

CANVASS THE STATE'S VOTE

Practically All that is Accomplished in Second Day of Legislature.

NEW STATE OFFICERS ARE SWORN IN

Senate Committee on Committees and Speaker Mockett Today Preparing Committees that Work May Proceed.

(From a Staff Correspondent.)

LINCOLN, Jan. 7.—(Special Telegram.)—The second day of the legislative session was merely a continuation of preliminaries to the turning over of the state government with the inauguration of Governor Mickey tomorrow.

A joint session was held at noon to canvass the vote on state officers and declare the election of all the republican candidates, clearing the way for the formalities attending the swearing in of the state officers.

Governor Mickey and his family are occupying the executive mansion tonight. His wife and children came down from Osceola this morning and they all lunched with Governor Mickey, who turned over the keys of the house to his successor.

Governor Mickey subscribed to the oath before Judge Sullivan and has filed his bond in the sum of \$50,000 with the secretary of state. State Treasurer Mortenson also filed his bond in the sum of \$10,000, both being furnished by the fidelity and deposit company of Baltimore.

Treasurer Mortenson began this afternoon to check up the accounts and balances with Treasurer Stuefer, the surety company being represented by H. A. Wagner, of Omaha. The committee of bankers to help count the cash has been dispersed with. The complete treasury transfer may take a day or two yet.

Governor Mickey has completed his inaugural message, which his secretary will brief and to the point. Physically, Governor Mickey and Governor Mickey have been called the long and the short of it, and their messages to the legislature will certainly conform to those proportions.

Many Bills Ready.

The inflow of bills is waiting upon the determination of the committees of the two houses, but will begin very shortly. The senate committee on make-up of the committees has been holding a succession of sessions and has practically completed its work.

Speaker Mockett today asked each member of the house to give him a written list of committee assignments desired in the order of preference. He will give his best consideration to all. His chairmanship appointments may be ready in a day or so, but the full committees cannot come before next week.

So far no proclamation has been issued for a special election to be held in place made vacant by the death of Representative Musick of Nuckolls. The reason given for the delay is that no official notification has yet reached the executive office. This will probably be the first proclamation to which the signature of Governor Mickey will be attached.

Official Lobbyists in Evidence.

"If I were the new governor, the first thing I should do would be to order all the officers and employees of state institutions who are hanging around the legislature lobby for appropriations back to their places, to stay there till they are sent for," declared a prominent member of the house today. "I see several men around here already who are on the state payroll and supposed to be earning their salaries by attending to business at the various state institutions. Unless something of this kind is done the rest of them will be here before long and we will have a repetition of the disgraceful scenes frequently enacted at previous sessions, where a great retinue of state employees have put in time besieging the law-makers to raise salaries or make improvements for their benefit. When the members of the legislature need these men to give information or advice they should feel free to send for them, but until then I would come with much better grace for them to stay where they belong and attend to the needs of the wards or pupils entrusted to their care. So far as the interests of the respective institutions are concerned, the members representing the districts in which they are located are amply able to protect them and upon them the responsibility for the wards or pupils should rest. An example by keeping the lobby free of officers and employees paid out of the state treasury."

Printed copies of the state treasurer's report are being distributed. With the accompanying tables it makes a pamphlet of thirty pages.

As usual, the preliminary roll call blanks

WORTH KNOWING

At This Season of the Year.

Who cough accompanied by expectation who lasts over three or four days requires attention and treatment; it does not mean a visit to the hospital nor to your physician, nor wholesale drugging with patent medicines, but it means that some simple, harmless, effective antiseptic remedy like Stuart's Catarrh Tablets should be used to ward off any possible termination in Pneumonia, Chronic Catarrh, Bronchitis or Consumption.

All of these formidable diseases start from a common cold, neglected or allowed to run its course. It is a simple exercise of common every-day caution to cure a cold as quickly as possible, not so much for what it is at the moment, but what it may become if neglected.

Perhaps no remedy is so safe, reliable and convenient to stop a cold or obstinate cough as Stuart's Catarrh Tablets.

The extract of blood root contained in the Eucalyptus tree seen to put the mucous membrane of the nose, mouth and throat in a condition to throw off the germs of the catarrh, bronchitis and consumption, and as they are taken internally, they seem to equalize the circulation and place the body in that condition of health which resists and throws off the germs of disease.

