

STATE RESTS IN VILLISCA CASE

Defense Outlines Course Kelly Will Follow, Claiming He Is Obsessed With Idea That He Is Guilty.

(Continued from Page One.)

Sheriff Atkins sent for me about 8 o'clock.

"Whom did you see at the sheriff's office?"

"Sheriff Myers, State Agent Risden, Havner and Bachelor."

"You mean Charles Bachelor of Council Bluffs?"

"I presume it was."

"Was anything said about putting handcuffs on you?"

"Yes, Atkins spoke of that."

"Did he say what for?"

"Plan to Read Notices."

"He told me they would read notices to Kelly and wanted us to hear what Kelly would say and note the effect; he said he would place us in as criminals, as detectives bothered him and he would not be distracted."

"What role was assigned to you?"

"An automobile thief."

"And to Bachelor?"

"We were to be partners in crime."

"How did they decorate you?"

"With handcuffs."

"After handcuffing you and Bachelor, what became of you?"

"Deputy Atkins took us to jail and placed us in the main cell with Kelly and another man."

"When you got in jail what was said to Kelly about you and Bachelor?"

"Pretended to be Highwaymen."

"I don't recall what was said, but they were bantering back and forth with Kelly and the thought was conveyed by Atkins that we were highwaymen. We asked Atkins what we were in jail for and he said for holding up those automobile parties."

"When handcuffs were taken off, didn't Atkins hang them on Kelly's door?"

"I do not know."

"Did you see Sheriff Meyers there?"

"Five or ten minutes afterward."

"What did Meyers say to Kelly in your presence?"

"Meyers was in the corridor of the jail. Kelly was seated in front of him and we were in corridor."

"Was Risden the officer who pretended to put you and Bachelor in jail?"

"I presume he was."

"Had you ever seen or talked with Kelly before that?"

"I had not."

"What did Meyers say to Kelly?"

"More Evidence to Read."

"He said he had additional evidence to read. I think he said there were eighty-seven paragraphs."

"What was the appearance of Kelly?"

"Very nervous and pale. Each sound unnerved him."

"How long were you, Meyers, Risden and Bachelor in jail?"

"About two hours."

"What was said while Meyers was reading?"

"Kelly said: That's a lie, that's not true."

"What did Meyers say?"

"He said he was not responsible for notices told Kelly they seemed to be from responsible people."

"Was anything said like, 'I'll crack your neck, Kelly?'"

"No."

"What did you say to Kelly?"

"I told him if they had that evidence against him, he ought to tell the truth."

"Talked About Holdup."

"What did you and Bachelor talk about?"

"About our holdup."

"Anything else said?"

"Another man told Kelly to be a man and tell the truth and not let an innocent man suffer."

"When Meyers read a half or third, Kelly said he wanted to see Havner and Meyers told Kelly Havner was going away and he would not stop him unless he, Kelly, had something to tell him. Kelly then said he wanted to be sent to an asylum, rather than be hung."

"Was Kelly sobbing or crying?"

"Little hard to say. He had a sobbing voice. I saw no tears."

"When you went to the jail did you see Havner? Was Havner present when handcuffs were placed on you and Bachelor?"

"I could not say."

"Basing your judgment on what you have testified to, tell the jury whether you think Kelly was of sound or unsound mind."

"Unsound."

"The prosecution made another line drive this morning in the ax murder trial when additional testimony was admitted in connection with the meeting of Kelly and Mr. and Mrs. William Simonds on a train from Sidney to Carson on Monday morning, June 10, 1912, and also in connection with the blood-stained laundry."

"Not only were the testimony records of Sidney, Ia., admitted as evidence to corroborate testimony of Mr. and Mrs. Simonds, but the records of the train dispatcher were also admitted to establish the state's contention that train service was such that Kelly could have been on the train en route from Villisca to Macedonia, as testified by Mr. and Mrs. Simonds."

"The testimony of Cora Marquard, Council Bluffs laundry marker, who was recalled, giving circumstantial features in connection with the 'bloody shirt,' were admitted over objections by the defense."

"J. H. ('Hank') Horton, marshal of Villisca, was recalled to testify that when he entered the Moore home where the crime was first discovered, the body of Lena Stillinger had been moved from its natural sleeping place and one thigh bore blood marks as if disturbed by a hand."

"Court Overrules Objections."

"Judge Boies, at the opening of court this morning, overruled the objection of the defense to admission of Sidney (Ia.) station ticket records, offered as evidence by the state last week and held in abeyance until the judge could look up the law on the point at issue."

"This scores another point for the state."

"Last week Mr. and Mrs. William Simonds testified that on a Monday morning early in June, 1912, they traveled from Sidney to Carson and met Kelly on the train about 7 o'clock in the morning after leaving Hastings."

