THE OMAHA DAILY BEE.

TWENTIETH YEAR. OMAHA, THURSDAY MORNING, MAY 28, 1891. NUMBER 339.

NOT LACKING IN INTEREST.

Thousands Thronging to Hear the Arguments in the Sheedy Case.

ELOQUENT WORDS FOR THE DEFENSE.

Pleading for the Accused Woman—Was a Murder Committed?—Will Probably Go to the Jury Tomorrow.

LINCOLN, Neb., May 27.—[Special to THE BEE.]—The oratory of the opposing attorneys in presenting their arguments to the jury in the Sheedy murder trial has proved a greater attraction than the taking of testimony. The great court room, ample for almost any extraordinary occasion, can accommodate only a fraction of the crowd that seeks admission to listen to the speeches. Every available foot of space both inside and outside the forum is occupied, and the crowd in the corridors look enviously at those who have standing room inside the court room. Some of the leading ladies of the city have been in attendance. Yesterday and today many of the fair sex stood up all the time, glad to get admission into the court room, and eagerly drank in the eloquent passages in the speech of Attorney Hall, laughed at Mr. Stearns' drolleries and smiled at Colonel Philpot's wit.

At 9 a. m. Mr. R. D. Stearns resumed his argument before the jury. He denied the statement of Mr. Hall that crime decreases in the ratio that it is punished. He gave statistics showing that in the time of Blackstone, when there was a gallows on almost every square in London, there was more crime than there is now. He then denied that John Sheedy had died like a dog, and declared that he had every care in his dying hours that kindness and love could devise. He denied that circumstantial evidence is sometimes the strongest evidence. He declared that some of the greatest mistakes ever made have occurred through circumstantial evidence. It is the most unreliable testimony in the world. There have been hundreds and hundreds of judicial murders committed through that evidence. Two or three cases were cited in which persons have been hung for murders of which they were not guilty, just because of the circumstantial evidence against them. "There has been something said about poison," he continued, "but I do not see how you can consider it in the face of so much conflicting testimony in regard to it by the physicians. If they thought at the time Sheedy was dying that he was suffering from morphine poisoning why didn't they administer to him the appliances that would give relief? The whole thing has been concocted by the prosecution. They are all after money. The doctors didn't believe that it was morphine poisoning." He then proceeded to ridicule the physicians who were put on the stand, insinuated that they were ignorant of everything in their business except that relating to morphine poisoning. He further intimated that they had all been trained by Lambertson for this special case. "What have you," said he, "to base a conviction of Mrs. Sheedy upon? Simply because she knew Walstrom, because she went over to Mrs. Hood's once and told that lady that she and her husband had had two spats. Is it possible that you will convict a pure, noble, high-minded woman as Mrs. Sheedy is on such flimsy evidence as that? I think that she can find an asylum in your justice. It is your duty to pry open the prison doors with your verdict and let this innocent woman free. You should do this quickly, Mrs. Sheedy is as innocent as the new born babe. Whether Monday McFarland is guilty or not it does not affect Mrs. Sheedy."

Colonel J. E. Philpot then followed. He first started to give a brief biography of Monday McFarland, stating that the negro was born of slave parents in Kentucky in April, 1861. At this juncture County Attorney Snell objected to such a statement being made, because it had not been brought out in evidence. The court sustained the objection and the biography suddenly ended. Philpot then said: "However much," gentlemen of the jury, "you may wish to use the confession, it is your bounden duty not to regard it unless it is proven that it was voluntarily given. The court has relegated to you the responsibility of passing upon the competency of that confession as evidence. When we came to cross-examine Kinney, a witness for the state, he proved to be our strongest witness. He testified that Jim Malone had been with Monday McFarland an hour and a half on the morning of the confession. What was done at that time? You can trace the serpent's trail throughout the confession. They worried him for two hours and again about noon. The major and marshal and Jim Malone were there. Malone! the astute caucasian. After two hours' work with him they failed to extort from him what they wanted and again they applied the thumb screws to him."

The colonel then proceeded to read several of the questions put at the time of the main confession. Among them were these:

"Nothing will save you but telling the truth." "If you want to bear the brunt of the whole thing just step where you are."

The colonel then proceeded: "Gentlemen of the jury, can you go to your jury room and decide that this confession was given freely and voluntarily? Nay. What are the last replies of the negro? 'You have persuaded me to tell.' 'You told me I'd be better for me to tell the whole story.'

Philpot then dared Lambertson in the face of the manner in which the confession was secured to prove that it was not secured through duress and promises. He then tackled Dr. Beachley, declaring that that physician didn't even know the names of the bones of the head until they were put into his mouth by Attorney Lambertson. He then declared that Dr. Casebeer, the man who conducted the autopsy, was a tyro in his profession and he was the last man who should have been entrusted with it. "This fellow," said Philpot, "didn't know where the arbor vitæ, an important part of the cerebellum, was. He did not know the length of the medulla oblongata. The prosecution knew that they didn't have evidence enough and they hired ghouls for gold to dig up the body of the dead man without the knowledge of the coroner. Portions of the body were turned over to experts for gold. When Dr. Winchett was on the stand he admitted that when the body was taken up the first time for an autopsy no examination was made of the contents of the bladder and the kidneys. Those are the places to look for traces of morphine poisoning, are they not? Then why didn't they look there? They didn't know enough to do so until the prosecution told them to do so. Mr. Hall stands up here and looks aggrieved that anyone should charge that they are working for gold. But the Sheedy estate amounted to $75,000 and this is what creates the keen desire for the prosecution of this case."

