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VOL. XIII. ST. PAUL, MINN., WEDNESDAY MORNING, MAY 6, 1891. NO. 126.

CONDEMNS O'MALLEY

Comprehensive Report of the Special New Orleans Grand Jury.

The Jury in the Hennessey Case Charged With Corruption.

O'Malley, McCrystol, Cooney, Glaudi, Granger and Armaut Indicted.

The Citizens Who Lynched the Italians Were Justified.

NEW ORLEANS, La., May 5.—After six weeks' investigation the grand jury completed its labors on the Hennessy case and the killing of Italians at the parish prison by presenting the following special report at 4:30 o'clock this afternoon. When this grand jury entered upon its term of service there was pending in section B, this tribunal, the trial of nine men, indicted for participation in the assassination of the late superintendent of police, D. C. Hennessy, on the night of Oct. 5, 1890. The enormity of that crime, executed at the midnight hour, created unusual interest throughout the whole country, while in our own city, vitally concerned in the administration of justice, as deeply affecting her social, political and material welfare, the sentiment of the populace had crystallized into the concrete form of expression, that justice be rendered through the recognized channels of criminal jurisprudence, that the guilty perpetrators, whoever they were, be tried by an impartial jury of American citizens, and meet with a righteous conviction. One fact stood out in awful prominence above and beyond dispute or question by any man—the fact that a crime of unparalleled atrocity had been committed, evidenced by the five terrible death-dealing weapons, the numerous slugs and bullets fired on their errand of human destruction, and found imbedded in the fences and houses at the scene, besides the missiles that struck down the solitary man who would never have been marked as the victim had he not filled the responsible position of chief officer of the law. It is not to be wondered that attention should be directed to the trial during the many days of its progress in the selection of jurors, the evidence of witnesses, the arguments of counsel, the charge of the judge and finally concentrated on

The Twelve Men

who by virtue of their solemn oath, sat in awful judgment on their fellow men. The verdict is now of official record, bearing date March 13, 1891. We cannot be mistaken in the assertion that the verdict was startling, amazing, a bitter disappointment, shocking to public opinion, provoking the repeated accusation that some of the jury had been unfaithful to their office. We feel that we do not transcend the limits of our duty as the grand inquest, to refer to the strong presentation of the case as made by the state through counsel associated in the prosecution. Clear, continuous, complete, convincing in the direct testimony and the material circumstances—it appeared more than sufficient to convince the most unwilling listener with its truth and convey the full measure of its power to those who ventured a doubt. As the trial neared its termination it was not possible for any observer to fail to realize the comments made on every side, touching the action of some members of the jury, when the case should be submitted; charges and speculation abounded, coupled with the well-known connection of certain parties of unenviable authority, as shown by their presence daily in the court room and building, arousing the suspicion that the most subtle, dangerous and powerful influence known to the practice of criminal law, were being exercised in behalf of the defense. These considerations have led us to investigate the subject, embracing all its attendant conditions and incidents. The inquiry has been conducted with the utmost diligence, devoid of fear or partiality, with the single purpose of fastening the guilt to the proper persons and presenting them under indictment to this tribunal. Each one of the twelve jurors of the trial was summoned and asked to make a statement. None objected, but all rather welcomed the opportunity. It was a notable feature of the sworn statements that the primarily

Sought to Justify

their verdict, by attacking the line of evidence presented by the state and attaching much weight to the arguments of counsel for defense. It was freely admitted by the jurors that remarks had been made in the jury room as early as the first day, when testimony was offered and repeated a number of times afterwards "that the state was making a poor case," and was positively repeated at the close of the evidence for the state. One quarrel at least was reported, arising from the accusation by one juror to another, with the expression, "You talk like you were fixed before you came here." They formed no conception of the tension to which the public mind was strung, though impressed with the deep interest as shown each day by the crowd of spectators in the court room. It was clearly indicated that the necessity for secrecy was urged, as the several jurors were selected and joined the company of their fellows. It was impressed upon them at various times and finally, before the verdict was rendered, brought forward again, with the injunction to destroy every vestige of evidence they had, and leave every thought and act behind them. Surely the urgency of this was most cunningly devised to conceal the peculiar events that transpired in the jury room. Careful observers testify with special reference to the marked inattention of the jury as the witnesses submitted their evidence—a conduct most unbecoming and fraught with the gravest consequences, when the momentous import of the issue is considered. We are led to conclude that the jury undertook to try the case when it was submitted, by their own estimate of the value of statements made by parties not called as witnesses. With strange unanimity they dwelt upon what they knew by

