

# Daily Press and Dakotian.

Vol. 1. YANKTON, DAKOTA TERRITORY, SUNDAY MORNING, APRIL 9, 1876. No. 295.

## MISCELLANEOUS.

### Another Brief Allusion to the Great Scandal of the Age.

### A Frightful Explosion Resulting in the Death of Five Persons.

### The Sovereigns of Chicago Assemble in Overwhelming Numbers and Threaten to Mob Ballot Box Stuffers.

## Religious Intelligence.

### PROF. SMYTHE REPLIES TO BACON.

Soon after the adjournment of the advisory council, the Rev. Dr. Leonard Bacon appealed to Prof. Smythe and the committee of Andover church to assume the responsibility of presenting charges against Beecher and maintaining them before the investigating committee.

Prof. Smythe, in reply to Bacon's appeal, has written a letter in which he explains why, in his judgment, the church cannot take this step. He holds that the commission, in its origin, authorship and proposed construction, fails to meet the judicial requirements of the case, and he has ascertained that several important witnesses will not testify before that body although they are willing to go before the mutual council called by the Andover and Plymouth churches. He therefore falls back upon the only basis for a thorough investigation of the scandal. His position is the same as that of the minority who have withdrawn from the Congregational ministers association of New York and Brooklyn.

### The Beecher Moulton Suit.

NEW YORK, April 7.—It has been decided by the counsel for the plaintiff in the Moulton Beecher case, to take an appeal from Justice Dickman's decision and which has been sustained in court. Motion, papers, and notice of appeal will be served on Beecher's counsel within a few days. The case will be argued at a general term of the supreme court to be held in May next.

### A Terrible Accident.

BINGHAMPTON, N. Y., April 8.—A terrible explosion occurred at the boiler shops of Shipley & Wells this afternoon. Charles Carter, foreman of the shop was testing the pattern boiler, when it exploded with terrific force, killing Carter, John Malony, Caleb and C. Gamber, a boy, Fred Ochs, a jeweler, and Samuel Ingraham a boy, seriously injured. Two others were slightly injured.

### Chicago.

#### POLITICS IN THE GARDEN CITY.

CHICAGO, April 7.—In answer to the call for a mass meeting the honest citizens in interest of the purity of the ballot box met in Farwell hall this evening. The hall was crowded to overflowing by an enthusiastic crowd of the best citizens of Chicago. The meeting was occasioned by the high handed outrages by which the ballot boxes were tampered with at the recent town election and men counted in who were doubtless defeated by a large majority. Speeches were made by Hon. Leonard Sweet, Wirt Dexter, Professor David Swing and Rev. Arthur Mitchell, ex-Gov. Bross and others, resolutions adopted delegating to the 2d ward club the duty of guarding the ballot boxes from the time they were opened at the polls till the votes were counted, and empowering them to call on the citizens for armed assistance if necessary to enforce honesty in voting and counting. Those sentiments were most loudly applauded which suggested lynch law as remedy.

### CROOKEDNESS.

CHICAGO, April 7.—In the Freisinger and Leavens whisky case today, the evidence for the defense and in rebuttal was concluded. Mr. Burk assistant district attorney addressed the jury on the part of the prosecution, making a strong speech and bringing to light the important points of the testimony. At the conclusion of his speech the court adjourned till Monday, when Messrs. Murphy and Storrs will speak for the defense.

### A DEFAULTER.

G. M. Wheeler president of the La-crosse national bank which was reported to have defrauded its patrons out of \$125,000, gave himself up and was held by the United States commissioner Hoyne in \$50,000 bail.

### An Embexler.

SAN FRANCISCO, April 7.—Chas. B. Wilkens, ex-collector of internal revenue of the western district of Missouri, was arrested in this city today for embezzlement of \$12,000 worth of stamps.

## THE ST. LOUIS WHISKY CASES.

### Con. Maguire Receives his Sentence.

### W. O. Avery is absent and in an Impecunious Condition.

### He Hasn't got Money Enough to pay his Fare to the seat of Justice.

### And so his Sentence has been Postponed till Thursday Next

### The Argument in the McKee Case brings out a novel point.

### A Possibility that Babcock will be Re-Tried.

### The St. Louis Whisky Convicts.

ST. LOUIS, April 8.—The U. S. circuit court room was densely packed this morning by spectators, many of them prominent citizens, to hear Judge Dillon's decision in the McKee, McGuire and Avery case. The court announced that in the McGuire case the five counts in the indictment, standing against the defendant and to which he pleaded guilty, charging him with failing to report to his superior officers certain knowledge which he possessed, would be merged the offense charged in each being the same, and passed sentence of fine for five thousand dollars, the maximum penalty, and six months imprisonment in the county jail, the minimum penalty.

