizenship. To say the least it is a mere technical construction of the law by a majority of a par-tisan court that deprives him of that citizenship. My greatest pride has always been that I could say that I was an American citi-zen and I do not propose to let this matter rest here, but If the law will so permit I will carry this case to the supreme court of the United States for the purpose of having a declaration of what constitutes citizenship of the United States by the highest tribunal in the land. I believe that court will gave a different construction to the law than that given by a majority of the supreme court of Nebraska. At least I have been so advised by as able counsel as there is in this country. I shall do this, not for the purpose of regaining the office of governor, for that office I do not care, but, as before stated, I wish to establish my citizenship. I regret that the decision of today was not rendered long ago. It would have saved me from many an unjust and undeserved criticism. The many an unjust and undeserved criticism. The ccused me of making a corrupt bargain with the supreme court it seems to me should now have the firmness to give me the credit of

having acted honestly and conscientiously in the discharge of my official duties."

Governor Thayer was seen, but he was excited and busy almost to talk. He de-clares, however, that according to the laws of the state he is the only person who can hold the office of governor. He believes the decision of the supreme court to be the only right and just one, as Boyd, being an arien by his own confession, has no right to the office. That under such circumstances the letter of the statute; must be followed, to wit, the old

Thayer's Little Hatchet. LINCOLN, Neb., May 5 .- [Special Telegram o The Bee. |- Governor Thayer today made the following appointments: A V. Cole, adjutant general; Rev. P. W. Howe, chaplain of the penitentiary; D. C. Crawford, janitor of the capitol building; Dan Hopkins warden of the penitentiary; Dr. Fred G. Test, superintendent of the asylum for the incurable insane at Hastings; J. W. Liveringhouse, steward of the asylum for the incurable insane at Hastings; H. F. Doans, derk in the office of commissioner of labor Or. George W. Wilkinson, superintendent of the insane asylum at Norlolk; J. R. Nichol, steward of the insane asylum at Norfolk; J. B. Parmalee, principal of the institute for the blind at Nebraska City; Captain W. C. Hency, commandant of the soldiers' home a

Di-satisfied at Hastings

Hastings, Neb., May 5 .- | Special Tele gram to THE BEE. ]-The decision of the supreme court in the case of Governor Boyd cannot be accepted as welcome news by the republicans. They are much chagrined, as hey expected that Tom Majors would be de lared governor of Nebraska if Boyd was delared ineligible.

Superintendent Johnson, the new appointed at the insane asylum, who this morning obtained full possession, says tonight to The Bee man that he will not hold under Thayer our minutes, but he will resign instanter. The democrats here accept the news as a bitter pill Ragan and Lanning being the only ones who find contentment in the derision, and are holding conference tenight.

His Job Not So Sure.

NEBRASKA CITY, Neb., May 5 .- [Special felogram to THE BEE. |-The news in regard to Boyd being retired and Thaver reinstated as governor was discussed on the streets by everyone tonight. Prof. Bakestraw's friends were not happy and Prof. Parmalee has con cluded to remain until the controversy is set-tled. In case Thayer is reinstated Prof. Parmalee's friends say he will be replaced.

## IN OMAHA.

How the News Was Commented on by Prominent Citizens. The news of the court's decision created a sensation in this city, especially in political

circles, and formed the theme of conversation and discussion on the streets, in the hotel and at all gatherings. City Attorney Poppleton said he was not

surprised. "It has been a very difficult question," said he, "and I would not have been surprised at a decision either way." Councilman Bechel said the decision would probably result in the case going to the United States supreme court, where it

Mayor Cushing said he thought it was a very unfortunate thing for Mr. Boyd, and the state of Nebraska, too, at this especial time. "Thayer, if seated, is apt to call a special session of the legislature, and if that old mob gets together again there is no telling what they won't do. If it gave us Tom Majors it would ut be so bad. He is a man, and a capable, fair-minded one and would

and a capable, fair-minded one, and would give us a substantial administration."

Charles J. Creen said: "I have not yet seen the text of the decision, but I have been of the opinion that Mr. Boyd should be sustained. When I have read the opinion in full I shall be a better the second of the opinion in full I shall be the sustained. full I shall be in better shape to say some-thing about it than at present."

Colonel W. A. Paxton said: "I can tell you briefly what I think of the whole busi-

[CONTINUED ON SECOND PAGE.]

## SEARCHING FOR IGNORANCE.

Another Day Consumed in Trying to Secure a Jury for the Sheedy Trial.