Reading and Hearsay

of certain incidents of the assassination prior to the trial, and made those the basis of the powerful persuasion for giving the accused the benefit of the doubt and concluding the deliberations in their favor. We must take occasion to say that it was not expected to obtain any evidence of undue influence from the members of the jury, for those who were uncorrupted had nothing to reveal, while the others would not make themselves particeps criminis, yet in their numerous statements much was obtained having a direct connection with and supported by the great volume of testimony elicited during the course of the inquiry. It is clearly brought out by evidence of the jurors that as affecting three of the accused, Politez, Scaffedi and Monasterio, the jury engaged in the deliberations in their cases some four or five hours, attended with intense excitement, and on repeated ballots the jury vote stood 6 guilty, 6 not guilty. This is a clearly-defined indication of the convictions of the jury as to the three accused. It impresses us deeply, as it must every one to whom the fact is conveyed, and forces the conclusion that the evidence was sufficient to justify the six jurors who stood resolute and determined for a verdict of guilty, making it well-nigh impossible to reach any other conclusion than a mistrial. These three accused, named above, were probably the unwilling actors designated by leaders of the conspiracy to execute a villainous part, in which they had neither personal motive nor interest. Following this investigation, it was quickly learned from various sources that talesmen had been approached; every clue offered was taken up; as a rule, the talesmen who had been previously marked out were seen when alone or invited away to some secured and unsuspected place, well designed pretexts guarding the real meaning of the talks, but quickly leading up to the great trial. Talesmen were visited at their homes during the evening or early morning, intercepted while on their way to the court house, stopped in the corridor af the court and

The Vile Work

was deliberately carried forward in the court room during the trial. One favorite expression was that "big money might be made by going on the jury and doing right." There is no possible doubt that such attempts were made by various parties in the service of the defense—entertained by some of the talesmen and scornfully rejected by others. These are facts given on the evidence of talesmen, who, quickly discerning the true meaning of the men who addressed them, indignantly repelled any attempt to control their line of conduct by these emissaries. In several instances a rebuff was answered that the talk was a joke, but surely a well directed joke of deep significance, when the leading part is enacted by the counsel of one of the accused participants in the assassination at the time awaiting trial in the parish prison—now under indictment for attempting to bribe a juror. Another class of talesmen took special care to deny any knowledge of the vile work or showed remarkable deficiency of memory as to what they had told their friends, causing us to conclude that they were silent from fear, or had been seen and cautioned about incriminating any one, till their tongues were silenced as with the hand of death. In this connection we can plainly state that a number of the witnesses most emphatically denied having been approached or spoken to about service on the jury, even after telling it to their friends who had informed us. Yes; there were young men from whom better things were expected. Of such we can say, that to conceal and thereby attempt to condone a crime, is only a step removed from participation in it. Among the talesmen a number of our citizens have nobly come forward from a sense of duty, relating their experiences, furnishing at least some of the missing links in the chain of circumstantial evidence drawn around the organized

Gang of Jury Bribers.

It is not to be questioned that the work was systematically executed after careful preparation, and it had to be done quickly, as the hours were few and time precious. The necessity was imperative for complete lists of talesmen, but such lists were easily obtained as in other trials. The grand jury knows that the list of 500 talesmen in the Hennessy case was in the office of O'Malley & Adams at 11 o'clock Sunday morning, Feb. 22, 1891, though the trial judge issued special orders Saturday evening that the list was not to be made public or given to counsel for either side until Monday morning. It was not shown by whose hands the list was secured, but enough is shown to confirm the past secret and powerful influence of the so-called private detective agency and counsel Adams to handle the machinery of the court. The official relations of the jury commissioners to the court in the trial of criminal cases are so intimate and far-reaching in their consequences that the mal-administration of their duties has become the fountain source of the successful fixing of jurors in important trials. Great or small pieces of evidence shows that the list of names were tampered with when drawn from the jury wheel and before they reached the jury box in the court. O'Malley was then put in possession of the lists almost immediately after the names were drawn and before they reached the district attorney's in due course. Influential friends alone could accomplish these ends, but it was secured in the person of one of the commissioners lately removed. It is further shown that in the office of this detective agency is kept a book of names and addresses of jurymen; out of 300 names drawn for the February panel thirty-two were on the list in