A person in perfect health rarely catches cold and if he does, throws it off in a day or two, but where the cold hangs on, stopping up the nostrils, irritating the throat or there is persistent, annoying cough, it is evident that the system, for some reason, is unable to throw off the disease germs which cause the trouble; a little assistance is necessary and this is best given by the use of some harmless germ destroying antiseptic like Stuart's Catarrh Tablets, which are also palatable and equally so for children or adults.

Druggists sell these tablets for 50 cents for full sized package, higher in price than troches and cheap cough syrups, but Stuart's Catarrh Tablets contain antiseptic properties which actually cure colds, catarrh and throat and lung troubles, while it is a notorious fact that cough drops and cough syrups are largely composed of opium, cocaine and similar drugs that have no curative power.

It is also true that many popular liquid medicines and tonics for catarrh depend upon the alcohol they contain which give simply a temporary stimulation of no real benefit for any trouble, catarrhal or otherwise.

for the house are badly misprinted and new blanks will have to be ordered to prevent confusion of the records.

Much of Crowd Missing.

One of the Lincoln papers pretends that everybody in Lincoln is glad the present legislature has no senatorial contest to divert its proceedings. As a matter of fact, everybody in Lincoln is wishing every legislative session brought with it a senatorial contest. This is particularly true of the hotel men and boarding house keepers, who get the grist directly on their mills, and in lesser degree of all the business houses, which reap the indirect profits. They can be heard almost any time exclaiming, with a sigh, "No such crowd attending the legislature this time as there were two years ago."

"We managed to keep out of the band wagon," Representative Spruick of Cass, speaking for himself and his colleagues, "but it was mighty hard to do it. He had reference to the speaker's contest."

"The way to become appointed is to get down the lobby on the 'door' and go to work," declared ex-Speaker Paul Clark to an ambitious boy who wanted his help. "The pages won't be appointed for a week, but if you do the work and make yourself useful right now you'll be appointed and you'll be made postman on the 'door' the day of the session. You don't want me to help you. You want to help yourself."

House Has a Laugh.

Representative House of Hall had a good laugh to himself Monday night which he shared with some of his friends. "I was sitting in the house caucus when an elderly man approached me and said he would like to be made postman on the 'door' and I can do for you," said I. "Those fellows in the lobby out there have been making all the officers here tonight. How do you stand with the lobby?" "Oh, I think the lobby is all right. I have been putting in two days with the lobby," he replied earnestly, "and I am sure every one of the lobby is for me." "Well, say I, if you have the lobby sold for you, you're all fixed and you need not bother about any vote."

By the way, is an old-timer, serving now his fourth term in the house. He is a farmer living near Grand Island, but he knows more about parliamentary practice than any lawyer in the house and he is sure to be much in evidence during the session, if well directed humor like that narrated.

Another reliable old-timer is J. H. Davis of Buffalo county, who was a member of the fifteenth session of the legislature back in 1878. Mr. Davis figured prominently in the session, and he has been a member of the legislature ever since. He knows the legislative ropes, too, and is not likely to be tripped up by any of the cunning ones.

What Halmers Thinks.

Ex-Congressman Halmers thinks the two paramount subjects for the legislature are constitutional amendment and revenue law revision. "The best thing the legislature can do is to pass the appropriation bills in the present legislature, to call a constitutional convention and to reform our revenue laws it can earn the lasting gratitude of the people without doing anything else. For myself, I believe the revenue problem can best be solved through a revenue commission. If it was left to me, I would have a commission appointed with instructions to investigate the whole subject and report a drafted bill back to this same legislature. I would have it made up of seven men, men of ability and experience. I would have them give \$5,000 apiece, to make sure 'the best men would serve, make it strictly non-partisan. I would have them appointed by the governor and put to work right away, giving them three months to complete the task. The report would then be published and left to public discussion until, say next December, to which the legislature should adjourn and when reconvened devote its attention to this one purpose. I believe we would get a reasonable, enforceable and equitable revenue law as a result and that it would be worth the labor and money expended on it. The state of Nebraska could easily afford to spend \$50,000 to have its finances put into first-class shape."

Senate Routine.

The senate was called to order at 11 o'clock by Lieutenant Governor Steele and Chaplain Cressman delivered the invocation.

A committee from the house announced the organization of that body.

After the reading of a portion of the journal the remainder was dispensed with on motion of O'Neill of Lancaster.

That of Burt moved the appointment of a committee to act with a house committee in canvassing the vote. These were appointed: Hall of Burt, Hedge of Adams and Coffey of Holt.

Reynolds of Dodge reported that his committee had notified the house of the senate organization.

Upon motion of Harrison of Hall the committee voted to draw on the secretary of state for all necessary supplies to transact business.

