JUSTIFIES FILLEY SHOOTING

Coroner's Jury Says Killing of Smith Was for Good Cause.

UNABLE TO FIND FELONIOUS INTENT

Citizens Suspect Dead Youth Was Prompted by Older Knaves to Put Up the Job that Led to His Slaughter.

FILLEY, Neb., March 17.—(Special Telegram.)—A coroner's jury was empaneled today to investigate the shooting of Willard Smith by Frank Shadley. After being sworn in at the B. & M. depot the jury proceeded to the late residence of Smith. After an examination of the body the jury went to the church where he got the sack of money and there the examination of witnesses was begun.

Frank Shadley, who did the shooting, was the first witness. The gist of his testimony was that his intention was to shoot the fleeing man in the legs, but the walk in front of the church is nearly three feet above the ground and the man jumped from the walk as he fired. As a result the ball penetrated the left shoulder blade near the spinal column and made a wound six inches in depth. Smith fell to the ground and expired four minutes later without uttering a word.

The jury adjourned at 7 this evening for supper, to reconvene at 8.

The general opinion among the citizens of the town is that Smith, although not yet of age, was addicted to gambling and drinking unknown to his parents, and citizens are a unit in saying that the youth never planned and executed the crime without the aid of older heads. A few men who are known here as gamblers are thought to be responsible for the youth's action.

George Suthers and Wade Laflin drove into town at 5 p. m. yesterday, put up their team at the livery barn and did not call for the team until 4 today. Suthers lives three miles southeast of here and Laflin is a school teacher at Crab Orchard. Subpoenas have been issued for them.

The coroner's jury tonight brought in the following verdict:

That on the 16th day of March, 1902, that one Frank Shadley, then and there being in the town of Filley, in the said Gage county, Nebraska, did, with a thirty-eight-caliber revolver, which he then and there held, did shoot the said Willard Smith without any felonious intent, and we further find that the same was justifiable.

G. N. STECKS, Foreman.
CHRIS ANDERSON.
JOHN KLEPPER.
E. W. STARLING.
A. K. DAVIS.
EUGENE BEAL.

RAPP WILL STANDS APPROVED

County Judge Turns Down Rejected Niece's Objections to Its Probating.

After much contesting on the part of Mary Venable Wolf, the will of Christian G. Rapp was yesterday admitted to probate by County Judge Vinsonhaler. The instrument leaves a $5,000 estate, including a drugstore at Twentieth and Grace streets, to be converted into cash by Luther E. Roberts, special administrator, to buy a monument for Mr. Rapp's father and mother, buried at Springfield, Ill.

Though Mrs. Wolf, a niece, lived with her uncle for many years prior to her marriage, which her uncle bitterly opposed, he left her only $5 when he died last January. She protested the probating of the instrument, alleging that her uncle was not in his right mind and after the decision yester she filed motion of appeal.

It was during the argument of this case some time ago that her attorney, W. H. DeFrance, and the attorney for the estate, Charles Elgutter, grew openly warlike because the latter called the the former a liar. Yesterday both were docile and apparently on good terms.

ANOTHER ORPHEUM PROJECT

Beck Leases Summer Garden in New Orleans and Reiter Will Manage It.

Manager Reiter of the Orpheum received word yesterday from General Manager Beck that he had leased Athletic park, the principal summer playground of New Orleans, thereby adding another important amusement venture to the enterprises of the Orpheum Circuit company. Mr. Beck says he will start workmen erecting an immense gallery at once and push with all possible speed the installment of a score of big improvements that by the time of opening, which will be about June 1, he will have ready one of the most elaborate and complete resorts for amusements in the entire south. Mr. Reiter was notified by Mr. Beck to make no arrangements for the coming summer, as he intends to transfer him to the new park until the reopening of the Omaha house next fall.

Brakeman and Fireman Killed.

NEW ALBANY, Ind., March 17.—Spreading rails caused a wreck today on the St. Louis & Louisville division of the Southern railway, near Kyana, sixty miles west of this city, in which freight brakeman William Fields of Louisville and Fireman Frank Gleason of Louisville, were killed and Engineer Claude Sittason of this city was badly injured.