At this point Mr. Jenson, one of the jurors, was taken suddenly ill and the court had to adjourn until afternoon, although it lacked an hour of noon.

At 2 p. m. Colonel Philpot resumed his argument. He said:

"The prosecution would have you believe that Monday McFarland was the man who fired at John Sheedy a week before the final assault. But Mrs. Hosman swears that the man who fired at John Sheedy was a white man. Her husband saw the man more closely. He says that the man was a white man, wore a cap with a visor and had a brown overcoat. In the alleged confession it is stated that Monday had on a slouch hat and did not have on an overcoat. The story about the attempted shooting of John Sheedy was detailed in full in all the newspapers and how easily Monday could have manufactured the story, but he would fall down when he came to the description of the dress of the man who fired the shot. But the fact is that the story was put into his mouth through adroit questioning. The prosecution would have you believe that there were only three persons at the Sheedy residence the night of the assault. We say that there were four. According to the testimony of Mrs. Dr. Wood, the blind was up all the time until after the assault. This is the converse of what the prosecution claims—that the blind was down until just before the assault, when it was raised. When Mr. Mays heard the fifth shot fired he testified that he saw two men running, one to the east around the house and the other on the west side of the house. The boys, Currie and Hitchcock, say that they saw two men running south on Twelfth below the alley. The two fugitives could have met at the alley and run south. See how the prosecution has sought to break down the evidence of this boy. The only thing that they have disproved is that he did not see a patrol wagon. This is a very small matter. In no other way have these boys crossed themselves. What strengthens the testimony of Matthew, Mark, Luke and John concerning the Savior? It is because their stories are not exactly alike. Mrs. Sheedy ought to be here today not as a defendant, but to prosecute the murderers of her husband. Why are you attorneys on the defense put to the extremity of proving an alibi for Gleason, the gambler? By whom do you prove it? By a partner of Gleason. But the men who committed the deed could have committed the crime and gotten back where they were when they were seen. Why did John Sheedy hire Ab Carder to protect him? To watch Monday McFarland? No. What did John Sheedy say after he was struck—that McFarland struck him? No: that it was the larger man that struck him. Now when you go to your jury room the first thing you are to consider is the competency of the confession as evidence. If it was extorted by undue influence remember it is to have no bearing whatever on the case. The prosecution called your attention to a certain discoloration of the skull. This discoloration might have been caused by a slight clot of blood after the body had lain in the grave for four months. Further, gentlemen of the jury, when this poor negro came into the court, freed from the influences and fears of the sweat box, he would not forfeit his manhood by causing this innocent woman to suffer for a crime of which she is not guilty."

Mr. Jesse Strode, attorney for Mrs. Sheedy, followed. He declared first that the only reason the prosecution had for arraigning Mrs. Sheedy was because they were after the money that was in it. If John Sheedy had died a poor man, he insisted that there would not have been any prosecution. He commenced his talk in a gentle, sympathetic voice and said that he had watched the curl of scorn upon their faces as the prosecution had proceeded. In the press, he declared, there had been some of the "most damning lies that could be concocted by newspaper reporters." He then said he would refer only to Snell, because Snell opened the argument and the other attorney had merely reiterated what Snell had said. He next declared that the first violator of the law whom he knew of when he came to this city was John Sheedy. John Sheedy was a gambler.

"There has been many a home," said he, "in which the actions of John Sheedy has caused ruin and sorrow because of the business in which he was engaged."

The speaker then referred to the fact that Mrs. Coil, who testified that she had often seen Monday McFarland standing on the corner of Thirteenth and P before the assault, was an enemy, and to Monday McFarland.

"The prosecution," he continued, "speaks of a number of witnesses whom they say we didn't put upon the witness stand. Dennis Sheedy, sr., left on the pretext of some telegram of 'important business,' 'family sick,' or some such invention. Dennis Sheedy, jr., the young man who was at the Sheedy residence almost constantly for two years, and who was at the Sheedy home all the night following the assault, has not appeared. Why did he not appear? He has been spirited away."

Mr. Strode then commenced to tell about a trip that young Dennis Sheedy had taken to Wilbur. Mr. Lambertson objected and the objection was sustained. This angered Strode and he declared bitterly that Lambertson and his co-counsel had received money collected from the gamblers to give to Mrs. Sheedy. "It does not do for Lambertson and Hall to talk about charity," said he. This made Lambertson's eyes flash fire for the first time, and he retorted:

"And it does not do for this gentleman who got this money from the gamblers to talk in such a manner."

