

blows had struck with a heavy, blunt instrument. City Physician Blythin next testified. He had found the deceased skull fractured in two places and his face marked with the marks of fingers on Hutsontpiller's throat. He was of the opinion that four blows had been struck. In other details he corroborated the testimony of Dr. Lee.

Dr. Towne, assistant city physician, stated that he had made two examinations of the body. His conclusions were substantially the same as the witness who had preceded him, except that the fracture at the base of the brain was ten inches in length. He was of the opinion that death had resulted from the blows of the iron pin and not by strangulation.

MADE TO PAY IN ADVANCE.

J. D. Butler, proprietor of the Windsor hotel, was called. He testified that Elliott had first called very late in the evening on November 7. He had engaged board and Hutsontpiller had called and registered with his friend the next day. He had talked many times with Elliott, who appeared to be an honest, good-hearted fellow. His guest had told him that he was expecting transportation to his home in Burlington, Wyo., and he might leave any time. Last Saturday evening Butler heard that the two men had been together in the room at the Metropolitan and after investigating found it to be the room and thereupon turned both of them for their board in advance. Hutsontpiller appeared much surprised and said he had never before seen anyone at the hotel. He had given Elliott the money he owed Landford Gay and supposed it had been paid. Elliott was talking at the time with a man sitting in front of the hotel and when spoken to said he would get the money and would pay it.

The men then went to their room to talk the matter over. Butler testified that he would get the cash from his friend as a temporary loan with which to pay his bill. A short time afterward Butler was summoned to the room and the men were in conversation. Elliott said he had been unable to negotiate a loan from his friend, and with a little excitement pulled out his watch and asked Butler to take it and sell it as security. Butler took the watch and placed it in the safe. Hutsontpiller then paid his own board up until Monday morning.

Butler claims he was able to pay his board and reduce his watch, as he had just had some money sent him. He says he has no idea who murdered his roommate and knows no cause why it should have been done. He takes matters very cool and when visited this afternoon was lying on his back in his cell reading a novel. When told his roommate had been murdered and that he was suspected of the crime he changed color and said he would be glad to be released when he asked if that was what he had been arrested for.

INDICATES PREMEDITATION.

Annie Gaul, chambermaid, stated that Elliott had come out of his room while she was standing in the hall, about 11 o'clock. He had said to her, "I will go to my room in shape while my friend and I are down to dinner. He does not feel well and will want to lie down afterward. About 2 o'clock she had gone to her room to take in some towels, and upon opening the door had slipped on the blood which saturated the carpet. She noticed the watch as he went with his head among the pillows. The room was in a bad disorder and she had called Clerk Stough.

Fred Hunter, a barber in the Windsor hotel, was the next witness. He said: "Elliott got into my chair shortly after 4 o'clock, saying I expect to leave for the west on the 4:35 train. You might have some more than is necessary, or I will get it." I asked him if his friend was going also and he said: "Sure, I am going to take my friend and me to the west. He is going to the west country, about the business of a natural and perfectly cool. He left the shop about 11 o'clock."

R. B. Rees saw Elliott at the union depot and recalled substantially the same story already printed. The testimony in the case conducted with the aid of Jack Vannoy, who repeated the circumstances of the meeting, an account of which is given in another column. After remaining out but a short time the jury returned a verdict "that the deceased, Gary Hutsontpiller, came to his death from the blows of a heavy iron pin, the nature of which was not known, in the room at the Windsor hotel, at Omaha, Douglas county, Nebraska, on the 18th and 19th of November, 1906, at 2 and 5:30 p. m., November 17, 1906."

The remains of Hutsontpiller are still lying at the morgue, as no word has been received from his brother, who lives at Marquette, Wyo., as to what shall be done with the body.

Word was received by the local police last night from Sergeant Cox that he had arrived at Cedar Rapids, Ia., and that the man under arrest there was Elliott. The man wanted in this city for the murder of Gary Hutsontpiller. He did not state in the telegram when he expected to return.

TAKES HIS ARREST COOLLY.

CECILIA RAPIDS, Nov. 18.—(Special.)—This morning about 1 o'clock the police were notified to be at the Chicago & Northwestern bridge over the Cedar at this point when a 2 passenger car, No. 120, was seen to arrest a murderer who was on the train. Four officers went to the place at once and were ready when the train arrived. The train stops on the bridge and the locomotive takes water at the tank just this side of the bridge, and in order to guard against any possibility of the fellow escaping, two officers went out on the bridge and as the train slowed up heared the rear portion, while a third met Conductor Holten, who had charge of the train, in his front car. The man was sitting in the smoking room of the chair car and was surrounded by the officers before he knew what had happened. He took matters very coolly and when told that he was under arrest simply said that there must be some mistake. He answered the description perfectly, however, and the officers decided there was no mistake about it and told him that he must get off the train. Without further ado he asked permission to get his grip and to take his chair car, and then asked that his baggage be taken off. This was done and he was taken to the station and locked up.

The fellow arrested, letters in his pocket and an engraving on his watch is Charles H. Elliott, although he gives the name of Allen Gerard. He boarded the Northwestern train at Council Bluffs and had purchased a ticket to Chicago.