OMAHA'S SEWERAGE SYSTEM

City Engineer Explains Its Construction and Efficiency to New Citizen.

A critic of Omaha's sewerage system who writes his impressions to The Bee has been answered by City Engineer Rosewater. The correspondence follows:

OMAHA, March 15.—To the Editor of The Bee: As a new resident of your city I was surprised on inspecting the sewerage system that for a live western city you are not more up-to-date. Omaha has a great future. That future can be made still greater by doing away with this antiquated plan for allowing this foul matter to flow into the river. The stench arising from the slaughter house on its bank and allowing the decayed matter to rot exposed are such menace to health it is surprising that these things are allowed to exist. The dumping of garbage in yards and alleys is another great detriment to the health of the city.

I come from a city that ten years ago held up its hands in horror in spending $500,000 to abate just such a state of affairs. Now it is costing them $1,000,000 and before done much more than that.

Why not do it now and thus secure the healthy condition that will some day make Omaha one of the foremost cities. Yours truly, C. B. C.

OMAHA, March 17.—To the Editor of The Bee: The article signed "C. B. C.," sent to me evidently for reply, is of a kind that usually emanates from parties who, like this author, are eager to criticise what they nothing about. Omaha has a sewerage system which will compare favorably with that of any city in the United States. Every sewer in this city is provided with automatic flushing devices, which give it a daily cleansing. The system has a thorough ventilating provision, its thousands of inlets being connected with the sewers without any trap, thereby so thoroughly diluting with fresh air whatever of gases may be developed as to render it practical for anybody to walk for miles through the main sewers without feeling the remotest effects therefrom. In this respect it is the only city of over 100,000 population that has absolute ventilation through untrapped inlets.

Your brilliant critic thinks it horrible because the sewerage of the city discharges into the Missouri river. Where would he have it discharge? The city of Chicago discharges its sewerage into the river, the city of St. Louis does the same and so does Kansas City and hundreds of other cities, both in the United States and abroad. The Missouri river has a mean flow of 250,000 gallons per second at this point. If Omaha had a population of 500,000 the mixture of its sewage would contaminate the river to the extent of 1,1000 of 1 per cent, an amount that would baffle the most expert chemist to detect, at a point a few miles below the sewer outlet. The city of Omaha has nothing to do with the slaughter houses that the gentleman refers to. They are in an entirely different corporation, and the sewerage of that town does not discharge directly into the Missouri river, but into Mud creek and through Mud creek into Papillion creek, undoubtedly creating a serious nuisance. This can be readily abated by the expenditure of less than $150,000.

ANDREW ROSEWATER,
City Engineer.

The Rifle Supplants the Sword.

A half century ago the sword was considered the best known weapon in warfare, but it is now being discarded by the British soldiers and the modern rifle is substituted. Many people throughout the country are also discarding old methods of trying to cure headache, nervousness, insomnia, indigestion and dyspepsia and are using Hostetter's Stomach Bitters, the old reliable remedy for these ailments. It is recommended by physicians and a trial will convince you of its value.

FIRE RECORD.

Nebraska City Residence.

NEBRASKA CITY, Neb., March 17.—(Special.)—Fire was discovered at about 11 o'clock this morning in the house occupied by James Haidick on east First Cooso.

The department responded promptly to the alarm and soon had the flames under control.

The household goods were all removed from the building without damage. The house is the property of Mrs. F. D. Spencer. The loss will not exceed $200 and is fully insured.

Farm Buildings Near Blair.

BLAIR, Neb., March 17.—(Special Telegram.)—At 3 o'clock this morning the barn, granary and adjoining sheds of Mrs. Oliver Bonvier, four miles south of Blair on the Omaha road, were burned to the ground. Eight head of horses, a valuable mule team, five milch cows, three new sets of harness, a wagon and a quantity of hay and feed were burned. There is strong suspicion that the fire is the work of an incendiary. The loss is about $2,000, with no insurance.

House at Table Rock.

TABLE ROCK, Neb., March 17.—(Special.)—About 5 o'clock Saturday afternoon, while a fierce wind was blowing, fire was discovered at the residence of John Hilbert, sr. It was some time before the department arrived and the fire had made good headway. Much of the furniture was saved, though in a damaged condition. The fire is supposed to have originated from a defective flue. Mr. Hilibert had $550 on the house and $150 on its contents.