A recess was taken until 11:45, while the committee made arrangements with the house committee to canvass the vote.

Harrison of Hall reported that the committee appointed to act in conjunction with the house committee to wait upon the governor reported that the committee had transacted its business.

Howell of Douglas introduced a resolution to have a committee of three appointed to confer with the house committee to arrange for tickets to the inaugural ceremonies, after objection by O'Neill, who desired the inaugural public, Howell withdrew the motion for the present.

The senate then went into joint session with the house to canvass the vote.

Afternoon Session.

The senate was called to order at 2:35, with President Pro Tem Harrison in the chair.

A committee of three was appointed to confer with a like committee of the house on printing tickets for admission to the inaugural ceremonies. Howell of Douglas, O'Neill of Lancaster and Way of Platte were the committee.

A. F. by Howell of Douglas—To provide in cities of the metropolitan class, via: For the procedure in certain cases by the mayor and council in acquiring a municipal water plant; for creation of a municipal water plant in sections 16, 24, 25, 29, 32, 33, 35, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

A. F. by Howell of Douglas—To amend section 1601, chapter 48, compiled Statutes 1901, and to repeal said section as it now exists. An act in relation to county bonds, to be known as the "County Bonds Act."

A. F. by Howell of Douglas—To amend section 1601, chapter 48, compiled Statutes 1901, and to repeal said section as it now exists. An act in relation to county bonds, to be known as the "County Bonds Act."

A. F. by Howell of Douglas—To amend section 1601, chapter 48, compiled Statutes 1901, and to repeal said section as it now exists. An act in relation to county bonds, to be known as the "County Bonds Act."

A. F. by Howell of Douglas—To amend section 1601, chapter 48, compiled Statutes 1901, and to repeal said section as it now exists. An act in relation to county bonds, to be known as the "County Bonds Act."

A. F. by Howell of Douglas—To amend section 1601, chapter 48, compiled Statutes 1901, and to repeal said section as it now exists. An act in relation to county bonds, to be known as the "County Bonds Act."

A. F. by Howell of Douglas—To amend section 1601, chapter 48, compiled Statutes 1901, and to repeal said section as it now exists. An act in relation to county bonds, to be known as the "County Bonds Act."

A. F. by Howell of Douglas—To amend section 1601, chapter 48, compiled Statutes 1901, and to repeal said section as it now exists. An act in relation to county bonds, to be known as the "County Bonds Act."

A. F. by Howell of Douglas—To amend section 1601, chapter 48, compiled Statutes 1901, and to repeal said section as it now exists. An act in relation to county bonds, to be known as the "County Bonds Act."

A. F. by Howell of Douglas—To amend section 1601, chapter 48, compiled Statutes 1901, and to repeal said section as it now exists. An act in relation to county bonds, to be known as the "County Bonds Act."

A. F. by Howell of Douglas—To amend section 1601, chapter 48, compiled Statutes 1901, and to repeal said section as it now exists. An act in relation to county bonds, to be known as the "County Bonds Act."

HIGH WINDS SWEEP STATE

Hastings Horse Lifted Up and Landed on Its Back on the Sidewalk.

SMALL BUILDINGS ROUGHLY TREATED

Windmills Blown Down in Country Districts and Everything Loose is Stirred Up by the Gale.

HASTINGS, Neb., Jan. 7.—(Special.)—A terrific and most disastrous windstorm has prevailed in this vicinity during the last twenty-four hours and there is no sign of it abating. Many small buildings have been wholly destroyed, and many others have been whipped to tatters, the roofs have been blown off and carried away, signs have been torn down and smashed to smithereens and a number of panes of glass have been broken.

At 2 o'clock this afternoon a gust of wind tore down Denver avenue and lifted a horse car off its feet and landed it on the pavement, wrong side up, and at the same time carried a large billboard nearly a block and deposited it in the middle of the road. The high wind has done considerable damage, besides putting a damper on all business.

WAHOO, Neb., Jan. 7.—(Special.)—A very high wind has prevailed here the last twenty hours, doing considerable damage to chimneys, outbuildings, etc. A light rain is falling.

YORK, Neb., Jan. 7.—(Special.)—Last evening the wind increased in velocity and all of last night and today has blown a terrific gale, blowing down awnings, small houses and causing more or less damage. A few windmills in the country have been blown down. As it is not very cold cattle will not suffer. Nearly every farmer in the county is well prepared for a storm, having built large barns for stock and had plenty of alfalfa, timothy and clover hay on hand.