"They could not fix the date as June 10, but were positive as to meeting

Kelly and that they bought tickets at Sidney.

"Sidney station records, admitted today as evidence, indicate that the only two tickets which were sold on a Monday in June, 1912, from Sidney to Carson, Ia., were sold on Monday, June 10, 1912, following the night of the Villisca crime."

"Mr. and Mrs. Simonds testified that Kelly talked excitedly of the murder, on which he expected to work as a detective. The state contends that this meeting of the Simonds and Kelly on train was about an hour and a half before the ax murders were discovered at Villisca."

"Judge Mitchell for the defense entered an objection to these station records as evidence on the grounds that none other than public records are admissible in a criminal case. Judge Boies said he had examined the law on the subject and therefore ruled adversely for defense."

"Rev. Ewing on Stand."

"Rev. W. J. Ewing was the first witness called today. He was pastor of the Presbyterian church at Villisca, Ia., the time of the ax murder and now resides at Deep River, Ia. Kelly visited at his home on Sunday, June 9, 1912, the day before the crime."

"Examined by States Attorney Fayville:

"What time did Kelly arrive at your home?"

"About 6:30 p. m. He accompanied me to church, where we held the children's day exercises."

"Did children of Joe Moore and Joe Stillinger take part in the program?"

"They did."

"What time did the exercises close?"

"About 9:15. I and Mrs. Ewing and Kelly were about the last to leave the church and went direct to our home. I know we showed Kelly to his room in our house. The northeast room, upstairs. It was between 11 and 11:30 o'clock. Mrs. Ewing, myself and children slept in a tent at the rear of the house. We retired to the tent within half an hour after leaving Kelly in his room."

"I cannot say positively whether our house was locked, as we had not been in the habit of locking it. The next morning about 6:30 I went to the house and Kelly was not there."

"Bed Had Been Used."

"Cross-examined by Judge Mitchell:

"Were there arrangements made that Kelly should arrive at your home that Sunday?"

"Somewhat indirectly. Kelly had inquired of somebody in the country whether he could stay at our house that night."

"Had you ever seen Kelly before that day?"

"I had not."

"So far as you know he had never been in Villisca before?"

"So far as I know I do not think he had been."

"Did you go to Kelly's room the next day and observe his room?"

"My recollection is that he used his bed."

"What did you understand about Kelly going to take an early morning train?"

"He said he wanted to catch No. 5, and referred to the early hour and told us not to bother about getting his breakfast."

"Did you notice where Kelly sat during the children's day program?"

"On the south side of the church the second seat from the entrance."

"Were you and Kelly at a meeting before the children's exercises?"

"Yes, and then I showed him to a seat in the church."

"Did you or anybody introduce Kelly to people at the church?"

"I have no recollection of introducing him."

"Were your children at your home when you returned from the church?"

"They were not. They were put

to bed an hour before Kelly went to his room."

"How old were your children then?"

"The boy was 9 years and the girl 3 years and 3 months."

"Roadifer Heard Confession."

"Paul E. Roadifer of Logan, Ia., county attorney of Harrison county, the first witness called on the Kelly confession, said:

"When I went to the office of Mr. Risden he made the remark that Kelly wanted to make a confession."

"Sheriff Mehop sent for me about 5:30 a. m. I turned to Kelly and asked him if he wanted to make a statement, and he asked me whether that would be the proper thing to do."

"I told him I supposed he was going to tell the truth. Asked him if it was a voluntary statement and he said 'Yes,' and when I asked him whether he had been promised any reward, he said 'No.' I took down word for word, what he said."

"I saw Kelly hold up his right hand and swear as to the truth of the confession," added Roadifer.

"Cross-examined by Attorney Mitchell:

"Did you see a man named Bachelor?"

"I think not."

"Mr. Lahman of Missouri Valley there?"

"No."

"Any suggestion made by you to Kelly?"

"Only that I would suggest that he go ahead; that he was getting it in good shape."

"What about 'slay utterly'? Did you ask him to repeat many times?"

"I think not."

"Were you there when they took Kelly away from the court house back to the jail?"

"Yes; it was about 8 o'clock."

"Who said to Kelly, 'You have made this statement before and can put it in writing?'"

"I think it was State Agent Risden."

"The confession was then read to the jury, and after reading it to the jury Attorney Fayville for the state announced that they rested the case."

"Judge Boies admitted the statement over the objection of the defense, which asked that the court reserve its ruling until testimony pertaining to the obtaining of the alleged confession had been permitted."

"The defense immediately began examination of witnesses."

"Draft Evaders Aided

By Mexicans to Escape Call

Nogales, Ariz., Sept. 18.—Investigators have been sent here by the United States Department of Justice to inquire into a claim that Mexicans have been endeavoring to induce men selected for army service to evade service by going to Mexico.