INTELLIGENCE AT A GREAT DISCOUNT

A Young Man's Thrilling Career-Hutchinson, the Would-Be Murderer, Captured-Other State News.

LINCOLN, Neb., May 5 .- [Special to THE BEE. |- In the trial of Mary Sheedy and Monday McFarland for the murder of John Sheedy the entire day was taken up in the effort to secure a jury. Yesterday nine men passed the challenges for cause, and the speedy selection of the jury seemed probable, but the court reversed one of its rulings with the effect of materially delaying the proceeding.

It was held yesterday that, under the law of 1889 governing counties of 70,000 or over, an opinion formed from the reading of newspaper accounts of the murder, was not a cause for challenge. Today the court announced that it had given the question further investigation and had reached the conclusion that he general law was not repealed by the statute of 1889. The court had also gone over the stenographer's report of the examination of the nine jurors, and it excused Messrs. Hendry, Hartshorn, Oakes and Quackenboss from service. The defense then claimed the right to re-examine the other six jurors, and the court readily gave both sides an opportunity to recall them to the stand. Under this second examination Mr. Dunham was also excused, leaving but four of yesterday's jurors. Absolutely nothing of a sensational nature occurred during the day

to interrupt the monotonous quizzing of the gentlemen drawn as possible jurors. Mrs. Sheedy sat between ber two sisters and kept her eyes almost constantly upon the persons under examination. If she had occasion to glance at the court or the attorneys for the presecution she did it by rolling the eyes in their sockets without turning her head to the right or left. Her composure was perfect, and there was nothing in her conduct to attract attention.

McFarland sat in the background, scarcely noticed amid a throng of lawyers, and he kept bis eyes on the witness stand with scarcely a change in his expressionless face except when engaged in whispered consultations by his at-torneys. The court room was filled with spectators, but the fair sex was conspicu-

Many of the persons examined were opposed to imposing the death penalty on evidence wholly circumstantial, and the attorneys dwelt upon that point at great length. The court itself wearled somewhat of the reiteration and made this statement: "There never was a case in which the testi-

mony was all circumstantial. Such a case cannot be conceived. The death of John Sheedy can be proved by direct evidence, and this is also true of other points in the The courts rebuke had the effect of making

the examinations for jurors less rigid. The net result of the day's labor was the addition of the following seven gentlemen to the four already in the jury box: S. S. Griffin, A. B. Norton, James VanCampion, Frank E. Doyle, I. L. Lyman, A. P. Martin and David Hettrick, The twelfth man will probably be selected tomorrow morning, but it is certain that some of the twelve will be displaced. The state has six percuaptory challenges and each of the defendants sixteen, making a total of thirty-eight, so that all of tomorrow may be taken up in getting

## HUTCHINSON CAPTURED.

## rested at His Home.

Lincoln, Neb., May 5 .- | Special Tele gram to THE BEE. |-E. W. Hutchinson, sr., the would-be murderer of Mrs. Jennie Greene, was captured about 10 o'clock last night at his home in Ashland where he has been in hiding since last Saturday. The capture was effected by Marshal Melick of this city. The murderer was brought to Lincoln at 10 o'clock this morning. He affeets insanity. He claims that while talking with Mrs. Greene a strange feeling came over him and he does not recollect anything after that until he found himself hatless about ten miles northeast of Lincoln.

The Hutchinson homestead is situated a mile from Memphis on the banks of the creek, and back of it is a large wood, thus affording the old man an opportunity to go back and forth without hindrance. It was about 10 o'clock when Mr. Melick arrived, but he immediately proceeded to the house and knocked for admittance. Mrs. Hutchinson was at home and seemed rather sur-prised to see the officer. She denied that her husband was at home, but the officer persisted in searching the premises, and his pa-tience and ingenuity was rewarded by finding the old man in a small bedroom. Hutchinson made no resistance and appeared to be waiting to be captured. He was very much broken down and went along willingly. Hutchinson is either insane or playing a part. He cannot or will not tell why he shot the woman, but says that he does not remember anything about the tragedy. He made his way Wednesday to Memphis, but fearing detection hid himself away. He remained in the woods near his ouse, sheltered by his family until Saturday night, when he felt so tired and worn out that he begged to be taken into the house He was smuggled in under cover of the dark ness, and remained in hiding there until he

was captured. was captured.

If the woman dies, which is regarded probable, the defense will undoubtedly be insanity. Hon. J. R. Glikerson has been retained to defend him. The old man will have his examination as oon as it is known whether the woman will ive or die.

Tried to Wreck a Train.