BEATRICE, Neb., Jan. 7.—(Special Telegram.)—One of the worst windstorms in years visited this section last night and today and as a result hundreds of dollars' worth of damage was wrought, much plate glass in the business portion of the city was blown out, and buildings blown down by the wind and telephone and telegraph wires badly damaged. In the outlying districts the storm was particularly severe, stacks of grain being blown down and many windmills were wrecked. The wind came from northwest by west with hurricanes force.

PIERCE, Neb., Jan. 7.—(Special Telegram.)—The heavy wind of last night blew down the smokestacks at the mill and creamery. It also blew off some storm windows and tore off the storm entry at the school house.

CHADRON, Neb., Jan. 7.—(Special Telegram.)—All day yesterday and today the wind has blown an unceasing gale. The deep drifts of snow which were piled high by the wind during the night have been blown back into the cuts and the trains are all late. No. 2, westbound passenger, which was due here at 5 o'clock this morning, has not reached here yet and is not expected until some time during the night. The wind is bitter cold. The range loss to cattle on the range without feed will be heavy.

ALBION, Neb., Jan. 7.—(Special.)—Court convened here yesterday, with Judge Thompson of Grand Island on the bench. The principal matter at issue so far was the motion for a new trial in the case of Wall against the City of Albion. The jury on the trial of this case last November returned a verdict against the city for \$4,000. Judge Thompson set aside this verdict and granted a new trial. The case will probably be retried in February.

Losses Arise in a Shredder.

TABLE ROCK, Neb., Jan. 7.—(Special.)—Pat Carter, a young man about 19 years old, while working with a corn shredder at the farm of William Blader, west of town, had his hand torn off and amputation of the arm below the elbow was necessary. Dr. E. L. McCrea, assisted by Dr. Bullard of Lincoln City and Dr. Covert of Table Rock, attended the unfortunate young man.

Wahoo Firemen Elect.

WAHOO, Neb., Jan. 7.—(Special.)—The Wahoo fire department met in annual session last evening and elected the following officers: John Barry, president; Dr. W. A. Goucher, secretary; George Leder, secretary; Charles Goucher, treasurer; W. L. Carlisle, chief; and Aaron Hanson, assistant chief. A new company was voted on for admission into the department.

Death Due to Carelessness.

WAHOO, Neb., Jan. 7.—(Special.)—The coroner's jury held an inquest Tuesday over the remains of John Neville, who was killed by the Wahoo train. It found "from the evidence given and the lay of the ground where the accident occurred that had due caution been observed by all concerned this accident would have been avoided."

Asks Damages for Slender.

NEBRASKA CITY, Neb., Jan. 7.—(Special.)—Suit was filed in the district court today by Len Reed against Eugene Reed, in which the plaintiff asks for \$10,000 damages for slender. Both parties to the suit are residents of Syracuse, Neb., and are very well known in this county.

Young Menard Recovering.

WACO, Neb., Jan. 7.—(Special.)—The many friends of Guy Meradith, eldest son of Hon. William Meradith, present representative from this county, are pleased to learn that he is recovering from injuries received in falling off the eastbound Burlington flyer, passing through here.

Tax Collections Good.

NEBRASKA CITY, Neb., Jan. 7.—(Special Telegram.)—County Treasurer Kelly's report today states that the tax collections in this county for the past year were \$185,406.85, being over 50 per cent of the total tax for the county.

Violent Storm at Beatrice.

BEATRICE, Neb., Jan. 7.—(Special.)—A violent windstorm prevailed in this section last night. Signs were blown down and many glass panes broken in the business portion of the city as a result of the storm.

Building and Loan Progress.

YORK, Neb., Jan. 7.—(Special.)—At a meeting of the stockholders of the York Building and Loan association, one of the largest and most successful home institutions in the state, that has been one of the big factors in the building of York and assisting citizens to build homes, elected the following directors: N. A. Deane, president; D. R. Gedwig, secretary; A. B. Christian, treasurer; and the directors all of the officers were re-elected. The report of the secretary of the condition of the association showed scarcely any delinquent interest. Stock last year earned about 84 per cent.

Wahoo Mortgage Record.

WAHOO, Neb., Jan. 7.—(Special.)—The following are the number of mortgages to get with the amounts filed and paid: Farm mortgages filed 241, amount \$991,443.25; town mortgages satisfied 529, amount \$745,648.50; and city mortgages filed

125, amount \$96,451.46; town and city mortgages satisfied 162, amount \$74,981.62. Chattel mortgages filed 914, amount \$10,414.37; chattel mortgages satisfied 529, amount \$331,785.80. There were six sheriff deeds filed on land and three on city property during the year.

