

MOORE GETS EIGHT YEARS

Convicted Man Must Serve Time in the State Penitentiary.

SENTENCE PASSED ON EX-STATE AUDITOR

First Fined Ten Years, but His Wife's Plea Secures a Reduction—Moore Says He Trusts Men Who Filled Him.

LINCOLN, Nov. 30.—(Special Telegram.)—District Judge Corliss this morning sentenced Eugene Moore to eight years at hard labor in the penitentiary and to a fine of \$40,000, being double the amount of the embezzlement.

Moore was asked if he had anything to say and made a talk of over five minutes, in which he said that he had never intended to do wrong, but that friends to whom he had entrusted money had failed him when it was needed, which was the reason for the shortage. He said that some had totally refused to help. Since the case had been commenced he had made every effort to raise the money, but had failed. Now, no matter what the final outcome of the case, he intended, if he lived long enough, to pay back every dollar. He asked for the leniency of the court.

Judge Corliss, in passing sentence, said that the case was an aggravated one and that the plea of the defendant had been one of guilt. In some localities corruption had become so common in city and also in state affairs that there was a great demand for the people that justice be done from the propriety of the government of our glorious country was at stake. He then pronounced a sentence of ten years.

Mrs. Moore, who had come to the side of the now weeping defendant, made an appeal to the court for mercy and the court stated that on account of the devotion of Moore's wife and children he would take off two years.

Judge Norval of the supreme court has declined the responsibility of passing upon a somewhat hard case, stating that the court decided that hereafter those matters must be taken up before the full court at regular sittings. The next session of the supreme court is one week from today. In the meantime Moore has been remained to the care of the sheriff. The attorney general states that he will not insist on the sentence being put into effect until after the expiration of thirty days.

FILE THE APPEAL

Shortly after noon the attorneys for Moore filed their appeal and citation to appear in the supreme court, the citation being Eugene Moore, plaintiff in error, against State of Nebraska. The petition in error reads as follows:

The plaintiff complains of the defendant for that on the 30th day of November, 1897, the defendant received a judgment against the plaintiff by the district court of Lancaster county, in which the plaintiff was sentenced to be imprisoned in the state penitentiary of the state of Nebraska for the period of eight years, and that the plaintiff has a fine of \$40,000 and the costs of the prosecution, taxed at \$5,000, in an action pending in said court wherein the plaintiff herein was defendant and the defendant herein was plaintiff. A transcript of the proceedings in said action, including said judgment, is filed herewith.

The plaintiff alleges that there is error in the said proceedings and judgment, and that the court erred in overruling the plaintiff's motion in error of judgment and sentence in said cause.

The facts stated in the information in said cause are not sufficient to constitute a crime under the laws of this state.

The facts stated in the information do not charge a crime against this plaintiff.

The facts stated in the information are not sufficient to constitute the crime of embezzlement under the laws of this state.

This plaintiff as charged and described in said information, receipt, safe keeping, transfer or disbursement of any of the public money of this state.

The money described in said information is not, was not, and is not the property of this state.

This plaintiff, as is shown in the facts stated in said information, is not a public officer or employee of this state.

The money described in said information were not received by this plaintiff by virtue of any office or position of public office or employee of this state, and the defendant is not bound to claim the ownership of said money.

The court erred in passing judgment on a sentence of imprisonment and fine, and the plaintiff therefore prays that said judgment and sentence may be reversed and he be discharged from custody, and that he may have such other and further relief herein as the law and justice may require.

Notice was filed in the supreme court and served on the attorney general by Moore's attorneys that the case of Eugene Moore, plaintiff in error, against State of Nebraska, docketed at the hour of 1:30 p. m., on or about there after as counsel can be heard, for an order suspending the execution of the sentence pronounced against Moore by the district court and admitting him to bail pending the hearing of the petition in error.

Court Doings at Redefinition. HARTINGTON, Nov. 30.—(Special Telegram.)—R. E. Evans of Dakota City convened court here today. The docket is smaller this term than for a long time. The most important case to be tried is State against Phillip R. Hildebrand, charged with the murder of Blanche Hildebrand had her father arrested charged with incest. For reasons not given the defendant waived his preliminary examination and has remained in jail ever since. Hildebrand is a man over 60 years of age, and before his arrest had always borne a good reputation. He is a prosperous farmer and an old soldier. The case of Frank Reid against Xavier Reid, his nephew, will be tried at this term. During the summer young Reid had a dispute with his uncle, who is his guardian, and hit him in the eye with an instrument and nearly blinded the old man. Reid sues for \$2,000 damages. The case of Violet Rawhouser against Frank Aikens on the charge of bastardy attracts a good deal of attention on account of the prominence of part of the principals. Aikens is a married man, and a family. He is a nephew of Hon. H. T. Aikens, our present representative.