O'Malley & Adams

office, and later, as the talesmen were drawn, many more names appeared that were on that private list. At times special lists were brought to the jury commissioners, which, one of them stated, had been prepared elsewhere, and being looked over by the others went into the jury wheel. Truly the business of this enterprising detective agency was facilitated when thirty-two names of their selection could be drawn on a panel of 300 jurors from a wheel containing 1,000 names. We must express regret that any cause should exist for the criticisms directed towards some of the deputy sheriffs employed in court and at the parish prison. Unreliability seems to be the feature marking their conduct, interrupting the confidence which should clothe every subordinate officer of the law. There were those whose indifference was so manifest—while not detected in any act of infidelity—that suspicion was aroused as to their sympathy with the accused, calculated to embarrass the best directed efforts of the prosecution. It is a noteworthy point in this connection that the indictments against McCrystol and Cooney being read in the court room in blank, the fact was at once communicated to them through some of the subordinates of the court. Under a proper condition of things the utmost secrecy should have been observed. It is further shown that when the arrest was made of these two parties in the office of O'Malley & Adams, the deputy sheriff was asked by O'Malley to say the arrest was made on Carondolet street, and it was so reported to the court. In searching for the true causes of the criminal actions connected with the impaneling of the jury in the Hennessy case, the sworn statement of Thomas C. Collins is found of great value, and in this place take occasion to declare that Collins was selected especially for duties to be performed, and for this purpose secured employment in O'Malley & Adams' office, which being done, he was commissioned

A Special Officer

by the mayor and paid by the city for this service. The money received by him each week from O'Malley & Adams for services rendered there was handed to a designated person at the city hall. The difficult and dangerous duties assumed by Special Collins, while acting in his double capacity, were performed with the strictest fidelity, as evidenced by the daily reports in writing of everything seen or heard—minute in all details. The correctness is assured, in fact, the material features of the statement and reports are so closely connected and interwoven with the facts and circumstances connected with the trial, as confirmed by various other witnesses—that there is not the slightest reason to doubt its accuracy and correctness. It unfolds the whole story of the iniquitous workings of the arch conspirator and his lieutenant, revealing the boundless power of a man to overcome and defy the majesty of the law on criminal and civil proceedings through the operations of an unscrupulous private detective agency. Truly may it be said that the greater the freedom of action and the removal of restraint under the liberal privileges accorded all men in our country, the bolder becomes the unlawful practices, the greater the villainy of such a combination of designing and unscrupulous malefactors. It is well known to the court and will be quickly realized by every thoughtful person, that the difficulties of establishing the existence of a conspiracy by adequate proofs are almost insurmountable. Such plottings are done in secret places, and their workings often guarded by the advice of counsel well versed in criminal law. Secrecy is an essential element of the successful execution of the designs of a conspiracy. Seldom does it happen that any one of the participants will reveal the villainy, either before or after its execution. In the attempts to

Influence the Talesmen

of the Hennessy case, no visible act was committed, and we fully realize the difference between a crime committed by words only and what are known as visible acts, which might be witnessed by other persons and tell the tale of crime. In the attempts to influence talesmen, and the successful part of it, whispered words conveyed the insinuation or directly offered the money influence. This reference will serve to show the barriers this inquest has encountered on securing evidence, but sufficient was offered by voluntary and reliable witnesses to justify the indictment of six men, as follows: Thomas McCrystol and John Cooney, with D. C. O'Malley for attempting to bribe a talesman, and Bernard Glaudi, Charles Granger and Ferneard Armant for attempt by each to bribe three different talesmen. These parties are closely shown to have been intimate with O'Malley; often at his office; informed of all doings, and were active workers in the jury-fixing business generally. Taking into account the volume of testimony admitted by the numerous witnesses before this grand jury, and, considering that evidence not only in the abstract, but in its aggregate and collective bearing, we are forced to the conclusion that Dominick C. O'Malley is chargeable with a knowledge of, and participation in most, if not all, of the unlawful acts in connection with that celebrated case. With his skill, as acquired by years of experience, the most cunningly devised schemes were planned and executed for defeating the legitimate course of justice, the chief aim and object being to place unworthy men upon the jury in the trial of the nine accused. Without his assiduous and corrupting influence we believe the verdict would have been radically different, and, as a natural consequence, the tragic occurrences of the 14th of March last never would have been recorded. In the persons of the indicted