### AVERY.

Judge Dillon then asked if W. O. Avery was present, and Judge Krum, his counsel, stated he was not, that he could not get here on account of not having the means to pay his expenses, but if the court would defer judgment until next week, he thought his client would be able to borrow the money to come on. The court allowed until next Thursday for Avery to appear.

Wm. McKee was then called, and the motion for a new trial in this case was overruled. Judge Krum stated that a motion for arrest of judgment was on file, and the court adjourned with the announcement that the argument on it would be heard this afternoon.

### M'KEE.

The case of McKee, on motion in arrest of judgment was taken up in the U. S. circuit court this afternoon, and argued. The point made by the counsel for McKee was that the circuit court had not had jurisdiction of the case, the original indictment never having been remitted, as required by statutes, but only the indictment on which the defendant had been tried.

The court stated that the point was a novel one, and required the counsel on both sides to file briefs within six days.

During the argument Judge Dillon interrupted Judge Krum and said if the position suggested was sound, then the defendant, had he been acquitted on his trial, might be entered again on the original indictment. Judge Krum admitted this, and said the same principles would be found to underlie the former trial in this court.

This was taken to be a reference to Babcock's trial. The defendant in the case was tried and acquitted on a transcript of the indictment removed to the circuit court by the district court, and if the motion in the McKee case should prevail, it will violate the proceedings in all such cases, and then Babcock may have to face a new trial on the original indictment returned to the district court. If this point is overruled the defendant, on a writ of habeas corpus, will carry the case to the U. S. supreme court, and if this course is taken it will be likely to postpone final action in the matter most indefinitely.

At the close of the argument, Judge Dillon informed Judge Krum that the motion for the arrest of the case was informal; that the motion should be to dismiss, and Judge Krum accepted the suggestion and modified his motion accordingly.

District Attorney Dyer asked the court that the forfeiture of Avery's bond be entered, but stated if that gentleman appeared on Thursday, he would interpose no objections to setting aside the default. Avery's securities were then called and Avery's bond was set aside.

## BABCOCK AGAIN.

### Out of the Crooked Whisky Frying Pan into the Safe Burglary Fire.

### Misfortunes Never Come Singly.

## THE SAFE BURGLARY.

The testimony given yesterday by Col. Whitley before the house committee on judiciary, seemed to implicate General Babcock in the safe burglary conspiracy. The latter had an opportunity this afternoon to be heard. He said that in 1873, Solicitor Banfield called on him at the request of Col. Whitley, who was at the time absent from the city, asking him to interest himself to prevent his removal from office as chief of the treasury secret service division. Babcock saw the president and secretary of the treasury on the subject and finding there was no desire on their part to remove Whitley, Babcock requested Solicitor Banfield to telegraph to Colonel Whitley to come and see him. Banfield did so, and Whitley returning to the city called on Babcock, who told him what he had done in his behalf, and the result. Whitley expressed his gratitude. Personal attacks were made upon Babcock some time after this conversation in reference to frauds in the measurement of certain improvements made by the board of public works. When this came to light, Babcock employed Whitley to find out his assailants. The names of some of the persons who had made the attack on him in connection with this subject were Blummer, Stevens and Alexander, neither of whom he then knew nor did he know either of them now. In response to a question of the committee, Babcock said he knew nothing about the safe burglary. If he had known it was imputed to him, he would have taken measures to prevent it. The committee produced a letter from Babcock to Whitley, without date, in which Babcock said Whitley's "letter had been received; he had attended to the matter at once, and before the letter reached Whitley, he and his men would be paid, as they said they would send at once to pay them," and General Babcock concluded his letter by saying something like the following: "You can wait with confidence that the end of your services will be fully appreciated." This is reported as the substance of a letter written by Whitley to Babcock, in which he said he and his men had been turned out of office without their arrears of pay, and asking Babcock's support. Babcock afterwards interviewed Solicitor Banfield, who said the men should be paid. Babcock further said he did not know that the men had been paid yet, and that there never was a dollar of money transactions between him and Col. Whitley.

### OTHER WITNESSES.

The committee also examined Albert Kunz, A. Nettleship and a New York lawyer named Somerville. The two former substantiate the statement of Whitley so far as they knew of the details of the safe burglary transaction.