At Boone the conductor on the train re-

ceived the following message from the chief of police of Omaha: "Arrest for murder George Elliott, 28 years old, five feet, ten inches high, weight 160 lbs., dark eyes, blue nose, thin mustache, dark eyes, black stiff hair, 'Me' name printed label in hat. Double-breasted, rough checked suit, black overcoat, World's Fair tag in collar under hanger. Buses filled with 'Gillett' engraved. Left here on Northwestern No. 2. Small red handkerchief, 4x4 goods, box 2x2x4 feet, rope handles and bound with rope. The description tallies exactly with the man arrested, with some minor differences, and it is not the man wanted he bears a striking resemblance to the man who killed the murder. When taken to the station a revolver of the Harrington-Richardson Arms company make was found in his possession. He was taken to the jail and locked up as he asked for his overcoat and letters and when they were refused him he for the first time showed, to a slight extent, the terrible pain he must necessarily have been under."

PROTESTS HIS INNOCENCE.

He was seen this afternoon, but would charge upon his professional ignorance of the charge upon which he was arrested, and when told that his roommate had been murdered, expressed greatest surprise. He said he had never seen Elliott, and arranged to leave Omaha on stock passes, but was unable to secure them.

Shortly after noon he called Hutsontpiller and said he had never before seen anyone at the hotel. He had given Elliott the money he owed Landford Gay and supposed it had been paid. Elliott was talking at the time with a man sitting in front of the hotel and when spoken to said he would get the money and would pay it.

The men then went to their room to talk the matter over. Butler testified that he would get the cash from his friend as a temporary loan with which to pay his bill. A short time afterward Butler was summoned to the room and the men were in conversation. Elliott said he had been unable to negotiate a loan from his friend, and with a little excitement pulled out his watch and asked Butler to take it and sell it as security. Butler took the watch and placed it in the safe. Hutsontpiller then paid his own board up until Monday morning.

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BEET SUGAR BOUNTY CASE

Supreme Court Will Hear Arguments on the Matter Today.

ATTACKS CONSTITUTIONALITY OF THE LAW. Attorney General Churchill, who appears for Auditor Moore, presents his argument on the question in writing.

LINCOLN, Nov. 18.—(Special.)—The supreme court today decided to hear the arguments in the Norfolk beet sugar bounty case the first thing tomorrow morning. The case is one instigated by the Norfolk Beet Sugar company to compel State Auditor Moore to issue a warrant in the sum of \$865 in payment of the bounty on 125,000 pounds of sugar manufactured between December 21, 1905, and January 1, 1906.

Early spring Auditor Moore issued warrants amounting to \$20,000 in payment of bounty on sugar manufactured at Grand Island and Norfolk. The last legislature, which passed the bounty bill, did not make a specific appropriation for the payment of bounty claims. The warrants issued by Auditor Moore were drawn on the general fund. The maximum sum being \$100,000.

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Attorney General Churchill represents Auditor Moore and takes the position that the sugar bounty law is unconstitutional for several reasons. His main contention is that the state debt is increased by the attention has been reached, that the legislature in passing the bounty law exceeded its power in seeking to fix a contract which is not binding on the state and that no specific appropriation was made.

Ex-Senator Charles F. Manderson and W. Summers are attorneys for the Norfolk Beet Sugar company.

The line of argument pursued by Attorney General Churchill is before the court in written form. It is summarized as follows: 1. The determination of such expenses shall be incurred as to the bounty law. 2. There is no vested in one legislature the power to determine what expenses shall be incurred by the state.

Each separate legislature possesses the sole power of determining, not only what expenses shall be incurred, but also the amount of expenses which may be incurred aside from those fixed by the constitution.

The legislature must provide a tax levy in new taxes, or by the present law, sufficient to meet their expenses, which must be by appropriations made. It is held that the legislature cannot incur a debt on its own authority, but that it must provide for the payment of its obligations by a tax levy.

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RED MEN'S COUNCIL CLOSERS.

Members of Officers Indicate a Prosperous Condition.

FREMONT, Nov. 18.—(Special.)—The Great Sioux Council, the Improved Order of Red Men closed its session yesterday afternoon. The report of the great keeper of records showed a gratifying increase in membership during the past year in spite of the dull times. The council is in a prosperous financial condition and has had no complaints, and is in a position to admit members at the rate of \$5.00 per year. The council is in a position to admit members at the rate of \$5.00 per year.

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CO-OPERATIVE INSTITUTIONS FAVORED BY A LARGE NUMBER, BUT PRIVATE FUNDS INVESTED.

Convention of Sugar Beet Producers Declares for State Aid.

GRAND ISLAND, Neb., Nov. 18.—(Special.)—The convention of the sugar beet producers of Nebraska, which was held at Grand Island, Neb., on the 17th and 18th inst., closed its session yesterday afternoon. The convention declared in favor of co-operative factories, but it was equally as firmly convinced that mercantile history was replete with accounts of the wrecks of such co-operative efforts. Some pointed to the success of co-operative effort in the line of building, saving and loaning associations, while others declared this to be an entirely different matter.

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