Scotta, Neb., May 5 .- | Special Telegram gram to THE BEE. ] - While the morning train was in town this morning two tramps went to the house of Mrs. Craig and took some cools which were in the yard and commenced tearing up the track and placing obstructions on the railway near the house. Mrs. Craig supposing them to be section hands, went to tell them to return what they had taken, when she was driven into the house by them. She was followed by the tramps and they reached the door she got a revolver and fired at them, evidently hitting one, as blood was seen. The tramps then escaped. The woman flagged the train and the obstruc tions were removed. A large party of citi-zens of Scotia are in pursuit of the tramps and if caught they will fare rough.

## Congregational Association

BLAIR, Neb., May 5 .- [Special felegram to THE BEE. |- The Twenty-third annual meetof the Omaha Association of Congregational churches, only about one-half the preachers and delegates having arrived. After some preliminary work the meeting adjourned until Wednesday morning at 9 o'clock.

Appointed a Superintendent. NEBRASKA CITY, Neb., May 5 .- [Special Telegram to THE BEE. ]-The school board agreed upon W. H. Gardner of Wymore as superintendent of our city schools and has received his acceptance.

Arrested for Complicity.

FULLERTON, Neb., May 5 .- | Special Telegram to THE BEE, |-Frank Cushing and wife were arrested at Cedar Rapids yesterday for complicity in the theft of several thousand

dollars worth of merchandise stolen from some Union Pacific cars at Portland, Ore., some time the past winter. The prisoners were taken to Portland for trial. It was the intention of Cushing and wife to open a general merchandise store at Cedar Rapids and were awaiting the arrival of a large amount of the stolen goods which was captured at Columbus, enroute to Cedar Rapids, and led to the arrest of Cushing and wife.

to the arrest of Cushing and wife.

A Theilling Story. FREMONT, Neb., May 5 .- [Special to THE BEE. | James Rice, a young man who has been working for Josiah Longacre at tilencal, this county, has had a checkered career. Tweive years ago he was a page in the Colorado senate. By close economy ne saved \$1,200, which he intended to carry him through college, but on the eve of his departure from Denver he was robbed of every cent by a stranger at his hotel. A ranchman took pity on the boy and gave him employment on his large range, and while trying to recover stock from marauding Indians the cowboys were engaged in a fight, and young Rice was twice wounded, but was saved by his comrades, who strapped him on a pony and carried him twenty miles to be treated by a surgeon. He settled in western Nebraska and was a victim of much drouth, and with others came to Dodge county this spring penniless and obtained employment.

Five years ago he placed the account of his early loss in the hands of a detective agency, with little hope of success, but about a month ago he received a letter from the detective agency saving that the robber had been traced and that he had made a confession, restitution would be made by paying the principal, compounded at the rate of 10 per cent, and that a bonus might be secured.

The thief had prospered and was i The thief had prospered and was in business with his father in one of the large Missouri river cities and would meet young Rice April 22 to settle, whither Rice duly went. Josiah Longacre has since received a letter from the detective saying that young Rice received as principal and interest \$3,200 and a bonus or hush money to the amount of \$20,000, and that the excitement connected therewith had thrown the young man into brain fever and his life was despaired of and his friends were sent for. The robber said he took the money because he did not like to write to his father for more, and that he has been looking these many years for young Rice to pay him back. Sioux City was the place of conference.

Judge Hamer's Decision. KEARNEY, Neb., May 5 .- | Special to THE BEE.]—The recent decision of Judge Hamer at Broken Bow in which he did not confirm a certain foreclosure, has gone the rounds of the state press and even farther. The judge was interviewed this evening on the matter, and he gave the status of the case as follows: The farm in question is 160 acres, all tillable excepting about five acres. Seventy acres were under cultivation and thirty acres more were fenced, and the land is worth at a fair were reneed, and the mind is worth at a lair valuation \$2,000. It had been appraised, by men who never saw the land, at \$600, and was sold at the legal minimum of \$400. These facts were drawn out in court and the These facts were drawn out in court and the judge used vigorous language in denouncing these proceedings and refused to confirm the sale on the ground that it was illegal, and the owner had a right to a reasonable consideration for his land. There were a few more sales of the same kind which he refused to confirm on the same grounds. The justice of this decision should not be misleading and the facts should be known to vindicate the had reputation sent abroad from this judicial bad reputation sent abroad from this judicial district. Loan agencies have nothing to com-plain of here if they are disposed to be fair with their patrons.