Witness Suddenly Disappears. HARTINGTON, Nov. 30.—(Special Telegram.)—There is considerable excitement here over the mysterious disappearance of Blanche Hildebrand, the 15-year-old girl.

Degree of Honor at Sidney. SIDNEY, Nov. 30.—(Special Telegram.)—Mrs. Adeline Hildebrand, great child of honor of the Degree of Honor in Nebraska, was entertained tonight by the local lodge. Addresses were made by Brother Joseph Oberholzer, Sister Vernon Harding Winkler, and Brother George Perkinson, and a supper was served in honor of the occasion. Sidney lodge No. 122 is in a flourishing condition.

Rehears of the Cold Snap. FREMONT, Nov. 30.—(Special Telegram.)—The weather here still continues cold. At 7 o'clock, the mercury in the mercury stood at 10 below zero, and at 10 p. m. it had only risen to 14 in the shade. The wind is in the north.

PONCA, Nov. 30.—(Special Telegram.)—The thermometer registered below this morning. Only one inch of snow has fallen.

Miller in Jail. FAIRBURY, Nov. 30.—(Special Telegram.)—H. S. Miller, who was arrested at Humboldt on the charge of stealing a carload of cattle from the Fairbury Mill company, had his preliminary examination before County Judge Boyle and was held in \$1,000 bonds until the next term of district court. He has not given bonds and is in jail.

Pythian Officers. BATTLE CREEK, Nov. 30.—(Special Telegram.)—Olympic lodge No. 82, Knights of Pythias of this place, elected officers last night as follows: W. Yanabe, C. C. Tanser, V. C. F. H. L. Willis, P. C. E. Hanson, M. E. A. G. Meyer, M. E. T. L. White, K. of R. and S. Fred Williams, M. W. George F. M. S. A.

Court at St. Paul. ST. PAUL, Nov. 30.—(Special Telegram.)—District court of the Eleventh judicial district convened yesterday with Judge A. A. Kendall on the bench. There were eighty-eight civil and five criminal cases on the docket, although there were no cases of extraordinary interest.

Haight is Cleared. PLATTSMOUTH, Nov. 30.—(Special Telegram.)—After four hours' deliberation of the case of the State of Nebraska against Charles E. Haight, charged with murder in the first degree, the jury returned a verdict of not guilty as charged by the indictment.

Burglar Caught. PONCA, Nov. 30.—(Special Telegram.)—Walter Graves was arrested Sunday afternoon for

who was in appearance her father in district court this week on the charge of incest. Hildebrand was arrested several months ago and in default of bail was confined in jail, where he is still waiting for his hearing. Blanche had been in charge of the sheriff since the complaint was filed, but was allowed many liberties. Last night she called at Stanley Moore's home, where her sister and mother are staying, and talked over the case against her father. At 9:30 she returned to her home, but has not been seen since. The supposition is that the girl was kidnapped.

TEACHERS ARE MUCH CONCERNED. Those of Northern Nebraska Deeply Interested in the Exposition. LINCOLN, Nov. 30.—(Special Telegram.)—State Superintendent Jackson lately attended the meeting of the Northern Nebraska Teachers' association, which was held at Emerson, and came back enthusiastic over the attendance and the interest manifested by the teachers of that part of the state. While there he secured thirty new members to the National Educational association. He found the teachers much interested in the educational department of the exposition and some valuable help is expected from that direction. The state superintendent is anxious that all of the county association meetings, which will be held during the winter, some papers be prepared or discussed taken up relative to the educational exhibits to be made at the exposition.

A damage suit against the city of Lincoln was commenced in district court this morning by Joseph Kolbach, who says he slipped on the icy sidewalk on the 3d day of last December and sustained a fracture of the left leg. He asks for \$10,000. The city attorney has filed an answer in the case, in which he says that Kolbach's injuries were the result of his own carelessness. He maintains that the city has no fund for the repairing of walks and is not responsible, and that the owners of the abutting property are liable for the condition of the walks.

Reuben H. Truhey died at his home in this city this morning of acute bronchitis at the age of 87 years, having been born in 1809 in Essex county, New York. He was one of the oldest and most honored residents of Lincoln, having lived here since 1868, and owned the first drug store in the city. He was married in 1825 to Lavina Ford and they had together sixty-two years. Mrs. Truhey having passed away two years ago.