House at Edgar.

EDGAR, Neb., March 17.—(Special.)—Hon. S. W. Christy's house caught fire last evening between 5 and 6 o'clock. The fire company was promptly on hand and soon extinguished the flames.

The fire caught in the ceiling of the parlor around the stovepipe. The house is quite badly damaged and the loss is estimated at $200. Mr. and Mrs. Christy were absent at the time.

Munro Country Place.

NEW YORK, March 17.—Normahurst, the country place of the late Norman L. Munro, near Long Branch, N. J., was set on fire and burned to the ground last night. The building was valued at $50,000. It is also believed that it was robbed. The late Vice President Hobart occupied the cottage during the summer of 1899 and during the month of August President McKinley was a visitor.

Stave Manufacturing Plant.

PARAGOULD, Ark., March 17.—The large plant of Pekin Stave and Manufacturing company was destroyed by fire today. The loss approximates $100,000, nearly covered by insurance. About 100 employes are thrown out of work. The company will rebuild.

Buildings Near Rochester.

ROCHESTER, N. Y., March 17.—A fire in the village of Shortsville today destroyed twelve business places, two residences and three barns. Loss is about $60,000.

HYMENEAL.

Boeck-Torbeck.

HUMBOLDT, Neb., March 17.—(Special.)—Louis Boeck, a young farmer, and Miss Christina Torbeck went to Falls City today and were married by the county judge. The bride arrived here only recently from Germany. The couple will make their home on a farm near this place.

How to Prevent Pneumonia.

You have good reason to fear an attack of pneumonia when you have a severe cold, accompanied by pains in the chest or in the back between the shoulders. Get a bottle of Chamberlain's Cough Remedy and use it as directed and it will prevent the threatened attack. Among the tens of thousands who have used this remedy for colds and la grippe, we have yet to learn of a single case that has resulted in pneumonia, which shows that this remedy is a certain preventive of that dangerous disease.

IRELAND'S PAST AND FUTURE

Editor Phelan of St. Louis Descants on Greatness of His Race.

IRISH WEAK ONLY IN THEIR STRENGTH

Defeated, but Not Conquered, They Are Still True to Their Ideals and Determined to Win Their Independence.

The entertainment given by the Ancient Order of Hibernians at Creighton university hall last night in commemoration of St. Patrick's day was most successful. The hall was packed with the members of the order and their friends, assembled to celebrate the annual feast of the patron saint of the Emerald isle. The proceeds of the entertainment are to be devoted to the Sacred Heart parish and the arrangements were under the management of Father Judge, pastor of the parish.

When the curtain arose it presented a beautiful scene. The decorations were a combination of Irish and American colors, the centerpiece being a floral harp—emblem or Ireland.

C. J. Smyth presided. Briefly referring to the significance of the day, he introduced the Elks' quartet, which sang "Believe Me of All Those Endearing Young Charms." D. J. Hurley recited "Caoch, the Piper," a pathetic thought of old Irish days. Another Tom Moore number, "The Last Rose of Summer," was sung by Miss Mamie O'Brien. In response to calls, she sang "Bendemere's Stream," from "Lallah Rookh." Illness prevented the presence of H. V. Burkley, who was on the program to sing "Kathleen Mavourneen." Miss Genevive Croft sang "Killarney." Miss Delia McDermott sang an aria from "Judith," and responded to calls by singing "The Meeting of the Waters."

Editor Phelan's Address.

The chairman then introduced Very Rev. D. S. Phelan of St. Louis, as a man who personifies the subject of his address, which was "Irish Character." Father Phelan is editor of the Western Watchman of St. Louis, and a speaker both eloquent and forcible.

"Twelve years ago I got my first glimpse of Ireland," said the speaker, much to the surprise of the audience, most of whom believed him to be a native of the island. He told of the first sight of Donegal on that visit. "In this country we have little respect for anything small; we associate greatness with bigness. Gauged by that standard, we have little to be proud of, for we come from a small country. I never knew how great Ireland was until I visited the Paris exposition a few years ago, when I visited the Breton village, where everyone seemed to be Irish. There are 6,000,000 of Bretons in France and they are all Celts, speak the Celtic language, and the only magazine published in the Celtic language today is published in the Breton dialect.