Strode got pale and angrily replied: "Did Anna Bodenstein, the domestic, testify as you wish?"

"Of course she didn't," Lambertson thundered, "you bribed her to keep her mouth shut!"

Peals of laughter followed and the court called the crowd to order. The judge then said: "Gentlemen, we will have a straight argument of this out of the evidence. If you depart from it again I will have to fine you."

Strode then intimated that all of the property that John Sheedy possessed at the time of his death had been acquired since his marriage, and then, turning to Lambertson, demanded if that was not true why the prosecution had not proven that it was not.

"We didn't need to," replied Lambertson, "we had Monday McFarland's confession to that effect."

"O, Monday McFarland's confession! Don't you know that it is not to go in as evidence as far as it concerns Mrs. Sheedy? And yet you have tried to use it as evidence."

Mr. Lamberston smiled and said nothing.

Mr Strode then proceeded to tell how Mr. Sheedy had at one time corrupted the city council with money.

Mr. Strode next showed that the only evidence against Mrs. Sheedy was the confession of Monday McFarland, and this, he declared, could not go in as evidence. He then affirmed that the prosecution had spoken of clandestine meetings, but there were no meetings testified to except the two at the Carpenter residence. That criminal intimacy with Walstrom had been asserted but not proved. There were no evidences of conspiracy. The curtain signal had not been proven. He next dwelt at some length on arguments proving that the confession had been extorted from Monday McFarland. He read questions from the confession to prove this. He then exclaimed:

"Who had scared Monday McFarland? Who had made him believe that there was a mob coming? Who extorted the confession? Jim Malone! If what the mayor, the marshal and other witnesses present at the confession say are true, how can you use the confession in evidence? We asked Kinney if he did not say to Monday on that Sunday that if he told who the other parties were who were connected with him in the crime it would go easier with him? He answered 'no.' Why didn't they put Jim Malone on the witness stand again so that we could cross-examine him about this matter."

"Why, Mr. Strode," interrupted Mr. Lambertson, "we did put Malone on the witness stand again, and you not only had a chance of cross-examining him, but you did so."

"I believe you are right," said Strode, and then proceeded:

"Now, gentlemen of the jury, before we can consider the second confession, we must have positive proof that the influences used to secure the first one had been removed."

The speaker then showed that after the negro had been questioned for about an hour and twenty minutes at the second confession, he declared that he had had nothing to do with the murder of John Sheedy and attempted to throw the entire blame on Mrs. Sheedy. This, Mr. Strode declared was evidence that the negro still feared the mob at that time and was trying to shield himself. The speaker then declared, after reading a number of the questions in the confession, that a confession obtained in such a manner could not be a free and voluntary one. He dwelt on the fact that every time a confession was made Jim Malone was present. He impressed upon the minds of the jurors the fact that if there is a doubt whether or not Monday McFarland was sworn at the time of the coroner's inquest that the confession should not be considered in evidence. Said he: "Take the confessions out of the case and nothing is left to prove that Monday McFarland murdered John Sheedy except the cane, and that has been poorly identified."

Court then adjourned until 9 a. m. tomorrow. Mr. Strode will continue his argument tomorrow morning and will be followed by Mr. Lambertson on behalf of the prosecution, which will close the arguments. The case will probably go to the jury sometime tomorrow afternoon.

NEBRASKA'S HONORED DEAD.

Last Sad Rites Over the Remains of Ex-Governor Butler.

FRIENDS PAY TRIBUTE TO HIS MEMORY.

Successful Applicants for Druggists' Permits—Farmers with Money at Interest—Building a Paint Factory.

PAWNEE CITY, Neb., May 27.—[Special Telegram to THE BEE.]—Ex-Governor Butler's funeral today attracted the largest attendance of sympathizing friends of any ever held in southern Nebraska. The funeral procession was more than one and a half miles long, and it was estimated there were over three thousand people at the cemetery. The services at the house were simple and impressive, being conducted by Rev. O. H. Devry of the Christian church. Prayer was offered by Rev. D. R. Dungan of Cotner university, Lincoln. The funeral was conducted by the Masons with G. M. Humphrey master of ceremonies. The procession was met at the cemetery by a large concourse of people and the Pawnee military band. At the grave beautiful and fitting tribute was rendered the dead by President Dungan, Governor Thayer and Judge O. P. Mason. The floral tributes were many and beautiful. At the grave the casket was opened and the people were over an hour taking the last look at Nebraska's honored dead. A special train from Lincoln brought a large number of state officers and other prominent citizens, and all neighboring towns were represented by friends of the ex-governor. He leaves a wife and four children, the youngest about fourteen years old.

Successful Applicants.