Nettleship said he was assured by Whitley that the thing would be O. K. and he inferred that some one high up in official position was back of it.

Somerville was interrogated concerning an affidavit he procured from one of the burglars named Benton while in jail here, implicating Columbus Alexander with the transaction. He said that Harrington first suggested to him to get Benton to make such an affidavit, and that he would see that nothing came of it, for he would pigeon hole it.

### POLITICAL.

#### INDIANA.

NEW ALBANY, April 8.—The democratic convention of Floyd county held in this city today, instructed their delegates to the state convention to vote for W. I. Holman for governor.

#### UTAH.

SALT LAKE, April 8.—The democratic territorial committee met here today. J. P. Page and R. C. Chambers were elected delegates to the St. Louis convention. No instructions as to vote.

### The Submerged Region.

MEMPHIS, April 8.—The latest report from below, state that the overflow extends seventy miles up the Arkansas, and 130 miles up White river, while in front of this city it extends to Madison, 40 miles. A sharp decline at St. Louis and Cairo today causes rejoicing among planters.

### MURDER.

QUINCY, Ill., April 8.—This afternoon a young man named J. Atterbury, of Menard county, Illinois, shot and instantly killed William Rippenkreger, a hotel runner of this city. The murder is said to have been occasioned by a quarrel between the parties on last Thursday. Atterbury was arrested. This is the fourth murder here within a year.

## WASHINGTON.

### The Army Headquarters en Route to Washington.

### The Emma Mine Investigation Drags its slow length along.

### Farwell, the Chicago M. C. to be Unseated.

### W. O. Avery Arrested and Juggled.

### Removing Army Headquarters.

ST. LOUIS, April 7.—Orders were received here yesterday from General Sherman to General Whipple, chief of his staff to begin the removal of army headquarters to Washington at once. Preparations commenced immediately and last night a number of large cases of papers, books, etc., were shipped. The acting chief clerk will leave for Washington to-night and the remainder of the clerical force will leave to-morrow evening. The officers of the staff will leave next week. Pending the removal, business will be performed at the war department, Washington.

### EMMA MINE INVESTIGATION.

WASHINGTON, April 8.—To-day, F. W. Park continued his testimony before the committee on foreign affairs in corroboration of the statement of General Schenck, and in denial of Lyon's testimony, some of which he denounced as utterly false. His testimony was mostly devoted to the present condition of the mine.

### AVERY ARRESTED AND COMMITTED.

Wm. O. Avery, convicted in St. Louis of being connected with the whisky frauds, was to-night arrested by the U. S. marshal and committed to jail, his bail being forfeited.

### FARWELL TO BE OUSTED.

The house committee on elections decided by a strict party vote to report in favor of unseating Farwell of Chicago and seating Le Moine.

### BABCOCK AND THE SAFE BURGLARY.

General Babcock's attention having to-day been called to a published statement that Colonel Whitley, in his testimony yesterday before the committee on judiciary, connected him with the safe burglary, said he did not even by inference know how he could be placed in such a position as he had no personal knowledge whatever of the burglary either before or after it was committed. He will ask to be summoned by the committee to answer any charges which may have been made against him by any of the witnesses.

## CONGRESSIONAL.

### A Speech Making Day in the House.

### "The Senate not in session," House.

WASHINGTON, April 7.—Proceedings in the house to-day were limited to the delivery of speeches to which there were few listeners.

Mr. Lawrence spoke in favor of the bill introduced by himself in relation to land patents. The bill pertains mainly to military titles in Ohio and Kentucky, and provides that in all actions to recover land, patents shall for the purposes of the statute of limitation, have effect as issued when the entry of the land was made. It is designed to give the benefit of limitation in those cases where there may be a long delay in issuing the patent. Adjourned.

## FOREIGN.

### ROWING.

LONDON, April 8.—The annual boat race on the Thames, between the Oxford and Cambridge university crews, took place to-day, and resulted in a victory for the Cambridge crew. The time of the race was twenty minutes and seventeen seconds. Cambridge won by four lengths.

### THE OCTAVIA.

HAVANA, April 8.—In an edict published by Garcia, the naval authorities call on the owners of the steamer Octavia to appear before the prize court within 20 days, and make what declaration they consider best. The decision in regard to the vessel will be rendered on the 26th inst.