It was alleged here that six young men who had been ordered to report Wednesday for transfer to training camp had gone to Mexico and that one of the selected men now awaiting the call had told the officials of offers of help if he wished to evade service.

He told them, it was said, that certain Mexicans had promised to care for him if he would cross the border.

A thorough investigation is said to have been ordered.

"Shortage in Foot Ball

Material at Chicago Uni

Chicago, Sept. 18.—Only fifteen candidates for the 1917 foot ball team of the University of Chicago reported to Coach A. A. Staggs on the first day of practice, and nearly half of these were green material.

Three veterans of last year—Carl Brelas, John Bondzinski and Bill Gorgas—were in the initial squad. Scrimmage practice is expected before the last of the week.

SECOND DRAFT MEN LEAVE FOR CAMP FUNSTON

(Continued from Page One.)

coaches will be used for the shorter trips.

The men from the smaller places, where there are only small groups to be picked up, will be carried on regular trains, and, in the event it is necessary, extra coaches will be attached.

Everywhere in the United States members of the examining board have notified the citizen soldiers the dates of departure for the cantonments, the train to take, its number and the time of its departure. It is said that the number of men to assemble daily at each place for entrainment will range from two to several hundred.

"Secrecy in Movements."

Railroads passenger officials assert that the War department has issued specific orders against giving any publicity to routes, schedules or the time of arrival or departure of any train carrying members of the army.

Unlike movements of the regulars, or National Guardsmen, the members of the national army will not be accompanied by officers. However, one man designated by each examining board will be in charge of each party of men entraining at each station.

It is figured out by the railroad officials that in the transportation of the men each tourist sleeper will carry forty men and each coach fifty.

"Officials on Job."

Most of the Omaha headquarters officials of the Union Pacific have gone to Fort Riley to assist in the reception of the drafted men.

It is understood that work on the cantonment buildings has been completed and that only the finishing touches remain.

Of the 40 per cent contingent going from Omaha territory only a small portion will pass through this city. Douglas county men and those from some of the close by counties to the north will go through Omaha on special trains, but others will be transferred to trains that will go south on the company lines that run through the central portion of the state and across Kansas.

The equipment to handle the Nebraska contingent is being assembled at central points and if that used in taking the Fifth and Sixth Nebraska Guardsmen is back on time it is believed that there will be plenty available.

"Asks Attorney General's

Opinion on Dry Law Point

(From a Staff Correspondent.)

Lincoln, Sept. 18.—(Special.)—R. C. James, county attorney of Richardson county, in the extreme southeastern part of the state, had a proposition put up to him which he passed along to the attorney general for solution and an opinion.

He wants to know if it is a violation of the law for an individual to bring a case of beer from Missouri to Nebraska for his own personal use, the liquor being transported by the owner himself, in his own automobile from Missouri, through a corner of Kansas into Nebraska.

The attorney general is unable to see where such an act would be "within the law," and says that Kansas is a dry state and it was the intention to make Nebraska also dry, therefore the beer would be considered contraband and subject to be destroyed other than in the form originally intended when manufactured.

GOTHAM LAWYER ENDS OWN LIFE

Arthur Conkling Jumps or Falls From High Window, Bringing Death; Was Well Known Author.

New York, Sept. 18.—The dead body of Alfred R. Conkling, lawyer, geologist and author, was found in the court yard of his East Seventieth street home early today. He either fell or jumped from the fourth floor during the night.

The police reported his death as suicide.

Mrs. Conkling, who was the daughter of Eastman Johnson, the portrait painter, is in San Francisco with her daughter, Vivian.

"Federal Employees Name

Temporary Officers

Washington, Sept. 18.—The national convention of federal employees today elected temporary officers, headed by H. U. McLaren, president of the Washington local union, as president.

A resolution was adopted inviting the Civil Service Retirement association and affiliated organizations to ally themselves with the union.

English Woman Refuses To Meet With Germans

London, Sept. 18.—Replying to an invitation to attend a meeting at Lucerne, Switzerland, on September 20 of the bureau of the international union of the Catholic Women's league, at which peace is to be discussed, Mrs. James Hope, president of the English branch, has written:

"We feel it is impossible for English women to meet German women in friendly intercourse as long as crimes against religion and humanity, committed at the instance of the German government, remain unresented and not atoned for. We cannot greet German women as sisters in the faith until there has been expiation of these wrongs."

"German Sub Designer

Kills Self in Prison

Baltimore, Md., Sept. 18.—Gottlieb Prusse, one of the designers of the German merchant submarine Deutschland, who came to Baltimore on the first voyage of that craft, committed suicide in the city jail today by hanging.