BEATRICE, Neb., May 27.—[Special to THE BEE.]—Following is a list of the successful applicants for druggist's permits who were examined before the state board of pharmacy yesterday: B. F. Brendal, Murray, Neb.; W. W. Brown, Tekamah, Neb.; D. S. Benyon, Burwell, Neb.; William Bulow, Wakefield, Neb.; O. W. Bullard, Beaver City, Neb.; W. D. Cole, West Union, Neb.; M. P. Dawson, Edgar, Neb.; E. Fosselman, Filley, Neb.; W. H. Keeney, Campbell, Neb.; Isaiah Lukens, Herman, Neb.; I. W. V. P. Mercerau, Dunning, Neb.; O. U. Newall, Hebron, Neb.; E. E. Reynolds, Rock Bluffs, Neb.; J. G. Rodwell, Lincoln, Neb.; Harry D. Rugg, Harvard, Neb.; J. H. Remsbarg, Red Cloud, Neb.; Ed Tanner, Battle Creek, Neb.; Dan J. Thompson, West Point, Neb.; John M. Wilson, Harrisburg, Neb.

Today's proceedings of the State Pharmaceutical association were simply formal and included the reports of officers and committees.

In the afternoon the visiting druggists were given an outing at the Chautauqua grounds, and the day was given over to music and athletic sports, which were enjoyably participated in by many of the visitors. In the evening the visitors were treated to an excursion on the Blue on the steamboat Queen of the Blue.

Robbers Foiled.

DORCHESTER, Neb., May 27.—[Special to THE BEE.]—Edward Jones, a wealthy farmer living three miles south of town, was a victim last week of a plot to rob him of a large sum of money, but it proved unsuccessful. The scheme was worked by three men, two of whom first came to Mr. Jones' house and introduced themselves as Major Logan of Omaha (real name unknown) and the other as a lawyer from the same place. They stated that they were in search of a good farm to purchase. Mr. Jones kindly showed them over his farm, which they expressed themselves as liking very much, but in addition to the 400 acres that Mr. Jones had they would like also to purchase the adjoining eighty acre farm belonging to Mr. Tiggart. It was finally agreed that if Jones would purchase the Tiggart farm that Major Logan would them pay $16,000 for the two farms, and the two men then departed with the understanding that they would return the next morning at 9 o'clock to complete the deal. True to their word the two men returned and Jones got into the buggy, a two seated rig, with the lawyer and came to town, where he drew from the bank $3,000 in gold, the banker putting the money in two bags, with which he was to purchase the Tiggart farm. They started for home, and when they got to the bridge, about one-half mile from the house, they were met by Major Logan, whom they had left at the farm, and another fellow whom Jones had not seen before. The two footmen at once climbed into the buggy and before Jones could prevent it the stranger had grabbed the two bags of gold and jumped from the buggy. Jones at once sprang after him and crowded him up against a wire fence, when the fellow pointed a cocked revolver at Jones' head and warned him not to come closer, but Jones, though a man fifty-six years of age, had had too much experience in the mining camps of California to be frightened at the sight of a revolver, and so, with unflinching courage and a determination to regain his money, he sprang at the thief and succeeded in getting the money away from him. The other two fellows took no part in the encounter and claimed after it was over to have had no connection with the third party, but Mr. Jones says it is "too thin" and is satisfied they had.

The Young Lady Discharged.

FREMONT, Neb., May 27.—[Special to THE BEE.]—District court for Dodge county is in session here this week. One of the first cases to come up was that of the state against Miss Flora Leech of Bennington. It was disposed of by being dismissed without trial. Miss Leech some months ago created a sensation here by shooting at William Patterson, who narrowly escaped failing a victim to her wrath, the shooting taking place in a drug store. Patterson and Miss Leech had been engaged, but he had jilted her, and she chose her own method of showing her displeasure. She was arrested and held under bonds until released today.

Knights of Pythias' Picnic.

FALLS CITY, Neb., May 27.—[Special to THE BEE.]—The Knights of Pythias of this city and surrounding towns held a picnic here today which was a great success. Representatives were present from Lincoln, Auburn, Stella and Verdon. The Lincoln division arrived on a special train. Congressman W. J. Bryan was present and delivered an interesting address. The rest of the programme consisted of a prize shoot, boat riding, music, and a minstrel performance in the evening.

Eastern Star Officers.

OSCEOLA, Neb., May 27.—[Special to THE BEE.]—Last night the order of the Eastern Star had its election, and the following were elected: Sister E. J. Scott, W. M.; Brother H. A. Scott, W. P.; Sister M. E. Saunders, A. M.; Sister S. Whaley, C.; Sister L. J. Blowers, A. C.; Sister M. J. Conkling, secretary; Brother N. C. Foy, treasurer.

Selling Liquor Without License.

PIERCE, Neb., May 27.—[Special to THE BEE.]—The cases of the state of Nebraska vs J. H. Riley and C. F. Lowell for selling liquor without license have been tried. Riley was acquitted, but Lowell was found guilty.

A jury is now being secured in the case against Lee Pointer, charged with assault with intent to kill.

Found Not Guilty.