FARMERS ARE ENTHUSIASTIC

Those of Buffalo County Take Hold of the Elevator Project.

KEARNEY, Neb., Jan. 7.—(Special Telegram.)—The second meeting of the grain growers of Buffalo county who are interested in the organization of a co-operative elevator association was held in this city this afternoon. Attending the extremely disagreeable weather there were nearly a hundred shippers present and much enthusiasm over the project was manifested. The meeting was called to order by the temporary chairman, L. S. Deets, and it was decided to defer the permanent organization until after the state meeting, which is to be held at Lincoln, January 22.

Delegates to the state meeting were elected as follows: C. B. Finch, M. Day, J. D. Lowenstein, G. N. Smith, G. D. Eggleston, J. E. Houston, F. F. Merryman, E. J. Lund, Peter Wink and F. H. Schars.

There are now fully 100 subscribers to the association, each taking one share of stock at \$10. No one is allowed more than one share until all who desire to subscribe have done so, then if there are still un-taken shares they may be taken by members as they see fit.

York College Prospering.

YORK, Neb., Jan. 7.—(Special.)—York college opened for the winter term today. Students were coming in all day yesterday and the chapel was crowded with students and friends of the college to hear the opening address, which was delivered by Hon. J. H. Harrison, president of the York Commercial club.

York college is having a good year. There is an increased attendance. The faculty has felt the need of another large building and the foundation is now being laid for a large conservatory or music building, which will contain a gymnasium, a reading room, a library and a President Schell hall, the co-operation of the citizens of York and a large constituency in the state.

Fall Likely to Prove Fatal.

BEATRICE, Neb., Jan. 7.—(Special.)—There is but little hope entertained for the recovery of Benjamin Guldinger, a young man 19 years of age, who lives east of here and who fell a distance of twenty feet out of his father's barn loft and landed a horse manure rail. When found Guldinger was nearly dead from the loss of blood. The fall almost split the body in two parts. Mr. Guldinger recently purchased the Nichols half section, moving here from Schuyler, Neb.

Fine Program for Farmers.

KEARNEY, Neb., Jan. 7.—(Special Telegram.)—Everything is in readiness for the farmers' institute which opens in the armory during the morning of the most successful ever held in the state. Never before has a Nebraska institute presented a program containing the names of so many recognized experts and dealing with such a variety of subjects as that which has been prepared for Kearney.

Judge Sets Verdict Aside.

ALBION, Neb., Jan. 7.—(Special.)—Court convened here yesterday, with Judge Thompson of Grand Island on the bench. The principal matter at issue so far was the motion for a new trial in the case of Wall against the City of Albion. The jury on the trial of this case last November returned a verdict against the city for \$4,000. Judge Thompson set aside this verdict and granted a new trial. The case will probably be retried in February.

Losses Arise in a Shredder.

TABLE ROCK, Neb., Jan. 7.—(Special.)—Pat Carter, a young man about 19 years old, while working with a corn shredder at the farm of William Blader, west of town, had his hand torn off and amputation of the arm below the elbow was necessary. Dr. E. L. McCrea, assisted by Dr. Bullard of Lincoln City and Dr. Covert of Table Rock, attended the unfortunate young man.

Wahoo Firemen Elect.

WAHOO, Neb., Jan. 7.—(Special.)—The Wahoo fire department met in annual session last evening and elected the following officers: John Barry, president; Dr. W. A. Goucher, secretary; George Leder, secretary; Charles Goucher, treasurer; W. L. Carlisle, chief; and Aaron Hanson, assistant chief. A new company was voted on for admission into the department.

Death Due to Carelessness.

WAHOO, Neb., Jan. 7.—(Special.)—The coroner's jury held an inquest Tuesday over the remains of John Neville, who was killed by the Wahoo train. It found "from the evidence given and the lay of the ground where the accident occurred that had due caution been observed by all concerned this accident would have been avoided."

Asks Damages for Slender.

NEBRASKA CITY, Neb., Jan. 7.—(Special.)—Suit was filed in the district court today by Len Reed against Eugene Reed, in which the plaintiff asks for \$10,000 damages for slender. Both parties to the suit are residents of Syracuse, Neb., and are very well known in this county.

Young Menard Recovering.

WACO, Neb., Jan. 7.—(Special.)—The many friends of Guy Meradith, eldest son of Hon. William Meradith, present representative from this county, are pleased to learn that he is recovering from injuries received in falling off the eastbound Burlington flyer, passing through here.