### ABORTION.

ROCHESTER, N. Y., April 8.—Dr. Elijah D. Wood, of this city, convicted of abortion upon Mrs. Lottie Ford, which caused her death has had his sentence suspended one week to hear an argument on the legal points.

### MARINE INVESTIGATION.

PHILADELPHIA, April 8.—The sub committee to investigate charges concerning the management of the navy yard, have commenced its inquiries to-day.

### FINANCIAL.

NEW YORK, April 7.—Bank statement, reserve decrease, \$2,960,450.

## Return of a Prodigal Speculator.

CHICAGO, April 8.—Camblos, the board of trade operator, who was supposed to have gone to California and defaulted on long wheat contracts, returned last night, and states that, though all statements made in these dispatches are true, that he will settle his accounts with as little loss to his creditors as possible, and that he has no intentions of going to California.

## BON HOMME COURT.

### The Steponack vs. Petak Case—The Plaintiff Gets Away with the Other Woman's Baggage.

Editors Press and Dakotian: In my last communication I referred you to the case of Steponack vs. Petak, which has been occupying the minds of the court, attorneys and jurors since Saturday last. Last evening concluded the argument of the counsel, W. S. Arnold closing, and the case was then submitted to the jury upon the following findings, as follows, as per agreement of attorneys: We, the jury sworn and impaneled in the case of Steponack vs. Petak, do hereby render our special verdict and do find as follows, to-wit:

First. That Vincent Steponack and Annie Steponack, his wife, holding in fee, did on the 10th day of December, 1872, duly grant, bargain, sell and convey the land described in the complaint to one Annie Petak, her heirs and assigns, by deed, duly executed and acknowledged.

Second. That both parties to this action claim the right to the land in controversy, by, through and under the aforesaid deed or grant.

Third. That one Anna Petak (who was then the wife of Joseph Petak, senior, and the mother of Jos. H. Petak, this defendant) claiming to be the true and identical grantee in the aforesaid deed, did, on the 23d day of March, 1873, by deed of that date, grant, bargain and sell the same land to her husband, the said Jos. Petak, Sr., who by his deed of the 26th day of July, 1873, granted and sold the same to his son, the said Jos. H. Petak, this defendant.

Fourth. That one Annie Petak (who is the daughter of the aforesaid Vincent Steponack and his said wife, and who had, on the 5th day of December, 1872, intermarried with the said Joseph H. Petak), also claiming to be the true and identical person named in the aforesaid deed, did, on the 25th day of June, 1873, by her deed of that date, grant, bargain and sell the same land to her mother, Annie Steponack, this plaintiff in fee.

Fifth. But we do further find that the real and identical person to whom the said Vincent Steponack and wife granted and conveyed the said land, by the aforesaid deed was and is Annie Petak, who was then the wife of Jos. H. Petak, and that the other woman claiming to be the grantee in said deed, had and has no right or title whatsoever in or to said land.

Sixth. That she, the said Annie Petak, who was the wife of Joseph Petak, became thereby the lawful owner, and the right of possession, and the lawful seizure of, in and to, the said land, as set out and described in the complaint.

Seventh. That on the 25th day of June, 1873, when the deed from Annie Petak, the junior, to this plaintiff was made and delivered the land in dispute was in the actual possession of Joseph Petak, Sr., claiming under a title adverse to that of the said Annie Petak, junior, to-wit: claiming by the deed from Annie Petak, the senior, dated 23d March, 1873, and upon the facts the jury respectfully left the judgment to the court.

The case was very ably handled by both parties and has been one of the most interesting and important ever tried in Bon Homme county. As to the title of the land the jury found it to be in the plaintiff, from the facts submitted to them—through the unanswerable argument of Mr. Arnold, and it is the prayer of the whole people of Bon Homme county that the question be forever at rest. The court is still in session this 5th day of April, the case of Culver vs. Bushnell being on trial. The judge is doing all in his power to crowd matters to a close and save county expenses, and we are in hopes that to-day will close up matters. Will write you again as to any matters of interest, and hope that all my communications will find room in your valuable paper.

Yours,  
"SPRINGFIELD,"

## COUNTY BOARD.

### Official Proceedings of the April Term.

### FIRST DAY.

OFFICE COUNTY COMMISSIONERS, Yankton, Dakota, D. T., April 8, 1876.

Board met pursuant to statute.

Present—Commissioners Joel A. Potter, chairman of board, Daniel Willcox and M. P. Ohlman; also Erick Iverson, clerk of board, and M. A. Baker, sheriff.

Board called to order by the chairman, at 2 o'clock p. m.