GREELY CENTER, Neb., May 27.—[Special Telegram to THE BEE.]—The jury rendered a verdict today of acquittal in the case of Henry Wright and Walter Ewing who were charged with assaulting Ida Ragland, a fourteen-year-old girl. The young men admitted on the witness stand that they committed the crime, but not without her consent. The girl was censured for her conduct as the young men go free.

A Good Financial Showing.

FREMONT, Neb., May 27.—[Special to THE BEE.]—The Daily Tribune this evening publishes the result of an investigation it has just made in the matter of ascertaining the amount of cash the people of Dodge county had in the twelve banks of the county on June 4, the date on which the five national banks were called upon for their published statements. The result is of general interest since it shows an unexpected diffusion among the people of cash in the banks subject to check. The total amount on deposit in the county was $1,466,744. Of this amount the 10,300 persons living in the incorporated towns of the county are credited with $836,464, an average of $80 per capita, while the 8,000 living outside these towns (the farmers) had on deposit $630,281, or an average of $71 per capita, the general average of the county being $76.40 per capita. The force of this exhibit is better understood when it is considered that the volume of the circulating medium in the United States amounts to $24 per capita, or less than one-third the average amount subject to the ready command of the people of this county.

Fighting for a Prisoner.

O'NEILL, Neb., May 27.—[Special Telegram to THE BEE.]—Sheriff Gifford of Fall River county, South Dakota, accompanied by Attorney Fry of Hot Springs, arrived here this morning to arrest R. R. Dickson, for whom requisition papers were issued a few days ago. Dickson's attorneys were ready for trial today on the habeas corpus proceedings, but the Hot Springs people objected to the case coming before the county judge and agreed to appear before Judge Kinkaid tomorrow. The matter was supposed to have been settled, but just before train time Gifford and his attorney went to Dickson's office and demanded that he should accompany them to Dakota which he refused to do. Fry ordered Gifford to take him, but the deputy sheriff of this county appeared on the scene and ordered them to desist.

Portland Cement at Niobrara.

NIOBRARA, Neb., May 27.—[Special to THE BEE.]—For the past year negotiations have been going on between Yankton speculators and parties owning the chalk stone bluffs opposite here for options on the land with a view of disposing of them to a cement corporation. Samuel J. Hoyt, who now resides at Halsted, Bowen county, Neb., last winter gave an option on 160 acres on which the cement plant would be established, and then went quietly to work with a company in Milwaukee and sold it for $8,500 cash, subject to the option, the deal having been closed last week. These chalk stone bluffs, known by geologists as the "Niobrara formation," are the same as those about Yankton and Niobrara, and furnish the material for the celebrated Portland cement.

For the Paint Factory.

INDIANOLA, Neb., May 27.—[Special Telegram to THE BEE.]—Today the sod was broken for the erection of the paint factory at the ochre mines in this place. It will have a capacity of grinding twenty tons of ochre per day and will be in operation in less than six months. Indianola has furnished all the bonus asked of the Garner, Brown & Friend paint company of Chicago, which has the affair in hand.

No Cause for Suspicion.

HAY SPRINGS, Neb., May 27.—[Special Telegram to THE BEE.]—The remains of Miss Tracie Kitzberger arrived here from Chicago yesterday morning. The coroner held an inquest at the request of her father. He claims her death was caused by abortion. The jury brought in a verdict no cause for action.

PLENTY HORSES' DEFENSE.

Evidence Introduced to Justify Casey's Murder.

SIOUX FALLS, S. D., May 27.—[Special Telegram to THE BEE.]—The event of the Plenty Horses trial today was the testimony of Frank D. Balewin, a member of General Miles' staff. He appeared for the defense and declared that Casey was a scout, whose sole duty was to report the movements of the enemy, and that when he proposed to hold a council with Red Cloud and other chiefs he exceeded his authority. The impression left by Baldwin's testimony was that a fierce war of magnificent proportions raged at Pine Ridge, and had it not been for the military display made by General Miles the trouble would still be raging with all its fierceness. The object to be gained was that if war raged and Casey was a spy, then Plenty Horses was justified in the killing of the lieutenant.

Plenty Horses still retains his wonderful nerve, and although he understands everything going on he gives no indication whatever of his feelings.

R. O. Pugh, issue clerk, testified that rations were issued by the war department to the band to which the prisoner belonged after the surrender of the No Water camp.

Living Bear, father of Plenty Horses, has not yet arrived, but it is thought he will reach the city by tomorrow. Living Bear's non-appearance is one of the strange features of the case and it may be possible that the trial will not be ended tomorrow on Living Bear's account.

World's Fair Convention.

YANKTON, S. D., May 27.—[Special Telegram to THE BEE.]—The world's fair convention of South Dakota was organized at 3 o'clock this afternoon in this city. Three hundred delegates and visitors are present. The multitude comprises the leading business men and financiers of the state. Hon. Joseph Hurst, chief of the department of installation of the world's fair, and R. A. E. Dorr, chief assistant to Mr. Hurst, addressed the convention. The plan for raising funds which seems to meet the most general approval is to have counties appropriate according to their last assessed valuation, the management for the state to be placed in the hands of a commission of twelve men to be selected by the people of the judicial circuits of the state. At 6 o'clock this afternoon the convention adjourned to await the report of the committee on resolutions.