"There are 20,000,000 Irishmen—what have we done. We did considerable up to the year 1200. Then we were teaching Europe civilization, founding churches in Germany and carrying the light of Christianity to all parts of the world. Then we stopped and have been doing little since then but raising a disturbance."

"England, like all countries, believed that having conquered the country it could do with the people as it it desired; but the Irish would not do what was expected of them. They refused to be slaves; they refused to die. They are there yet and there they are likely to remain. Though Paddy may be poor, may be weak, he can be depended upon to raise the devil at the proper time. Today England is trembling for fear of an Irish uprising and the leaders are consulting together to do something for Ireland."

Ireland's History Clear and Bright.

The history of Ireland outside the pale has been bound up in the history of the church and that history shows clear and bright.

"In the last fifty years we have been making a good deal of trouble. Fifty years ago we were a very contemptible minority. I assure you, but we are coming to the front with a rush. The Irish are weak in their strength. Their constancy has been their undoing. It was constancy to the house of Stuart which cost Ireland its nobility. The Irish are constant in their love and constant in their hate. England found the factions warring and kept up the war until Irishmen had nothing.

"A parish priest in New York told me that he saw a difference between the Irish of the east and the Irish of the west in America. I explained to him that the boldest and bravest pushed ever to the front.

"Ireland owes all it is today to the church. When England tried to brutalize the Irish by refusing them education, the clergy came to their relief and taught them—even in the hedge school.

"You can't brutalize the Irishman; you can make him illiterate, but cannot make him ignorant. In this present great race for wealth, honor and power the Irish are enlisted and let the world take care when Paddy comes out of college."

Following the address of Father Phelan G. W. MacDougal gave a selection on the pipes. The program closed with the song, "God Save Ireland," in which the audience joined the chorus.

Marriage Licenses.

Marriage licenses were issued yesterday to the following:

Name and Residence.	Age.
Edwin L. Gardner, Omaha	26
Permelia F. Combs, Omaha	37
Andrew J. Lamb, Omaha	41
Flora L. Jewell, Omaha	43
Stanley E. Blue, Omaha	22
Nellie D. Goodrich, Omaha	23
George W. Hittle	33
Annie Gustin, Omaha	26
Eddie J. Anderson, Oakland, Neb	21
Esther Bergeson, Oakland, Neb	20
Louis Cahn, South Omaha	24
Lena Schloes, Chicago	24
Schuyler Hart, Omaha	49
Fannie Holt, Omaha	34

LOCAL BREVITIES.

George Lucas, sentenced to three years for assault on Zola Coulthard, and William Hathaway, who was sentenced for four years for the same offense, oftener repeated, were taken to the state penitentiary at Lincoln yesterday.

Nita Daniels asks the district court for a divorce from Moses E. Daniels, to whom she was married at Broken Bow, Neb., April 25, 1900, alleging that when she was taken to a hospital there in June of that year he remained away from her two weeks, nor offered to contribute to her support or comfort.

Louis Harvey, charged with cutting John Parrish, was bound over to the district court yesterday afternoon by Judge Crawford in the sum of $500. Being unable to give the bond, he was returned to jail. Several weeks ago Smith met Parrish and another man and requested them to shoot craps with him. When they refused, it is charged, he cut Parrish in the neck.

The attorneys in the Unitt-Miller contest for the county clerkship occupied all the criminal court's time yesterday with argument on the motion of Miller to strike part of Unitt's petition, which motion, if sustained, will practically end the proceedings. Judge Baxter was forced to put the rest of the hearing over until Wednesday, that he may take up today the case of Judith Larson against Rudolph Fries.

PERSONAL PARAGRAPHS.

Julius S. Cooley returned last night from a trip to Denver.

A. B. Hunt of the Omaha Water company, returned yesterday from a two months' vacation trip, spent in the West Indies.

HOTEL GUESTS LOSE JEWELRY

Later It is Found in Room of an Employe, Who is Then Arrested.