And now, on motion, the board proceeded to audit accounts against the county. The following bills were allowed, and the clerk instructed to issue warrants for the several amounts, as follows:

M. A. Baker, sheriff's fees and boarding prisoners, \$437.01

Olof H. Helwig, jailer from January 1st to April 1st, 1876, 182.00

E. Iverson, Co. Clerk's salary from January to April 1st, 150.00

## Table of Salaries and Expenses.

Fred. Schnauber, treasurer's salary from January to April 1st, 150.00	
R. I. Thomas, medical attention on paupers, per order of Com. Ohlman, 32.00	
Blatt & Buerdorf, merchandise to paupers, per order of Com. Ohlman, 21.09	
E. O. Wheeler, boarding pauper, Wm. Mills, 2 weeks, at \$5, 10.00	
E. M. Coates, medicine to paupers, 2.75	
Adler & Ohlman, merchandise to jail and paupers, 1.75	
O. A. Albee & Co., lumber furnished county for culverts on Dakota river road, 58.69	
William Stier, repairing county roads, 20.00	
Chas. Ruelberg, assisting treasurer Flick on statement and accounts report, 6.00	
James A. Hand, justice fees, January report, 26.55	
G. N. Jenkins, witness fees, justice court, Territory vs. Odell, 1.10	
Christian Nelson, witness fees, justice court, Territory vs. Odell, 2.10	
Chas. Odell, witness fees, justice court, Territory vs. Odell, 1.10	
Abel Stafford, witness fees, justice court, Territory vs. Odell, 1.10	
On motion the board adjourned until to-morrow. Approved,	
JOEL A. POTTER, Chairman.	
E. IVERSON, Clerk.	

## MARKETS BY TELEGRAPH.

### New York.

NEW YORK, April 8.

Stocks heavy. Money 4 1/2 per cent. Gold 113. Governments steady.

### Chicago.

CHICAGO, April 8.

Flour—Dull and quiet. WHEAT—Quiet; slightly in buyers favor; No. 3 spring, 1.13; No. 1 spring, 1.05; No. 2 Chicago spring, 1.20; No. 2 do, 1.14; No. 2 & 3 do mixed, 1.20; No. 2 Milwaukee, old, 1.27; No. 3 Milwaukee, 1.15; white western, 1.48; 1.50.

CORN—Good demand; mixed no grade, 69 1/2; do steamer, 70c.

OATS—A shade better; mixed western and state, 43 1/2.

### Milwaukee.

MILWAUKEE, April 8.

Flour—Quiet. WHEAT—Open unsettled and a shade lower; closed firm; No. 1 Milwaukee, \$1.13 1/2; hard, 1.21 1/2; No. 2 Milwaukee, 1.02 1/2; for cash; 1.06 1/2 for May; 1.07 1/2 for June; No. 3, 93 1/2c.

CORN—Steady; No. 2 fresh, 48c.

OATS—Firm and a shade higher; No. 2 fresh, 32 1/2c for cash; 34 1/2c for May.

BARLEY—Steady; No. 2 fresh, 87c.

RYE—Quiet; No. 1, 70c.

### Liverpool.

LIVERPOOL, April 8.

BREADSTUFFS—Weak. Flour 22s @ 24s. Winter wheat, 9s 8d @ 10s; spring, 8s @ 9s 9d; white, 9s 9d @ 10s; club, 10s @ 10s 6d. Corn, 26s @ 26s 8d. Pork, 87s 6d. Lard, 61s.

## The Mammoth Hardware Store.

### Wynn, Buckwalter & Co.,

Cor. 3d St., and Broadway, Yankton, Dakota.

DEALERS IN

## HARDWARE

## STOVES,

## TINWARE

—AND—

## AGRICULTURAL IMPLEMENTS

## BLACK HILLS

# Mining Tools

Always on Hand.

We also sell the Celebrated Cooper Wagon and Gorham Seeder.

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### Dissolution Notice.

The law firm heretofore composed of Oliver Shannon and Phil K. Faulk, was yesterday dissolved by mutual consent. The business now pending will be attended to by the late firm. Hereafter Mr. Shannon and Frank J. Washburn will practice law at the old stand on Cedar st., under the firm name of Shannon & Washburn. Phil K. Faulk will also continue the practice of his profession at the same place.

April 5, 1876. SHANNON & FAULK.

\$5 to \$20 per day a home. Samples worth \$ free. STRICKS & Co., Portland Maine.