Justly Indignant. ARAPAHOE, Neb., May 5.- (Special THE BEE. |-The residents of this village are very indignant over the report published that a circular had emanated from Arapahoe, signed by Representative Stevens and others which "is worded in such a manner as to create the belief that the people of that county are actually starving." No case of starvation of the people has come to the notice of the people No case of starvation or extreme want and while there are many cases of slight distress in this neighborhood, they do not re-

form of a circular to meet them. Court House Burned. WALLACE, Neb., May 5 - [Special Telegram to THE BEE. |-The temporar, frame structure used by Hayes county as a court house burned at Hayes Center this morning together with all the county and court records except the real estate papers, which were saved. The flour and feed store of Frost & Son, adjoining, was also consumed. Frost's loss is \$1,000, with no insurance. The fire is believed to be the work of an incendiary, as t was first seen on the outside on the rear of

#### the building. Handed Over the Keys.

HASTINGS, Neb., May 5 .- [Special Telegram o THE BEE. |-Dr. Johnson, the new superintendent of the insane asylum, informs your correspondent this evening that the double headed official farce at the asylum is at an end and that he is now in full possession. He made a formal demand of Dr. Test this morn-ing and was turned over the keys. A.S. Campbell of this city relieved Mr. J. W. Leyeringhouse as steward at the same time,

## Probable Crime Unearthed

NEBRASKA CITY, Neb., May 5 .- [Special relegram to THE BEE. |-The corpse of an infant, supposed to be two or three days old, was discovered by two boys in an old Missouri Pacific cistern near the freight house. The remains were wrapped in a little shawl and had evidently been there for several The coroner has the matter in hand and will investigate.

A Paper Changes Hands. RED CLOUD, Neb., May 5. - | Special Tele

gram to THE BER. |-The Webster County Argus changed hands today, G. J. Warren retiring and W. L. McMillan and F. M. Potter taking charge. Both are well and favor-ably known in this community. The firm will be known as McMillan, Potter & Co.

Sold by a Receiver. RED CLOUD, Neb., May 5 .- | Special Tele gram to THE BEE. |- The Red Cloud roller

nills, together with all water rights, was sold today by Receiver H. C. Scott upon an order of the supreme court of Nebraska. The mill is a fine one with a capacity of 150 parrels per day.

Parillion, Neb., May 5 .- [Special to The BEE. | - The flouring mill of John Schoab was

destroyed by fire early this morning, and with its contents is a total loss. The origin of the fire is unknown. The mill was valued at \$8,000. There as no insurance. Special Election Called. HARTINGTON, Neb., May 5.—[Special to THE BEE.]—The Colar county com-

missioners have taken favorable action on

the new court house proposition and have called a special election to be held June 6 for the purpose of voting \$20,000 in bonds. A New Professor. NEBRASKA CITY, Neb., May 5. - Special Telegram to THE BEE. |-Prof. Moriager was

came to Nebraska City from Chicago, Cigar Factory Burned. CRETE, Neb., May 5, - Special to THE BEE. -The cigar factory of O. P. Hetter in the north part of the city, was destroyed by fire last night. Loss about \$800, insurance \$200.

tody appointed musical director of the insti-tute for the blind. Prof. Moriager recently

## THE WEATHER FORECAST.

For Iowa and Neoraska—Generally fair; warmer: winds becoming southeasterly. For Missouri—Fair; warmer Wednesday night; northeast winds. For Kansas and Colorado—Fair; warmer;

# SEVERE ON JURY BRIBERS,

Report of the New Orleans Grand Jury on the Italian Killing.

HOW TALESMEN WERE MANIPULATED.

The Dirty Work of Detective Dominick O'Malley and His Associates Shown Up in an Un-

guilty. It forces the conclusion that the evidence was sufficient to justify the six

jurors who stood resolute and determined for

a verdict of guilty, making it well nigh im-possible to reach any other conclusion than mistrial. The three accused named above were probably the unwilling actors desig-nated by the leaders of the conspiracy to ex-

nated by the leaders of the conspiracy to execute the villianous part in which they had
neither personal motives nor interest.
Following this investigation it was
quickly learned that talesmen had been approached in various manners, the vile work
even being carried forward in the court room
during the trial. One favorite expression
was, big money might be made by going on
the jury and doing right. There is no doubt
such attempts were made by various parties
in the service of the defense, entertained by
some talesmen and scornfully rejected by

me talesmen and scornfully rejected by hers. In some instances a rebuff was met

with in the answer that it was a toke but

surely it was a well directed joke of deep significance when the leading part is enacted

by the counsel of one of the accused awaiting

ing to bribe a juror. Another class of talesmen took special care to deny any knowledge of the vile work or showed

