

ARGUMENTS CLOSED IN AX MURDER CASE

HISTORY OF AX MURDER CASE AT VILLISCA IN WHICH LIVES OF 8 PERSONS WERE SNUFFED OUT

Rev. Lyn G. J. Kelly First One Ever to be Put on Trial for Mysterious Crime Which Has Become Political Issue in Hawkeye State; Arouses Intense Interest.

The Villisca ax murder for which Rev. Lyn G. J. Kelly was tried occurred Sunday night, June 9, 1912, at the home of Mr. and Mrs. Jos. Moore. The victims were: Mr. and Mrs. Moore, their children, Herman, Boyd, Paul and Katherine, 11, 7, 5 and 10 years of age, respectively, and Lena and Ina Stillingers, 11 and 6 years old, daughters of Mr. and Mrs. Joseph Stillingers.

The Stillingers sisters had attended children's day exercises in the Presbyterian church at Villisca and accompanied the Moores home for the night as guests. Herman Moore spoke a piece about "God Watching Over the Sparrows," and Lena Stillingers also took part in the program.

The crime was discovered at 8:30 o'clock Monday morning, when Ed Selley, clerk in the Joe Moore store, became anxious because Moore failed to appear at his place of business at the usual hour. Ross Moore, brother of Joe Moore, with Marshal Horton, went to the Joe Moore home and discovered the eight victims of the murderer's ax.

Find Bloody Ax.
The gruesome weapon was found near the bed of the Stillingers sisters, who occupied a downstairs bed room. The bodies of the Moore family were found in two rooms upstairs.

Many detectives worked on the case, foremost among them being J. N. Wilkerson, former Burns operative. During July, 1916, Wilkerson went to Kansas City and arrested "Bill" Mansfield, a packing house employee, and brought him back to Red Oak, where a grand jury investigated the charges against him. The vote of the grand jury was four to indict and three against. It required four to indict.

Last April Attorney General Haver brought before the grand jury sufficient evidence to indict Rev. Lyn G. J. Kelly. The little minister was brought to Red Oak May 4 by Attorneys A. L. Sutton and J. A. McKenzie from Alta Pass, Ill., where Kelly had been preaching. According to the contention of Sutton, he had to urge Sheriff Dunn at Red Oak to take the minister into custody.

Tried for One Murder.
The trial of Kelly was on a first degree murder charge of killing Lena Stillingers, although the trial in fact covered the slaying of eight victims. Particular reference was made to Lena Stillingers on account of the condition in which witnesses said her body was found and the further fact that a witness for the prosecution testified that in one of his conversations on the day after the crime, Kelly said one of the girls was aroused and the murderer had more trouble killing her.

The trial started Tuesday morning, September 4. Much time was taken up selecting a jury from 40 men examined. The extent of the feud which has been engendered was demonstrated in the examination of witnesses. Many of them declared they had contributed toward the Kelly defense fund.

The defense called forty-six witnesses and the prosecution eighty-five. The state sought to prove that Kelly related details of the crime before he had been discovered at Villisca; that he sent a bloody shirt to a Council Bluffs laundry; that he made various confessions before signing the Logan confession, and that he sent obscene letters to girls.

Wore Same Clothing.
The defense placed stress on the contention that Kelly was a paranoiac; that he was susceptible to suggestions; that in his state of mind he accepted accusations of detectives and others as realities; that the Logan confession was obtained by third degree methods; that the state was trying to protect others, and offered testimony to impeach prosecution witnesses regarding the time Kelly was alleged to have related details of the crime at Macedonia.

The defense further contended that Kelly occupied the bed at the Ewing home, where he was a guest on the night of the crime; that he did not know the Moores and Stillingers, who were murdered; that his first day in Villisca was the Sunday of the night of the crime; that he returned to Macedonia the following Monday morning wearing the same clothes and personal effects which he took when he left home; that he was home with his wife in Macedonia during the hours of Monday when Macedonia witnesses testified he talked to them of the ax murder.

Starts County Feud.
One of the outstanding features of the case is the marked division of public sentiment in Montgomery county. As soon as Detective Wilkerson returned from Illinois last May, at the time Kelly returned with Sutton and McKenzie, he entered upon a vigorous campaign in behalf of Kelly. Aligned with him were relatives of the ax murder victims.

DEATH PENALTY NOT DEMANDED IN KELLY TRIAL

State Will Not Ask Capital Punishment if Minister is Found Guilty of Ax Murders.

By EDWARD BLACK. (Special Correspondent for The Bee.)
Red Oak, Ia., Sept. 26.—(Special Telegram.)—Special Prosecutor Faville began this morning the state's closing arguments to the jury in the Villisca ax murder case.

Before a crowd which packed the court room to the walls the prosecutor delivered to the jury the remarks which will play a part in deciding the fate of the little minister.