Big Damage Suit.

DEADWOOD, S. D., May 27.—[Special Telegram to THE BEE.]—In the circuit court today the trial of the case of John P. Belding vs the Black Hills & Fort Pierre railroad was commenced. The suit is one for $30,000 for the accidental killing of Merritt Judson Belding while riding on an excursion train on the defendant's railroad September 13, 1890, and is brought by John P. Belding as administrator. Before court adjourned this afternoon the testimony of twenty-seven witnesses had been taken for the plaintiff.

SAWED OUT OF HIS CELL.

Jesse Pomeroy Makes Another Attempt to Escape from Prison.

BOSTON, Mass., May 27.—Jesse Pomeroy, the notorious boy murderer, made one of his periodical escapes from his cell in the state prison Monday and managed to get into the corridor before his plans were frustrated. A drill and saw had in some way been given to him and he had sawed off the lock on his cell door. In order to get a lever to shove back the bolt he had to saw off a leg of his iron cot. He occupied a cell in the "arch" where the roughest prisoners are confined. His escape from there was only the freedom of a corridor. Jesse has made many attempts to escape and his modes have always been novel. He was allowed to have tools until his attempt six months ago to saw off the bar of his cell. Since then he has been supposed not to have any and a close watch has been kept upon the cell door, the window and the blocks of granite.

OMAHA'S GENEROUS FRIEND.

Augustus Kountze Makes a Proposition to the Lutheran Synod.

TO BUILD A THEOLOGICAL SEMINARY.

Valuable Land Donated—The Liberal Offer Accepted and Immediate Steps Taken to Comply with the Provisions.

LEBANON, Pa., May 27.—[Special Telegram to THE BEE.]—At the meeting of the general synod of the Lutheran church this morning a proposition was made by Augustus Kountze offering the synod ten acres of ground in Omaha, valued at $100,000 and $50,000 cash provided the Lutheran church raised $150,000 by July 1, 1892, to build in Omaha and maintain there a theological seminary of that faith. He further offered to pay half the expenses necessary to canvass the church for the funds.

The proposition was unanimously accepted at the afternoon session and in an hour $25,000 were raised among the members of the general synod towards the $150,000. The remaining sum will be raised with little effort and Omaha will soon have a fine theological seminary building of the Evangelical Lutheran church.

LEBANON, Pa., May 27.—The general synod of the Evangelical Lutheran church at the morning session took up the board of education business. The special purpose of the board is to establish new colleges and other schools for the church and aid new schools until they are amply endowed. J. S. Detweiler, D.D., of Omaha, president of the board, presented the report. The receipts were $10,237, mostly from churches on regular apportionments. The Carthage college in Illinois is reported to be again in a very prosperous condition. Churches were recommended to observe a day of prayer for colleges. The board is steadily growing in value to the general synod.

Presbyterian General Assembly.

DETROIT, Mich., May 27.—After devotional exercises in the Presbyterian general assembly Dr. Johnson reported favorably on the religious exhibit at the world's fair.

Dr. Nichols read a report from the committee on increase of the ministry, with particular reference to the reception of ministers from other denominations. Referred to the committee on church policy.

The standing committee on foreign missions reported.

The resignation of John C. Lowrie, D.D., senior secretary, also of Field Secretary Rev. Thomas Marshall were received.

The treasurer's report for the year ending April 30 shows expenditures of $973,000, which with the shortage from last year leaves a deficit of $60,000. An unusually large number of candidates applied for foreign work last year, and seventy-three were found qualified and sent out. The aggregate addition to mission churches is 2,875. An increase in schools is shown, as is also a growth in favor of medical missions. The work was hindered greatly by the war between Guatemala and San Salvador and by the present strife in Chili, but encouraging reports were received from elsewhere.

After the reference of overtures to the proper committee the recommendations of the committee on the report of the foreign board were adopted.

A resolution of regret on the death Monday night of ex-Moderator Van Dyke of Brooklyn was adopted. Adjourned.

At the afternoon session, after the reference of a number of bills and overtures to appropriate committees, a committee on religious exhibit at the Columbian exposition was appointed.

The chairman of the committee on correspondence recommended certain appointments and that the modern telegraph greetings to the assemblies of the southern Cumberland, United and Reformed Presbyterian churches, now in session.

Rev. James H. Dubbs, representative of the general synod of the German Reformed church in the United States, and Joseph Gallagher, D.D., were introduced and addressed the assembly. George A. Chamberlain, D.D., representing the Presbyterian church of Brazil, also spoke.