remarkable deficiency of memory, causing us to conclude that they were silent from fear

or had been cautioned about incriminating

any one. A number of witnesses most em-phatically denied having been approached or

spoken to, even after teiling it to their friends, who informed. Among the talesmen a number of our citizens have nobly come

forward, relating their experiences, furnishing some of the missing links in the chain of circumstantial evidence drawn

around the organized gang of jury bribers. It is not to be questioned

after careful preparation and had to be done quickly. The necessity was imperative for a

complete list of talesmen and the grand jury knows that the list of talesmen was in the office of O'Malley & Adams at 11 o'clock Sun-

day morning. February 32, though the trial judge had issued special orders that the list was not to be made public or given to counsel on either side until Monday. It is not shown by whose hands the list was secured,

but enough was shown to confirm the secret

and powerful influence of a so-called private detective agency and Counsel Adams to handle the machinery of the court. The evi-

dence shows that the list of names were

tampered with when drawn from the jury wheel and before they reached the jury box in court. O'Mailey was put in possession of the

lists almost immediately after the names were

drawn and before they reached the district attorney's office. Influential friends alone

attorney's office. Influential friends alone could accomplish this, but this was secured in the person of one of the jury communissioners, lately removed. It is further learned that in the office of the detective agency is kept a book of the names and addresses of jurymen. Out of the 300 names drawn for the February panel thirty-two were on O'Mailey's list, and later as the talesmen were drawn many more names.

talesmen were drawn many more names appeared that were on that list. Truly the

ousiness of this enterprising detective

agency was facilitated when thirty-two names of their selection could be drawn on a

panel of 300 jurors from a wheel containing 1,000 names."

The report goes on to speak of the unreli

ability of some of the deputy sheriffs about the court and the parish prisons, although they were not detected in any act of infidel-

ity. When the indictments against McCrys tal and Cooney were read in the court room

to the court that the arrest was made on the

executed

that the work was systematically

trial now under an indictment for

a natural consequence of March 14 last r would have been recorded. McCrysters voluntary statement to the grand jury, partly in the hope of immunity, reveals some points and causes us to think he would have told more but for the power and influence of O'Malley and his associates. McCrystol and Cooney were his trusted accomplices and figure throughout the whole affair with prominence, showing the high appreciation in which their services were held. We cannot fail to refer to the enviable Light. New ORLEANS, La., May 5 .- After six intimate relations existing between a class of weeks of investigation the grand jury comward politicians and the prime mover in all these infamous doings. We have almost directly confirmed that a person holding the position of inspector of weights and measures was often at the agency and was seen coming to the court house in company pleted its labors in the Italian case and this afternoon presented a voluminous report to Judge Marr. The report recites the killing of Chief of Police Hennessy, the trial of the Italians, etc., and referring to the verdict with a talesman the day he was accepted as says: "We cannot be mistaken in the assera juror. There is confirmed evidence that the influence of O'Malley with the night watchtion that the verdict was startling, amazing, man and inspector at the electric light plant was so great that he caused them to manipua litter disappointment, shocking to public opinion, provoking repeated accusations that late the light at the corner of Girard street and Basin the night the jury was taken to the scene of the assasination to correspond some of the jury had been unfaithful to their office." The report goes on at considerable with its alleged actions the night of the mur-der. His influence also accounts for the al-terations in the book of record at the electric length to speak of the comments made on every side before the termination of the trial touching the action of some memlight plant. From the beginning of the in vestigation there is continuous evidence o bers of the jury; remarks dropped in he pernicious combination of what is known and about the court room, quartels in the jury as O'Malley's detective agency. It adver-tises that one of the aniest criminal lawyers room, etc. Careful observers, it says, testify with special reference to the marked inattenat the bar is attorney for the agency, We know for an absolute fact that a bank account is kept and checks drawn in the tion of the jury as witnesses submitted their evidence, conduct most unbecoming and name of O'Malley & Adams, the interested parties being D. C. O'Malley and Lionel fraught with the gravest consequences when the momentous part of the issue is consid-Adams. Such a combination between a detective and a prominent criminal lawyer is unheard of before in the civilized world, and ered. "We are led." continues the report, "to conclude that the jury undertook to try the case when it was submitted by their when we contemplate its possibilities for vil we stand aghast. evil we stand aghast."