Prusse had been imprisoned as an alien enemy. He was arrested by the United States authorities on August 20 for leaving a restricted zone without permission. He was 41 years old and born in Germany.

Bee Want Ads Produce Results.

Normal Training Head Sends Out Instructions

(From a Staff Correspondent.)
Lincoln, Neb., Sept. 18.—(Special.)—Every normal training high school must employ at least four teachers full time, offer in the course domestic science for the girls and manual training for the boys and instruct a class of not fewer than ten students for the required time, according to instructions sent out from the state superintendent's office by A. H. Dixon, normal training instructor.

All high school teachers must hold either first grade state or life or degree certificates to teach in the high schools, and grade teachers must hold at least a first grade county.

"Pledged Farmers Not to

Raise Crops to Aid War

Abeline, Tex., Sept. 18.—Members of the Farmers' and Laborers' Protective association, fifty of whom are on trial here for charges of conspiracy against the government, adopted a resolution pledging the farmer members not to raise crops which would help to carry on the war, according to testimony today by E. T. Higgins of Gore.

Robert Satterfield, Thurber coal miner, testified he was compelled to swear he would keep his obligations to the association regardless of conflict with religious views, state laws or anything else.

THOMPSON, BELDEN & CO.

The Fashion Center for Women

The Fur Shop

Fine Fox Pieces

Shawl effects predominate with linings of satin and chiffon.

Taupe Fox, Rose Fox, Black Fox, Sable Fox,

\$35 to \$85

Scarfs, Shawls, Muffs.

Second Floor.

Autumn Silks and Woolens

In Extensive Assortments

Choice fabrics at reasonable prices. Weaves and colors that are favored. Qualities that assure satisfaction.

For Coats and Suits, beautiful velours, burrellas, point twills, broadcloths in every seasonable shade, at—**\$2.50 to \$5.**

Extra fine French serges, in navy and midnight blue, 48 to 56-inch, **\$1.75 to \$3.50.**

Haskell's Fine Black Silks, in the new weaves, shown here exclusively in Omaha.

Belding's Quality Silks, both plain and fancy, in new weaves and colors, at **\$2 to \$3.**

Hundreds of Plaids and Novelty Skirtings are shown from **\$1.50 to \$3.50 a yard.**

May We Show Them to You Wednesday?

A Display of New Sweaters

Plain shades and handsome combinations, featuring rose and white, rose and corn, Havana and pearl gray, purple and corn, rose and pearl gray. These are really the best looking sweaters in many seasons, and offer an unlimited scope in choosing.

Prices are **\$6.50, \$7.50, \$8.50.**

Second Floor.

Help Hoover!

We must *all* help to win this war and when Our President and his men—bearing the burden of another Lincoln, ask us to be sparing of the wheat, all of us should do our best.

If you are in earnest—if you really want to help, do as they ask. Thousands are doing it and more right minded people will.

For tomorrow's breakfast why not try a dish of the best of corn foods—

Post Toasties

An all-the-year-round food!

Eat these delicious flakes either with cream or milk, fruits or fruit juices. The satisfaction is immense and you will find equal satisfaction in knowing you have started the day by helping Uncle Sam save the wheat.

For Your Corn Food—Get the Best of Corn Foods

POST TOASTIES

The Man With the Hoe

When his wife asked him to bring up a jar of preserves from the basement he was thinking about the Russian situation and the coal quandary and the bugs that were busy with his cabbages out in the garden, so his mind wasn't on his work. Consequently he ran into the handle of an old hoe that had been carelessly thrust over some supports in the cellar and secured a black eye that his friends came miles to see.

It wasn't the hoe's fault, for the injured party had put it there himself—and forgotten about it. It wasn't the fault of the war or the coal or the bugs, because he went down there with both eyes open, if he did come back with one of them shut. What WAS the trouble, then?

The lighting!

That tells the story of the black eye.

Oh no, the basement wasn't dark, exactly—at least not in the same sense that the inside of a cow is dark. It was just poorly lighted.

There was the proper wiring therein; but the lamps were small, old-fashioned and covered with the mysterious dust that constantly arises in the most immaculate basement and which is penetrated only by the strong, mellow glow of the most modern variety.

Your Electric Service Company knows how to prevent such accidents and could have saved this man the trouble of making explanations which nobody would believe concerning the discolored optic.

Proper lighting by proper lamps at proper cost—that is the business of this company—and proper cost means proper for the consumer.

Be it in the basement, bedroom or attic; in palace or bungalow; there should be the right sort of light at the right expense, arranged by the right men.

Our lighting specialists know how. They are at your service for the asking.

NEBRASKA POWER COMPANY

"YOUR ELECTRIC SERVICE COMPANY"