Louis Spencer, employed as houseman at the Millard hotel, was arrested yesterday morning by Detectives Johnson and Lahey and charged with stealing two gold watches and two chains, the property of Dr. S. N. Wilhemy and Lawrence J. Adders, both of Joliet, Ill. Spencer was arraigned in Justice Crawford's court, pleaded not guilty and his hearing set for the afternoon.

Wilhemy and Adders were sleeping in the same room, the door unlocked, and each had placed his watch and chain under his pillow. At an early hour Wilhemy heard someone in the room and upon getting up found that both watches had been stolen. The theft was reported to Manager Peebles and to the police and an investigation started. Spencer was suspected by the manager and when his room was searched the watches were found. Spencer has been working at the hotel for the past two years and has a good reputation.

After the testimony of the prosecution had been introduced Judge Crawford continued the case to allow Spencer time to secure witnesses and make his defense. Spencer was returned to the police station and locked in.

FOUND DEAD IN HIS BED

Charles Glover, an Old-Time Colored Citizen, Passes Away Suddenly.

Charles Glover, aged 65, a well-known colored man and an old-time citizen of Omaha, was found dead in bed in his room at 311 North Twelfth street yesterday morning. It is believed that heart disease was the cause. The body was removed to the morgue and the coroner will likely hold an inquest.

The body was found by Ralph Crooks, a grandson of the dead man, who went into the room to awaken him. The little boy, after calling his grandfather and receiving no response, called a neighbor and informed him that something was wrong. The neighbor found that the man was dead and immediately notified the coroner.

Mr. Glover was employed as porter at a saloon at Fifteenth street and Capitol avenue, and had worked as usual last Saturday. He retired about 10 o'clock Sunday night feeling well. He leaves a wife at Hastings and four daughters in this city.

DEATH RECORD.

Mrs. Elsie Westerdahl.

Mrs. Elsie Westerdahl, aged 55 years, 1717 Burt street, died at 7 o'clock yesterday morning of pneumonia after an illness of one week's duration. Mrs. Westerdahl was born in Switzerland and had resided in Omaha since 1875. She was the wife of ex-Marshal C. J. Westerdahl and besides her husband leaves four grown sons of her immediate family. Funeral arrangements have not been announced.

Samuel W. Vance.

KEARNEY, Neb., March 17.—(Special Telegram.)—Samuel W. Vance, father of W. B. Vance of this city, died at Saginaw, Mich., yesterday, in his 88th year. Mr. Vance was formerly of this place, having lived here with his son for a number of years. The remains will be brought to Kearney, the funeral taking place Thursday.

Gertrude Smoyer, Syracuse.

SUPERIOR, Neb., March 17.—(Special.)—Miss Gertrude Smoyer, aged 20, died last evening, after a short illness of typhoid fever. Miss Smoyer's home was in Syracuse, Neb., and she came here last fall to teach school. Funeral services will be held here this afternoon, and the body will be taken to Syracuse tomorrow for burial.

Mrs. Frances Coleman.

WILMINGTON, Del., March 17.—Mrs. Frances Coleman, wife of Episcopal Bishop Coleman of Delaware, died tonight. She was the daughter of the late Alexander T. Dupont.

Brother of Ellen Terry.

LONDON, March 17.—The St. James Gazette today says T. W. Terry, a brother of Ellen Terry, the English actress, died at Mandalay, capital of Burmah, on Saturday last.

Sir Richard Temple.

LONDON, March 17.—Sir Richard Temple, the former governor of Bombay and who held other important positions in India, is dead. He was born in 1826.

Many Rioters Probably Killed.

LONDON, March 18.—Referring to the student disorders in St. Petersburg Sunday, the correspondent of the Times, in the Russian Capital, says the soldiers were ordered to use the flat of their swords in dispersing the rioters, but that they became excited and struck wildly. Several persons were wounded and there is little doubt that several rioters were killed. The revolutionary movement in St. Petersburg, concludes the correspondent, is, however, less serious than in the provinces.

Disquieting reports are daily received from various parts of the country. At Tula the soldiers refused to fire on the strikers at a small arms factory. A grenadier regiment has been removed from Moscow because it could not be trusted to fire on the people, and there are evidences elsewhere of the sympathy of the troops with the revolutionary movement.