The report then goes over O'Malley's record from the time he served a term in Cleveland for larceny, detailing the indictments found against him in New Orleans, convictions for minor offenses in the criminal courts, etc., and says that hindrance to the admiristration of the standard courts. own estimate of the value of statements made by parties not called upon as witnesses. With strange unanimity they dwelt upon what they knew by reading and hearsay of certain incidents of the assassination prior to the trial, and made those a basis of administration of justice was his doing, that while a judge presided in the criminal court he ordered O'Malley excluded from the powerful persuasion for giving the accused the benefit of the doubt and conroom. This was during the time the detec-tive's present associate, Lionel Adams, was district attorney, and it is a significant fact that two indictments against O'Mailey for cluding their deliberations in their favor. We take occasion to say that it was not expected to obtain any evidence of undue influence from members of tampering with witnesses were not brought to trial, but were nolle prossed by the dis-trict attorney prior to the expiration of his term. "The inside view we were enabled to the jury, for those who were uncorrupted had nothing to reveal, while others would not make themselves party to the crime, yet get of the workings of this detective agency through Detective Collins, abundantly cor in their numerous statements much was obroborated from many sources, convinces us that it has at its command a band of perjurers, blackmailers and jury tamperers and that it has for some time been an element of discord in the community and a stumbling block to the administration of justice which tained having direct connection with and supported by the great volume of testimony elicited during the inquiry. It is clearly brought out by the evidence of the jurors that as affecting three of the accused — Pollitz, Scaffedi and Monasterio — the jury engaged in deliberation four or five hours and on repeated bailots stood six guilty and six not should be eradicated: that its career of crime has not been cut short is a matter of wonder,

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and is no doubt due to the fact that O'Malle and his co-workers banded tagether for self preservation. "The extended range of our searches has developed the existence of the secret organiza-tion styled the 'Mana.' Evidence comes from several sources fully competent in themselves to attest its truth, while the fact is supported by a long record of blood curding crimes, it being almost impossible to discover the perpetrators or secure witnesses. The officers of the Mafia and many of its members are now known. Amongst them are men born in this city of Italian origin, using their power for the basest purposes, be it said to their eternal disgrace. A large number of the society is composed of Italians and Sicilians who left their native land in most cases under assumed names to avoid conviction and punishvicts and bandits outlawed in their own land, seeking the city of New Orleans for the congenial companionship of their own These men know the swift retribution of the law in Italy, for hundrens have been shot down on sight by the military in the mountains of Sicily without second thought Today there is recorded in the office of the Italian consul in this city the names of some eleven hundred Italians and Sicilians landed here during several years past, showing the official records of their criminality in Italy and Sicily. Hundreds of them are among us today. We doubt not the Italian government would be rather rid of them than be charged with their custody punishment. It cannot be qu questioned that secret organizations whose teachings are hostile to the fundamental principles of the government of the United States must be a continual menace to the good order of society and the material welfare of the people. The law is the safeguard of society; its just execution expresses the will of the people in condemnation of crime, but where this lofty principle is scoffed at by the practice of assassination for revenge or spite or concealment under the most binding oaths, rendering powerless the efforts of the law to reach the perpetrators and secure witnesses, it becomes the duty of the people in the exercise of their sovereign rights issue their decree of condemnation. T verdict has been rendered; the power of the Mafia is broken; it must be destroyed as an element of danger, a creation of leprous

growth in this community."

The report goes on to severely reflect on the action of some of the jurymen in the trial. Some of the jurymen the most emphatic terms that had it not been for the perpendic terms that had it not been for the persistent and well directed efforts of three jurymen the verdict would have been materially different. It is certain that the special effort of counsel for the defense was to select for service such men as were well under O'Malley's influence. "What can be thought when three jurors were accepted with only some unimportant questions or the clerk told to swear them without question? This is a proceeding most unheard of, but it has its meaning as well as other instances. The grand jury goes on at great length to talk on the immigration question, sottling forth the evils of the present methods, instancing the recent introduction of Italian immigrants without any examination what ever and whose names even were not on the passenger list of the ship. It decinres that a crisis is reached and on the magnitude of the issue it becomes the duty of the next congress to quickly enact such vigorous laws that complete protection shall be af-The grand jury says it has at no time lost