Urging the jury against committing Kelly to an asylum, Faville intimated life imprisonment will be the penalty which the state will demand should Kelly be found guilty.

ADMIRE JUDGE SUTTON.
"I have learned to admire Judge Sutton," began Faville, "but yesterday he delivered to you a July fourth school oration which I spoke twenty-five years ago.

"During the talk he called his client an idiot, a crazy man, a carload of nuts, a beast, lunatic and nervous wreck. That won't help you get the facts of this case. We are trying Kelly.

"Hysham told you yesterday the stairs in the Moore home were creaky and the murderer could not have gone up without awakening Mr. or Mrs. Moore. Don't you think that little fellow (pointing to Kelly) could have passed footed up those stairs like a cat. He was ascending Jacob's ladder to the bloody sacrifice. You have heard from reputable witnesses that he said the murderer stunned them first."

No Apologies for Haver.
"Faville referred to Kelly as a 'servant of the Lord.'"

"I hold no brief for the attorney-general of Iowa. He can take care of himself at any time and at any place. I offer no apologies for what officers of the state have done. They have done their bounden duty. The prosecutor contended state agents have done nothing more than usual in this case in their efforts to obtain evidence that justice may be done.

Haver to Face Trial.
The Montgomery county "feud" however, is not over. C. E. Peterson, treasurer of the "Iowa Protective association," stated that he commands \$100,000 which will be used to "bring the guilty persons to justice." Citizens of Montgomery county know what he means. Others are hoping that the ax murders will be perpetually disposed of.

Another feature of the case was the indictment of Attorney General Haver by the grand jury at Red Oak. Haver's case will be called for trial about October 15. The attorney general was indicted upon an affidavit by Alice Willard, who stated that she was intimidated when serving as a witness before the grand jury that indicted Kelly last April.

In the slander suit last fall Mrs. Willard testified that on the evening before the night of the murder she overheard Senator F. F. Jones, "Bill" Mansfield, Bert McGaul, Harry Whipple and another man in conversation. She was to have been one of the star witnesses for the defense in the Kelly trial if the Jones-Mansfield feud had been admitted.

Detective Wilkerson is now under charges of conspiracy to enter the Jones store at Villisca. That case is pending at Cornish, Ia.

Kelly's Life Story.
Rev. Lyn G. J. Kelly is 38 years of age, was born in Kent, England, and came to this country in 1904. He started his ministerial work in North Dakota. His history during the last five years was completely covered during the trial. On Saturday, June 8, 1912, he went to Villisca to preach at Pilot Grove and Arlington churches, near Villisca. He was driven from Villisca depot by Lou Ennerson, where he passed Saturday night. He preached at Pilot Grove and Arlington on Sunday and late in the afternoon was driven to the home of Rev. W. J. Ewing at Villisca.

Sunday evening he accompanied the Ewing family to the Presbyterian church and attended the Christian endeavor meeting and children's day exercises. He returned to the Ewing home about 9:30 and was directed to an upstairs room, while the Ewing family slept in a tent in the yard. Early next morning he returned to Macedonia, which had been his home.

Returned to Villisca.
Two weeks later he returned to Villisca and preached a sermon in the Presbyterian church. During the latter part of 1912 and the early part of 1913 he attended the Presbyterian Theological seminary in Omaha and to one witness of the trial he presented a letter from Dr. Marshall of that institution. He was pastor of a church at Carroll, Ia., during part of 1913 and late in the afternoon, he advertised for members of a short-hand class in that town.

During 1913 he went to Winner, S. D., where he engaged in church and stenographic work. While at Winner he was indicted at Sioux Falls on a charge of writing obscene letters to girls, and committed to the federal insane hospital at Washington, D. C. From the federal hospital he went to Sioux City, where he worked for a short time as a stenographer in a grocery house and opened a stenographic office. He was assisted at Sioux City by Horace Houghton.

For a year and a half (1915-16) he filled a congregational church pulpit at Sutton, Neb., and had his name on the church door. His last church work before going to Red Oak last May was at Alta Pass, Ill.

The trial disclosed that during his varied existence over a period of five years he declared himself to be Christ, God, and President Wilson.

Stillingers Is President.
This Kelly defense organization was headed by Joseph Stillingers as president; C. I. Miller, secretary; C.

Wilkerson Raises Chair To Strike Sheriff Dunn

Red Oak, Ia., Sept. 26.—(Special Telegram.)—Wilkerson and Sheriff Dunn had a slight mix before court opened this morning. The court had ruled that space inside the rail should be kept clear. Wilkerson insisted on bringing in more chairs. "I told Wilkerson about the ruling of the court and he raised a chair as to strike me, but he did not strike me," said Sheriff Dunn.