The moderator returned these greetings:

The standing committee on church erection reported through its chairman, William Bartlett, D. D., of Washington. The report said the death of Mr. John Sloan, for nine years a faithful and efficient trustee, leaves a vacancy it will be hard to fill. The work of the year has called for caution owing to the exhaustion of the special fund provided by the late R. L. Stuart and of the small working balance heretofore carried from year to year. Since we are not allowed to incur debts we have been enabled to meet all appropriations pledged. The steady advance of the church requires advance in church erection. The average number needing aid annually in this decade has been 184, which corresponds quite closely with the number organized. This year we had 190 applications for churches and fifty-two for manses, asking for $155,143, or $16,070 more than last year and $27,880 more than the year before. The amount of aid asked for last year has been 1 per cent more than for the five years before it. Our income for the year has been $126,642.28. With this we have given for building churches $91,465 and for manses something a little over $1,000 each, or an average of $14,340. The aggregate value of the church or manse property thus secured by aided churches in the year was almost $400,000, for which the board holds meetings to hold the property of the church until it abandons it or dissolves. A careful estimate of the real value of churches owned by the church and of the assembly in the United States gives $68,081,000 and that of manses gives $5,447,400, a total of $74,249,294; allowing for omissions we may say a round $70,000,000. The average value of all churches is about $10,800 and of manses about $7,300. The church contributions of these synods were $39,384, 103 out of a total of $60,592,370—almost two-thirds.

Dr. Bartlett yielded the floor to Dr. Patton, who asked leave to read so much of the report on theological seminaries as bears on the case of Dr. Briggs in order that it may be printed and distributed to the assembly when it comes up for action tomorrow. Sixty-three presbyteries whose names he read have overtured the assemblies as to utterances of Dr. Briggs. Some ask specification, but most leave to the assembly what it shall be. The committee reply to some of the reports of the Union theological seminary as bears on Dr. Briggs' appointment or transfer to the chair of biblical theology.

"Our duty is a delicate one, especially as the presbytery of New York is trying him on the charge of heresy, and we must not prejudice a case which some time must come before us on appeal. The question before us is not of his doctrinal soundness, but that of the approval of his election by the assembly. We have examined the doctrinal requirements as to the duty power of the assembly in assenting to such an appointment or transfer." Dr. Patton quoted from the records as well as from appointments of professors that have convinced his committee that the assembly has power to refuse the transfer. "We would have been willing to recommend the reference of this subject to a committee to report to the general assembly. But the control of the assembly over the matter ceases with the present session, and so we must act now. We admit that in one view the trustees may have ground for their denial of the power of the assembly to veto the transfer of a professor from one church to another. Besides, the assembly is one party in a compact with the union theological seminary and must be cautious in acting on it. The trustees of the seminary consider that the original appointment gives status and that this assembly has a right to forbid, but that the transfer simply assigns duty, and with that the assembly has no right to interfere. While we think the assembly has control of both, yet in view of the cordial relations always existing between it and of the trustees of the seminary it would be proper to appoint a committee of conference with them to report to the assembly. In accordance with the views the committee recommends that the assembly disapprove of the appointment of Dr. Charles Briggs to the Edward Robinson chair of biblical theology of Union Theological seminary and that a committee of conference with the trustees of that institution be appointed by this assembly to report to the assembly."

The report quoted the following: Summary of acts and resolutions of the general assembly and of the boards of Union and other theological seminaries connected with the appointment of professors. The directors of Union theological seminary in the city of New York presented the following memorial to the general assembly on May 18, 1870:

Resolved, That the board of directors of the Union theological seminary in the city of New York, being all of them ministers or members of the Presbyterian church, do hereby memorialize the general assembly to the following effect, viz: That the general rule and plan in the exercise of the proprietorship and control of the several theological seminaries, so far as the election of professors is concerned, the assembly will commit the same to responsible boards of directors on the following terms and conditions: First—That the board of directors of each theological seminary shall be authorized to appoint all professors for the same. Second—That all such appointments shall be reported to the general assembly and no such appointment of professors shall be considered as a complete election if disapproved by a majority vote of the assembly; and be it further

Resolved, That the board of directors of the Union theological seminary in the city of New York are persuaded that the plan proposed in the memorial will meet the cordial approval of the patrons, donors and friends of all the seminaries and contribute to the peace and prosperity of the church, do hereby agree if the said plan shall be adopted by the general assembly that they will agree to conform to the same, the Union seminary of New York being in this respect on the same grounds with other theological seminaries of the Presbyterian church.

The time within which the Presbyterian assembly may express its disapproval or exercise its right of veto ing the election of a professor was determined by the assembly of 1891 as follows: "The assembly declares that the acts subjecting the election of a professor to the veto of the assembly shall be reported to the next general assembly thereafter, and if not vetoed by that assembly, the election shall be regarded as complete according to the plan ratified by the assembly of 1870."

Dr. Bartlett resuming the report on churches, said he had heard an important report, but he did not know that "we were to have the Briggs report as an extra side-show." [Laughter.] He made a stirring address, advocating the duty of helping Presbyterian churches first and foremost and through their boards instead of through private channels. The subject was further discussed by Dr. White, secretary of the board, and others. Report accepted and recommendations adopted. Adjourned.

A popular session of the board of foreign missions was held this evening. Several addresses were delivered by foreign missionaries.