At Poltava recently several men were arrested for participation in a "Tolstoian revolution."

TO DRILL HIGH SCHOOL BOYS

Board of Education Looks Toward Regular Army for Commandant.

FAVORS ENGAGEMENT OF WEST POINT MAN

General Bates Says that an Officer Retired for Slight Disability May Be Induced to Drill Cadets Here.

The Board of Education has gone on record as favorable to the proposition of bringing to Omaha a retired army officer, graduate of West Point, to be commandant of the High school cadet battalion. The matter came up at last night's meeting, and thirteen members, all who were present, voted for it—or at least voted to continue negotiations looking to that end.

The resolution was introduced by W. F. Johnson, who said he had been consulting with General John C. Bates on the subject, and that he had written several letters to retired army officers whom the general had recommended to him. "The general thinks we should get a young man for the place, someone who would come here and take this up as his life's work," said Mr. Johnson. "There are plenty of such men, all young officers who because of some disability have been retired from the service on thre-quarters pay. I remember he mentioned a Captain Piper of New York, who lost an arm in the Philippines. I have written to him, and also to another officer down in Arkansas.

"The general says we can get any one of these officers for $45 a month during the school year, with commutation of quarters, which would be about $36 a month additional. Under such an arrangement the government would furnish us with all the guns and other equipments we might need for the military branch of the school."

McIntosh Raises Objection.

Member McIntosh did not take kindly to the arrangement. "I'm afraid that this would work a derangement of conditions at the High school," he said. "A graduate of West Point would be likely to want to foist the rules to which he had been accustomed upon the entire school, and the tendency would be to take the school management out of the hands of the principal. Besides, what guaranty have we that the government will furnish us with this equipment?"

He was told that the government had promised this as one of the conditions of the board's employing a retired army officer.

Mr. Johnson added that the officer employed for such service would also be willing, doubtless, to take one or more classes outside of the military branch, as two hours work a day would scarcely be enough to content a vigorous man. Being a graduate of West Point, he would be particularly adapted to teach mathematics, for example.

A vote was finally called on the motion requiring the High school committee to continue its correspondence with these army officers, and get additional information as to what they would be willing to do. Mr. McIntosh explained that he did not object to this and voted affirmatively with the others.

Commandant Pearse's Resignation.

The resignation of A. S. Pearse as commandant of the battalion was accepted. The application of Lieutenant Jesse M. Tompsett for the position thus vacated was received and referred to the High school committee. Attached to this application was a statement signed by thirty officers and men of Company L, First Nebraska, testifying to his skill as a drillmaster.

Upon motion the High school teachers were given two days' vacation, April 3 and 4, without loss of pay.

A resolution was adopted to the effect that steps be taken to discourage the establishment of a bowling alley at 4420 North Twenty-fourth street, which is within 150 feet of the Saratoga school. It was introduced by W. F. Johnson. He said there would be no objection to the alley if its environments were wholesome, but it was to form an adjunct to a poolroom and bar, through which patrons must pass in order to reach it. It was also decided to see what could be done toward the suppression of the poolroom and bar.

The order for the general vaccination in the schools was rescinded, the reason being that smallpox in the city was abating.

A resolution of thanks was extended to Herbert Stubbendorf for repairing thirty guns which heretofore had formed a useless part of the High school battalion equipment.

ASSESSORS HOLD CONFERENCE

Meet Today to Talk Over Their Work Which Begins First of April.

In the county commissioners' rooms at the courthouse this morning the assessors are to confer over their work, which begins April 1. There will be nine for the nine wards of Omaha, six for the six wards of South Omaha and fourteen for the fourteen country precincts, together with the deputies that any of them may engage. Such deputies have been notified to appear before the county clerk and be sworn, a proceeding that is said to have been omitted heretofore.

The meeting will be addressed by the county clerk and such of the assessors as have had previous experience. When they take their books the first of the month the extra men in the tax department will be through unless the board changes its original determination and permits Mr. Miller to retain some of them. Those not so retained may have another engagement when the assessors finish the first of June.