J. P. Lanning and William Oliver, the owners of the Lanning theater building, have been unable to agree for two or three years past, and their frequent quarrels led to having the property advertised for sale in order that a division might be made. Today was the date of the sale, and Mr. Oliver bid in the property at \$15,000 over and above the encumbrances, which amount to \$26,000. He is now in possession.

Chancellor Maclean has received word from the secretary of war, informing him of the appointment of Lieutenant John M. Stoteward as first lieutenant in the United States army, in place of the late Lieutenant Thomas J. Weir, who was killed in a fratricide at West Point and also of the military school at Fort Leavenworth.

Madhine Alfred Walker, aged 69 years, and his wife, who were residents of this city, died of paratyphoid fever last night. He leaves a large family of grown-up children, most of whom reside in this city.

Omaha people at the hotel at the Lincoln-Corliss-H. H. Robinson, D. J. Simpson, L. N. Gordon, John A. Krug.

Investigating County Officers. DAKOTA CITY, Nov. 30.—(Special Telegram.)—Edward P. Hovey of Lincoln, an expert accountant who for three months past has been making an investigation of the records in the office of Dakota county, expects to file a report of his findings with the Board of County Commissioners at their meeting on Saturday next. He reports that the records will embrace the period from January, 1890, until the present time. The records previous to that time were examined by Expert Thomas J. Weir of Ponca County, and his anxiety is felt as to what Mr. Hovey's report will show, as the feeling has been expressed generally that considerable embezzlement has been indulged in by former county officers. Owing to these reports the heavy taxpayers and influential citizens of Dakota county are organizing a citizens' party, with a platform of reform.

Johnson County Court. TECUMSEH, Nov. 30.—(Special Telegram.)—The Johnson county fall term of district court is now on, having convened yesterday. There are eighty-two civil and five criminal cases on the docket. Judge John C. Smith of Auburn is presiding. There will be a grand jury and the petit jury came on for service today. The case of George W. Harwood against the Tecumseh National bank deposit, was the first jury case and has occupied the attention of the court today.

Concerns Mallalieu's Accounts. LINCOLN, Nov. 30.—(Special Telegram.)—It is announced on good authority that the legislative investigating committee will shortly make a report in connection with the indebtedness of John F. Mallalieu, late superintendent of the home, while holding that position.

Improvements at Humboldt. HUMBOLDT, Nov. 30.—(Special Telegram.)—The city is enjoying a season of improvement. With two new dwellings, a new lively barn and a new wagon and carriage shop, approaching completion, and a number of other improvements, the city is in a more prosperous condition than it has been for some time.

Will Pay Small Creditors in Full. NEW YORK, Nov. 30.—(Special Telegram.)—The firm of Hill, Hoopes & Co., which failed in 1896, today notified its smaller creditors that their claims will be paid in full. The offer claims were \$1,000,000. The firm had been bought up by Judge Henry Hildreth. The liabilities were \$2,200,000.

Forecast for Today's Weather. Threatening, with Snow and Decidedly Colder. WASHINGTON, Nov. 30.—Forecast for Wednesday: For Nebraska and Iowa—Threatening weather with snow; decidedly colder; northerly winds. For Kansas and Missouri—Threatening weather, with showers of light snow; decidedly colder; northerly winds. For Wyoming—Threatening weather, with snow; decidedly colder; variable winds, becoming northerly.

Office of the Weather Bureau. OMAHA, Nov. 30.—Forecast of today, fall and temperature compared with the corresponding day of the last three years: 1897. Normal for the day, 34 to 48. Accumulated excess since March 1, 47.8. Normal rainfall since March 1, 16.0 inches. Deficiency since March 1, 1.0 inches. Excess for year period, 1896, 5.2 inches. Deficiency for year period, 1895, 19.2 inches.

Reports from Stations at 8 p. m. Twenty-fifth meridian time.

Stations and State of Weather.

Omaha, clear 32 to 40. North Platte, clear 28 to 36. South Platte, clear 28 to 36. Lincoln, clear 28 to 36. Grand Island, clear 28 to 36. Hastings, clear 28 to 36. Kearney, clear 28 to 36. Nelso, clear 28 to 36. York, clear 28 to 36. Kearney, clear 28 to 36. Nelso, clear 28 to 36. York, clear 28 to 36.

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house breaking, having entered the residence of Mrs. George Reynolds and Mrs. Kingsberry. He secured six little plunder and has confessed to the crime.