The general opinion on the Briggs case coincides with that of the committee so far as the expiration of the assembly's right to veto the transfer is concerned. The general opinion is that the right of veto must be exercised now or not at all. One New York elder feared the action recommended by the committee would make Dr. Briggs a martyr and give his utterances a weight to which they were not entitled. One minister thought the report was too Princeton, the moderator being a professor there and Dr. Patton the president; that it was unfortunate that the chairman of this committee was Dr. Patton. One went so far as to say the assembly was packed against Briggs, but another repudiated this insinuation. One from western Pennsylvania thought that region, including the faculty of Allegheny seminary, was solid against Dr. Briggs' views. A commissioner of large experience thought seven-eights of the assembly would vote for the report. Another commissioner who was present last year at Saratoga thought there was a lack of peace-making influence and the warm spiritual tone which was so notable. Another said: "Even Dr. Briggs' best friends can not apologize. Even Dr. Parkhurst admits that he talks too much."

Reformed Episcopal Council.

CLEVELAND, O., May 27.—The thirteenth general council of the Reformed Episcopal church of America began here today with delegates present from all parts of the United States and Canada. Bishop Samuel Fellows of Chicago presided and Charles D. Kellogg of Philadelphia acted as clerk. The opening ceremony was delivered by Rev. W. H. Barnes of Belleville, Ont. The report of the treasurer, John Helms of Philadelphia, showed that the receipts were $22,190.60, and the expenditures $18,276.27, leaving a balance of $3,714.33. The report of the trustees of the theological seminary of Philadelphia was read by Rev. Dr. H. S. Hoffmann, who made the announcement that Rev. S. John McDowell Leavitt and W. Max Mueller had been appointed to places in the faculty. The afternoon session was devoted to routine business.

Missouri Episcopal Conference.

ST. LOUIS, Mo., May 27.—At today's session of the conference of the Episcopal church of Missouri, after prayer, committees were appointed and the different reports read. Dr. E. J. Roberts read a report from the committee on proposed changes in the prayer book, recommending a number of changes which are being considered in consequence of the recommendations of the general assembly of the Episcopal church of 1889. The report was received and ordered printed, but action was deferred until the next general convention in 1892. Bishop Tuttle then delivered his annual address, after which the conference adjourned.

The Fight on Prof. Briggs.

DETROIT, Mich., May 27.—Rev. Dr. Parkhurst, one of Dr. Briggs' chief defenders, has arrived. His sermon of last Sunday, in which he gave Princeton such a lively shaking up, has intensified the wrath of Briggs' prosecutors and they now declare that the gentleman will be handled without gloves. In an interview with the doctor today he said that if the assembly condemned Briggs it would simply drive the brightest and best men out of the Presbyterian church. They might crush Briggs, he said, but they couldn't crush the spirit he represented.

Divided on Dr. Brooks.

CHICAGO, May 27.—Rev. Dr Phillips Brooks will not be endorsed for the Massachusetts Episcopal bishopry by the Chicago diocese. The old standing committee here was re-elected today in the diocesan convention. The committee is divided—3 to 3—for and against Dr. Brooks. To endorse requires a majority vote of the committee.

United Presbyterian Assembly.

PRINCETON, Ind., May 27.—The general assembly of the United Presbyterian church met here today. Rev. T. J. Kennedy of the Presbytery college of College Springs was chosen moderator. Adjourned until tomorrow.

Colorado Cattlemen Protest.

DENVER, Colo., May 27.—The state veterinary sanitary board have sent a telegram to Secretary Rusk protesting against his order to hold trail cattle at the quarantine line. The order is obnoxious to cattlemen, as it is plainly discrimination in favor of railroads, and in case the order is not rescinded, will entail a loss of $10 to $15 per head on all cattle held at the boundary line.

The Fire Record.

MARINETTE, Wis., May 27.—Fire in the lumber yards of the Menominee river door and sash company destroyed about two million feet of lumber. The loss is $300,000; insurance, $60,000.

LATEST POLITICAL RUMORS.

Jerry Simpson to Take the Stump in Ohio Against Major McKinley.

THIRD PARTY OPPOSED TO CLEVELAND,

Southern States Alleged to Be Solid Against the Ex-President—Necessity for Remodeling the Immigration Laws.

WASHINGTON BUREAU THE BEE, 513 FOURTEENTH STREET, WASHINGTON, D. C., May 27.

The announcement is made here this evening that Representative Jerry Simpson of Kansas will go into Ohio soon to stump the state for Governor Campbell or any other man nominated by the democrats against Major McKinley for the chief executive, and that a good-sized contingency of alliance and independent workers will take the forum in opposition to the author of the present tariff law. In the same connection the announcement is made that should ex-President Cleveland be nominated again not more than three of the southern states will be carried by him on account of his silver policy; that the alliance, independent or republican candidate would be elected south of the Mason and Dixon's line. The entire energies of the third party are to be exerted against the nomination of Mr. Cleveland, and since these men are to be turned loose in Ohio for Govern