Tax Collections Good.

NEBRASKA CITY, Neb., Jan. 7.—(Special Telegram.)—County Treasurer Kelly's report today states that the tax collections in this county for the past year were \$185,406.85, being over 50 per cent of the total tax for the county.

Violent Storm at Beatrice.

BEATRICE, Neb., Jan. 7.—(Special.)—A violent windstorm prevailed in this section last night. Signs were blown down and many glass panes broken in the business portion of the city as a result of the storm.

Building and Loan Progress.

YORK, Neb., Jan. 7.—(Special.)—At a meeting of the stockholders of the York Building and Loan association, one of the largest and most successful home institutions in the state, that has been one of the big factors in the building of York and assisting citizens to build homes, elected the following directors: N. A. Deane, president; D. R. Gedwig, secretary; A. B. Christian, treasurer; and the directors all of the officers were re-elected. The report of the secretary of the condition of the association showed scarcely any delinquent interest. Stock last year earned about 84 per cent.

Wahoo Mortgage Record.

WAHOO, Neb., Jan. 7.—(Special.)—The following are the number of mortgages to get with the amounts filed and paid: Farm mortgages filed 241, amount \$991,443.25; town mortgages satisfied 529, amount \$745,648.50; and city mortgages filed

125, amount \$96,451.46; town and city mortgages satisfied 162, amount \$74,981.62. Chattel mortgages filed 914, amount \$10,414.37; chattel mortgages satisfied 529, amount \$331,785.80. There were six sheriff deeds filed on land and three on city property during the year.

BORCHERS' TRIAL IS SHORT

Defence Attempts Nothing Except to Show Boy is an Irresponsible.

LITTLE BROTHER TELLS OF KILLING

Defendant, He Says, Threatened to Kill Him if He Told Anything About the Murder of His Father.

COLUMBUS, Neb., Jan. 7.—(Special Telegram.)—The Borchers murder trial progressed rapidly today, the defense occupying only three hours in presenting all its evidence. When court adjourned tonight the opening argument had been made and the case will go to the jury about noon tomorrow. The defense offered no evidence to disprove the killing, its only contention being that the boy, owing to the conditions of his birth, home life and age, was morally and legally responsible for his act.

The maternal grandfather testified that he is an illegitimate child, the mother having been born in Germany, the father deserting the mother, and that August, less than two years younger, was also the illegitimate child of another man. She came to this country when August was 17 months old and married Gerhard Borchers when she was about 18 years of age.

Expert testimony was given later to the effect that the conditions of birth probably gave the boy a criminal predisposition.

Brother First Witness.

John, the 8-year-old half-brother of Herman Borchers, on trial for the murder of his step-father, was the first witness called by the state and was on the stand a good portion of the day yesterday, the first hour being taken up in the effort of the defense to show that he did not know the nature of an oath and on the part of the prosecution to prove his competency as a witness.

The boy was extremely diffident, and during the arguments pro and con as to his competence as a witness, he wept several times. Reporter, interpreter and others elicited, with great difficulty, any response, only an occasional nod or shake of the head being vouchsafed.

He said he knew nothing of the county or town where he lived, of heaven or of prayer, but that he knew if he did not tell the truth he would go to hell.

After talking to the judge the lad told much of his timid air and diffidence, and told, in his own childish fashion, the story of the crime.

Story of the Crime.

He told how Herman purchased the gun with money stolen from his father, saying it was to shoot his father with, and that the shooting, which occurred in the house while the victim was reading, the shot striking effect in the back of the head; how Herman then hitched a team to the remains and dragged them to a grove, where he afterward plowing a furrow around the stack, piling his father's Sunday suit and the blood-stained chair on top of the corpse, covering them all with straw and burning the stack.

John told how Herman threatened to shoot him, too, if he told of the crime, and that at the time of the shooting, August, the second son, who is held as an accessory, was in the yard picking up eggs. He told of men hunting in the straw stack, of the finding of the foot and bone, and asserted that they were those of his murdered father.

Accused is Indifferent.

The most indifferent person in the court room appeared to be Herman, who, after being tried for his life. Throughout the boy's horribly realistic narrative of the tragedy, Herman showed no emotion, nor sign of remorse, repentance or fear.

John, whose admission as a witness was also objected to on the ground that he might incriminate himself, but which objection was overruled until such a time as he took some step in violation of his rights, has never been thought of, officially, as an accomplice.