Bodily Burned. YORK, Neb., Nov. 30.—(Special Telegram.)—As a result of the tipping over of a lighted lamp, Mrs. M. E. Todd was badly burned yesterday morning between 1 and 2 o'clock. The woman was taken suddenly ill. She called for help and was taken to the hospital. She was developed in a blaze. She was alone at the time. Night watchman Ignatius, four or five blocks distant, heard her screams and came to her aid. The foot that Mrs. Todd is over 70 years of age lessens her chances of recovery.

Linnville to Be Examined Again. DAKOTA CITY, Neb., Nov. 30.—(Special Telegram.)—On Friday, December 2, James Linnville will have a second time stand a preliminary examination for the murder of Henry Carpenter.

Cattle Feeding at Ponca. PONCA, Neb., Nov. 30.—(Special Telegram.)—Over 2,000 head of western cattle are being fed in this county. In addition, besides the large herds of home grown stock.

Nebraska News Notes. The Havelock hemp mill has commenced operations. Work has been commenced on a new Catholic church at Lincoln.

The Methodists of Stewart have just completed a church that cost her \$10,000. Wayne will hold a poultry show, beginning December 8 and continuing three days.

In the country west of Newcastle cholera is reported to have among the swine. One farmer in the vicinity of Hays says that he killed 350 rats in two days by actual count.

The village of Havelock has let the contract for constructing a system of water works.

A man near Diller claims to have hauled and cribbed 2,000 bushels of corn in nineteen days. No wonder there are skeptics in the land.

The Superior Creamery company has wired for separators and other new machinery and expects to have its plant running again by December 10.

Charles Strout of Humboldt has been sick for some time and one day recently a number of his neighbors descended upon him and hauled several hundred bushels of his corn and put it in a pile.

Walter P. Nun of Alexandria was out in the field husking corn Mrs. Nun left the house for a short time and on returning found their son in bed. It had fallen in the well and was drowned before the mother returned.

The suit against the commissioners of Boone county to compel their action in purchasing a poor farm was dropped at the instance of the county. The petition of Thompson on the ground that the petition of Plaintiff was faulty.

John Reichen of Havelock was stopped while riding home on the track of a broncho by a highwayman who began to search for his cash and might have taken his person. As the would-be robber reached for the pocket where his money was deposited, Reichen struck his broncho a light blow and the animal sprang forward, knocking the tramp down and making a swift sprint beyond reach of harm.

FORCE OF ECCLESIASTICAL COURT. Its Decisions Do Not Her Application to Courts of Law. ALBANY, N. Y., Nov. 30.—The court of appeals has ordered a reargument of the case of John S. Baxter, a priest of the Brooklyn diocese, against Bishop O'Donnell. One of the questions involved was whether the apostolic delegate of the Roman Catholic church in New York had the right to bring a civil action in the regularly constituted courts of the state of New York.

Both of the lower tribunals, the supreme court and the court of appeals, have decided that a religious division is in its nature, ecclesiastical in character, and has no jurisdiction to determine the civil rights of citizens. The court of appeals, however, has decided that a civil court has jurisdiction to determine the civil rights of citizens.

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GENILEMAN GEORGE WINS

Sloman Defeats Sutton in Second Game of Billiard Tournament.

SUTTON, HOWEVER, MAKES HIGHEST RUN

Champion Ives Wins the Third Game from Daly by a Score of Almost Two to One.

NEW YORK, Nov. 30.—George F. Sloman and George Sutton played the second game in the billiard match at Madison Square concert hall this afternoon. Sloman won the lead and chose the white ball. He led off with a fuke and Sutton followed, scoring one. Sloman gathered in two, after which Sutton ran up nine, keeping "in" most of the time. Sloman made four, playing wide. Sutton's next run was 20, a wide carom being used effectively. In the sixth inning Sloman made a splendid masseé play with the line, making an "out" and "in." Sloman passed Sutton in this inning, making nineteen and losing the twentieth on a sky-rocket. Tallies on Sutton's score in this inning, giving him the lead, during two cushion drive finishing his run and scattering the balls. At the close of the first ten innings the score stood, Sloman 40, Sutton 56.

In the thirteenth Sloman ran up twenty, giving Sutton, Sutton did not score. A corner carom in the twenty-first inning, which seemed easy was lost by Sloman. A run of twenty-four was made by Sloman in the thirty-third inning. Sutton ran up to twenty-two, reducing Sloman's lead to forty-two.

In the forty-seventh Sloman ran up to forty-eight, making an "out" and "in." Sloman passed Sutton in this inning, making nineteen and losing the twentieth on a sky-rocket. Tallies on Sutton's score in this inning, giving him the lead, during two cushion drive finishing his run and scattering the balls. At the close of the first ten innings the score stood, Sloman 40, Sutton 56.

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