Kelly is peeved over the pet names applied to him by Sutton yesterday and said he is not an idiot, although he does not oppose the insanity plea. "I know more than you think I do," said Kelly to a jail attaché.

during a time when he was preaching the gospel and no state agents or detectives were around. Are you going to turn this man loose in the face of such mountain-high testimony from reputable witnesses?"

"I don't believe one of you honestly believes Albert Jones went into the Moore house that night."

Faville urged the jury to weigh carefully the confession and "the bloody shirt" features. "You can't have the bloody shirt. Why didn't Kelly put his name on the slip when he left the laundry at Council Bluffs?"

Mitchell Addresses Jury.
W. E. Mitchell of Council Bluffs began at 10:50 the last argument for the defense to the jury. He is an impassioned speaker and made this address the effort of his life. "Once and for all, I want to declare to you that Kelly has said he is not guilty," Mitchell began.

He said Kelly had been preaching the gospel with success until the time of the crime.

"The state contends," Mitchell continued, "that Kelly is insane, and yet he asks for penal servitude. Upon that basis you should return a verdict of not guilty.

"If Kelly had a delusion in, which God told him to slay eight people, he would not have concealed it. He would have walked back, complacent and proud, that he had followed the dictate of his creator." Reviewing Kelly's movements at Villisca Saturday and Sunday, he declared there was nothing to show he was not sane at that time.

No Homicidal Tendency.
"Nothing to show that up to the date of the crime Kelly was a moral pervert or had homicidal tendencies. Experts will tell you that a paranoiac will not develop homicidal tendencies in five minutes or an hour. If the prosecution is to be believed, then Kelly is an anomaly. Not until two years after the tragedy did Kelly manifest any tendencies which they are talking about." Mitchell attacked the probability of Mr. and Mrs. Simonds having met Kelly on the train the morning of June 10, as claimed.

He held as improbable the testimony that Kelly referred to the crime before its discovery, because, he argued, some one must have reported it to the authorities at the time when the tragedy was the topic of general conversation.

"It was buried in the breasts of the witnesses, if they are telling the truth. The least responsible evidence in the world is that which is offered after a lapse of years."

Resuming his arguments at the afternoon session Mitchell analyzed the evidence, piece by piece, to show that the Macedonia witnesses could have been mistaken as to the time of meeting Kelly.

"This alleged confession states that after Kelly killed eight people he went back to bed. I don't care whether he wore his pajamas or his B. V. D's, he would have left evidence of his crime on his bed at the Ewing home if that confession is true. There was no evidence that the shirt which went to the Council Bluffs laundry had one drop of blood on it. The point I make is that Kelly had no such shirt on at the time of the tragedy."

"Are you going to convict Kelly because he made statements after he had been committed to an asylum, and the men to whom he made statements did not attribute enough importance to advise the authorities?" He attacked the Logan matter, saying the prosecution could have legally served notices on Kelly's counsel instead of on the defendant himself in the Logan jail, with two pseudo highwaymen to accomplish their purpose by fear and intimidation.

Hounded by Detectives.
"Remember, gentlemen, Kelly was preached by profession. Imagine the effect of Buell, Longnecker and O'Leary hounding him. Detectives were the bane of his life. The only wonder is he did not go insane sooner."

"Haver told Kelly a dozen times:

"I know you did it and I want you to tell me how you did it." Was it at all just for Haver to tell that to Kelly in the defendant's weak and emaciated condition if Haver knew he should have gone on the witness stand and told you?"

"Wasn't there an arrangement at Logan. Why were Hess, Lahman and Bachelor there?"

Man Hid in Closet.
"The confession was not obtained at a time when Kelly had fair show. It was made at a time when Kelly was of unsound mind and it stands for nothing."

"Does not the evidence show that the man who went to the Joe Moore home went there prepared to kill Moore? Doesn't it appear to you he hid in the closet until slumber had destroyed the sensibility of Mr. and Mrs. Moore? I have shown you the utter lack of motive on the part of Kelly. I believe the murderer intended to kill Moore. One witness heard Mrs. Moore scream. It is probable Kelly recognized her husband's assailant, who killed others to escape detection."

Not Work of Maniac.
"I don't believe this crime was the work of a maniac."

Judge Mitchell referred to the Scriptures and said the prosecution had placed a reconstruction upon "slay utterly," which in fact meant to slay elements of evil. He showed a pole seven feet and eight inches in height, the same as the height of the room where the ax marks appeared in the ceiling. Taking the original Villisca ax in his hands, he illustrated the point that Kelly's height discredited the theory that the ceiling marks could have been made by Kelly.

KELLY CASE GOES TO JURY AT RED OAK

(Continued from Page One.)

comprehend the nature of the act, then he is not guilty of any crime. "If you believe he was in possession of a rational, intelligent, sound mind, then, though not a paranoiac, reason may, for the time, have driven reason from its seat, and usurped it at the moment irresistible to desperate acts, he cannot claim for such acts the protection of insanity."