sight of the necessity for a thorough investi-gation of the whole affair. They examined a in blank the fact was at once communicated arge number of witnesses, embracing those of the court. When these men were arrested in O'Malley & Adams' office the deputy sheriff, at the request of O'Malley, reported who were present at the memorable meeting on Canal street, in the vicinity of the p. i on. etc. "It is shown in evidence," says the re-port, "that the gathering on Saturday, March 14, embraced several thousands of the first, best and even law-abiding citizens of the city. We found the general sentiment among witnesses, and also sin our intercourse with the people, that the verdict rendered by the jury was contrary to law and evidence and secured mainly through designing and unscrupulous agents employed for the special purpose of defeating the ends of justice. At that meeting the determination was shown that the people would not submit to the surrender of 4, embraced several thousands of the first The report dwells on the sworn statement of Thomas Collins as of great value. He, after entering the employ of O Malley & Adams, was commissioned as a special officer by the mayor and paid by the city, "His duties," says the report, "while acting in his double capacity, were performed with the strictest fidelity, as evidenced by the daily reports of everything seen or heard. Its details and material features are so closely connected with the circumstances of the trial, as confirmed by other copic would not supmit to the surrender of witnesses, that there is not the slightest reason to doubt the accuracy and correctness sassins and their powerful allies. The assassination of Hennessy was deemed necessary to prevent the exposure and punishment of of Collins' sworn statement. It unfolds the whole story of the iniquitous workings of the arch-conspirator and his lieutenants, revealcriminals whose guilt was being fast estab-lished by his diligent pursuit. The condi-tion of affairs in this community as to a cer-tain class of violators of the law had reached such a state that the law itself was well nigh ing the boundless power of a man to over-come and defy the majesty of the law in criminal and civil proceedings through the operations of unscrupulous private detectives. The difficulties of establishing the expowerless to deal with them so far-reaching was their power and influence. In the public meeting on istence of such conspiracies by adequate proof are almost insurmountable. Secreey is the essential element, and seldem does meeting on Canal street, general and spontaneous in character as truly indicating the uprising of the masses, we doubt if any power at the it happen that any one of the participants will reveal villany either before or after its execution. Sufficient evidence, however, was offered by voluntary and reliable witnesses to justify the indictment of six means follows: Thomas McCrestel and Like command of the authorities would have been sufficient to overcome its intentions. Evi-dence is before as from official sources that eleven persons were killed in the attack on the persons were killed in the attack on the person. We find that eight of them were beyond question American estimated another had declared his intention, which act carries with it renunciation of alleriance to his nother counto justify the indictment of six men as follows: Thomas McCrystol and John Cooney with D. C. O'Malley for attempting to bribe talesmen, and Bernard Claudi, Charles Granger, and Bernard Armant for an attempt by each to bribe three different talesmen. These parties are closely shown

# TROUBLES OF THE INDIANS.

nate with O'Malley, often med of all doings and were the jury fixing business forced to the conclusion alley is chargeable with

rticipation in most if not its in connection with Without his assiduous

ce we believe the ver-uically different and as the tracic occurrence

Official Inquiry Into the Causes Which Led to the Recent Outbreak.

OMAHA'S NEW FEDERAL BUILDING.

Work Progressing on the Plans-De-

signs for the New Fort-Public Printing Investigation-Land Decisions.

> WASHINGTON BUREAU THE BEE, ) 513 FOURTEENTH STREET, WASHINGTON, D. C., May 5.

General Manderson is one of the foremost members of the senate committee appointed to investigate this summer the causes which led to the recent outbreaks among the Sioux and other Indians in Dakota, northern Nebraska and elsewhere. He said of that investigation: "I have heard nothing so far from Chairman Dawes and do not know what is to be done. I trust the investigation will be thorough and that some good will come of it. Some one was to-blame for the trouble and something should be done about it. To my mind the entire Indian situation should be overturned. We must either break up the tribal relations among the Indians and scatter them about in civilized communities, so as to make their civilization easier and swifter, or we must consider them as so many paupers, incapable of self-support, dangerous in inclination, and corral them like so many troops and feed them without anticipating any effort toward self-support. They cannot be savage and civilized at the same time and they should be treated as one or the other. I think the enlistment of the Indians as sordiers is going to result in much good. It will have a tendency at least to break up

their line of organization for warfare."

General Manderson stated to The Bee correspondent that he had just had a talk with the supervising architect of the treasury and work was now progressing upon the plans for the new federal building at Omaha. It is to be in size 120 by 200 feet, with the view to ultimately increasing it to 200 feet square. The character of material to be employed is under advisement. If grante is used the size of the superstructure will have to be decreased so as to make the cost come within the appropriation. The senator hopes that some western state will produce a granite or handsome stone for the building and for the advertisement furnish it at prices which will enable the department to adopt the material.

The war department is also at work upon Omaha designs. It is making the plans for new Fort Omaha. The question of the character of brick to be used is under consideration. The buildings are to be gotten far

under way during the present season. PRINTING INVESTIGATION. Senator Manderson, who has been kept in Washington ever since congress adjourned by reason of the investigations which the joint committee on printing, of which he is chairman, is making, was found at the telegraph office this afternoon writing a telegram to his friends at Omaha announcing that he would leave with Mrs. Manderson for

that city tomorrow morning.