"The practical question for you to determine from all evidence is whether passion and revenge, or insanity, was the controlling agency which led to the commission. If you believe the defendant killed Lena Stillingers, and that such action was the direct result or offspring of insanity, you should acquit. If passion or revenge, you should convict."

"If it should appear that not only the mind of the accused was insane, but that the act for which he is indicted was the direct offspring of insanity, this being shown, responsibility is annulled, but not excuse."

Instructions on confessions were: "You are instructed that the state claims the defendant admitted his guilt since the death of Lena Stillingers, and you are told that the state's claim must be based, if it has any basis in fact, upon testimony which has been admitted, and in this connection you are told that such alleged admissions of defendant should be received with great caution, as that kind of evidence is subject to imperfections and mistakes. Such statements often come from loose and rambling conversation, and out a purpose to express what hearers may understand, and you should give such testimony only such weight as the same is in your judgment entitled to."

There was introduced a purported confession of the defendant. You are instructed that any statement of a defendant or confession of a commission of an act charged is admissible, in evidence if the statement is the free and voluntary act. If the confession is produced or signed under circumstances indicating that it was in any manner the result of coercion, duress, inducement or promise of any character, it is not admissible.

"If you find from the testimony that the defendant signed the same, and if you find that said confession was signed by the defendant by reason of any inducement or promise or hope of reduced punishment or coercion or duress, then you will not consider the same."

"But, if upon such consideration you find that said purported confession was the free and voluntary act of the defendant, then you will proceed to determination of the said confession and you will give the same such weight and credence as you deem it justly entitled to."

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NO DOUBT ABOUT GUILT OF KELLY, ASSERTS HAVNER

Attorney General of Iowa Says Minister Can Remember and Told Truthfully of Crime in His Confession.

By EDWARD BLACK. (Staff Correspondent for The Bee.)

Red Oak, Ia., Sept. 26.—(Special Telegram.)—Attorney General Haver made the last of the six closing arguments to the jury in the Kelly murder case late this afternoon. He began by stating that the prosecution had made an honest effort to get at the "very truth" of the case.

"I have no apologies for being here. I am a mere incident," he said. "If the state cannot obtain the conviction without harsh words, then we want no conviction."

"For five years mystery has surrounded this tragedy and up to this time no man has been placed on trial. We told you that the defendant talked of the crime before anyone in Villisca knew it had been committed. Has the state failed in any instance to bring testimony we said we would bring?"

"I want you men, in your heart of hearts, to say whether the state has failed to make its case."

Haver placed stress on the importance of the testimony of Mr. and Mrs. William Simonds, who testified they heard Kelly refer to the crime on the train at 7 o'clock the morning after the tragedy.

"You might eliminate all other testimony," he continued. "There is no mistaking the proposition that the man who sits in that chair is the man who took those lives."

"You know that a man of his inclinations cannot be at large and not endanger society."

"There cannot be any honest opinion that this man did not know of the murder before 7 o'clock that Monday morning."

morning. I want to say to you, and the record will show, that Kelly at Logan said: 'No,' when asked fifteen times whether he killed Joe Moore and his wife first."

"That shows he was not susceptible to suggestion as stated. He has correctly related the details of his life. It is for you to determine whether he can remember events, and if he can, then other statements he has made are true."

Evidence Memory Good.
Attorney General Haver stated the circumstances of the shirt as shown by testimony were according to what actually happened. He said Kelly repeatedly and correctly related details of the shirt, further evidence that he could remember.

"I have no hatred in my heart for that man, (pointing to Kelly), but I have a duty as a public officer to perform and you men have a duty to perform. If you find he was insane when he did it, there will be a special form of verdict for you to return."

"They said we coerced Kelly at Logan. God being my helper, we did all we could to bring the record complete before you. Kelly told the sheriff at Logan several times he wanted to see me. The record shows he was told twenty-five times no promise would be made to him and fifty-one times he was admonished to tell the truth."

"This man told what I believe is the truth when, in his confession, he told of the shadow, voice, light, and of how he killed those people."

Testimony of Landers.
"Not one word receivable in court against any other man could they offer, except testimony of Ed Landers. Do you believe a man going on such a mission would go in the manner described by Landers?"

"You men stand between society and this man who is criminally insane and you should see that this man does not have another opportunity. He has said he would do it again. I want you to read this sermon on which he refers to bloody sacrifices. There isn't any question as to the tendency of this man of lecherous disposition who would destroy pure womanhood. As I think of Lena Stillingers, sleeping innocently, and this man creeping in stealthily, wanting to see her nude and to get inspiration for a sermon, I ask you to let this man loose?"

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