"I should have left for home yesterday or today," said he to The Bre correspondent, "but I could not procure sleeping car accommodations. Yes, the committee on printing has completed its investigations, for the present at least. We may make further inquiries in the autumn. We have gone far enough, however, to satisfy ourseives that the entire principles upon which the government print-ing is done must be completely overhauled. It must be turned bottom side upward. It is all conducted upon the same plan it was first given. No improvements have been made for convenience or commy. Congress is to blame for this. The government printer has been given no discretion. In the first place the Congressional Record ought to have an editor, not to determine what the men in congress shall or shall not print, but to pre-vent duplications, curtail the unnecessary publication of matter of various kinds and generally have authority to improve the publication and at the same time make the work cost less. This can be done by giving someone supervisory power with some latisome one supervisory power with some lati-tude for discretion. Now congress orders everything, and congress really has no judgment, for so many cooks spoil the broth, you know. There must be a general super intendent who can determine the amount of copies, quality of work, prevent duplications, and generally improve the service, while at the same time decrease the cost.

THE NATIONAL CONVENTION. It is the general opinion of conservative republicans that a strong effort will be made in spite of the traditions of the party and superior advantages of the Garden City, to keep the next republican national convention away from Chicago. This is said to be the quiet work of friends of the administration who favor holding the convention west of the Rocky mountains, presumably at San Fran-cisco. It is understood the Californians pro-pose renewing their generous offer to transport the delegates across the western half of the continent and back and to provide generously for their entertainment during the convention. Senator Quay is said to favor San Francisco. Editor Charles Emory Smith will be on hand with a strong delegation urging the claims of Philadelphia. The Maryland republicans, headed by the veteran Felix Agnus of the Baltimore American, are quietly at work for Baltimore. There will be an unusual pressure exerted by Secretary Foster and the Ohio contingent in favor of Cincinnati, and a sprinkling of Minnesota statesmen, headed by Editor "Gil" Pierce, will make a stand for Minnespolis, with a

prospect of being hoodooed in due season by NEBUASKA LAND DECISIONS. Neoraska land cases were today decided by the assistant secretary of the interior as fol-lows: John G. Bunton vs. John Kriegl, tim-ber culture entry for the southeast quarter of section 32, township 33, range 37, Chadron, Neb., district, decision of the commissioner, dismissing the contest, affirmed. Charles M. Hughes vs Clayton Stonebaugh, for the southwest quarter of northeast quarter, the northwest quarter, southeast quarter and the east half, southwest quarter section 24, township 7, north range 25 west, North Platte, decision below dismissing contest, af-firmed. William E. Hall vs Charles Lane, timber culture entry for northeast quarter section 11 town 27 range 47 Chadron consection 11, town 27, range 47, Chadron, con-test dismissed; judgment below affirmed. E. V. Coon vs W. F. Simmons, cash entry for lots 3 and 4 and southeast quarter of west quarter, section 2, town 114 north, range 66 west, Huron, S. D., decision below, can-celling the contest, affirmed.

MISCELLANGOUS. Drs. J. V. Beghtol and Charles E. Elder were today appointed members of the pension poard at Wilber, Neb.

J. J. Beede was appointed postmaster at Esther, Dawes county, Neb., vice E. Sterns, resigned. Also the following in Iowa: At Dunreath, Marion county, O. M. Pomeroy, vice E. Stevens, resigned. At Thor, Hum-boldt county. O. T. Thompson, vice O. W. Wilkinson, resigned. Mrs. M. E. Bean of Omana, is at the

National, The following lowa physicians registered today at the headquarters of the American medical association, now in sersion bere: Drs. James B. Tedrow, of Williams; D. W. Crame, Watertown; William H. Davis, Maquoketa; S. N. Pierco, Cedar Falls; Drs. James B. Leuros, William H. Davis, Crame, Watertown: William H. Davis, Maquoketa; S. N. Pierce, Cedar Falis; William H. Williams, Wall Lake; George H. R. Szinner, Cedar Raphts. PERRY S, HEATH.

## Duty on Queen Fees.

Washington, May 5 .- The customs col lector at New York has been authorized by the customs department to order the release on the expected arrival there of a shipment of Italian queen bees sent through the mails from italy to a citizen of lows upon payment of a fine equal to These bees are liable to a duty at 20 per cent