McCrystol and Cooney,

there were reliable and trained assistants, the former's connection, with some intermissions, extends back through several years. McCrystol's voluntary statement to the grand jury, partly in the shape of a confession, reveals some points of the trial and causes us to think he would have told more, but for the power and influence of O'Malley and associates. We know that such influence has been used in connection with a friend of the nine men lately on trial. The two men were the trusted accomplices, and figure throughout the whole affair with a prominence showing the high appreciation in which their services were held. They are the men who approached several talesmen, as before stated, the proposals being mostly refused. In one instance it is shown that O'Malley took money from his safe and gave it to Cooney, who, saying "McCrystol, you kdow that fellow better than I do; give him the money." This was to complete a bargain reported to be made with a talesman who was shortly after accepted as a juror. And here mark the words of one Fanning, "You fellows better get up there now." We cannot fail to refer to the intimate relations existing between a class of ward politicians and the prime mover in all the infamous doings; his office was a place of rendezvous; all were deeply concerned in the appointment of a successor to the late chief, and speculation abounded as to the availability of such an one for their use. It was also important the agency should be informed of the workings of the city special officers, and O'Malley managed to have a friend appointed. He was assigned to the police and not the detective force, when he resigned rather than wear a uniform. From the beginning of our investigation there is continuous evidence brought to our attention of the

Pernicious Combinations

of what is known as the D. C. O'Malley Detective agency. It advertises in the Daily City Item, and by a sign-board at the office, that one of the ablest criminal lawyers at the bar is the attorney for the agency. We know for an absolute fact that the bank account is kept and checks drawn in name of O'Malley & Adams, the interested parties being D. C. O'Malley and Lionel Adams. Such a combination between a detective and a prominent criminal lawyer is unheard of before in the civilized world, and when we contemplate its possibilities for evil we stand aghast. The extended range of our researches has developed the existence of the secret organization styled "Mafia." The evidence comes from several sources fully competent in themselves to attest its truth, while the fact is supported by the long record of blood-curdling crimes, it being almost impossible to discover the perpetrators or secure witnesses. As if to guard against exposure, the dagger or stiletto is selected as the deadly weapon to plunge into the breast or back of the victim and silently do its fearful work. Revenge was their motto. Jealousy and malice speedily found solace in these methods, while the burning vengeance of the vendetta sought satisfaction in the life blood of an enemy. Officers of the Mafia and many of its members are now known. Among them are men born in this city of Italian origin, using their power for the basest purposes, be it said to their eternal disgrace. The larger number of the society is composed of Italians and Sicilians, who left their native land, in most instances under assumed names to avoid conviction and punishment for crimes there committed; and others were

Escaped Convicts

and bandits, outlawed in their own

Continued on Eighth Page.

GOV. BOYD IS OUSTED

The Supreme Court of Nebraska Says Thayer Is Governor.

Judges Norval and Cobb Concur, and Judge Maxwell Dissents.

Gov. Boyd Will Carry the Case to the Highest Court.

Confident of Success in the Court of Last Resort.

LINCOLN, Neb., May 5.—The supreme court of the state to-day rendered a decision in the Boyd-Thayer quo warranto case, ousting Boyd and declaring Thayer the legal governor of Nebraska. The opinion recites the fact that Boyd was legally elected governor of the state, but is disqualified on the ground of non-citizenship. After quoting the constitution relative to aliens it proceeds to the question of the successorship, and disposes of the claim of Lieut. Gov. Majors in the following words: "Under section 1 of article 4 of the constitution a person elected to the office of governor is entit'ed to discharge the duties and receive the emoluments of the office for the term of two years from the first Thursday after the first Tuesday in January following his election, and until a successor is duly elected and qualified. When the person receiving the highest number of votes for the office of governor is ineligible under the constitution to be elected, the governor holds over and the duties of the chief executive of the state devolve upon the lieutenant governor in certain contingencies, among which are the failure of the governor-elect to qualify and disability of the governor. It cannot be said that there has been a failure to qualify where no person has been constitutionally elected to the office." The writ of ouster was served on Gov. Boyd about 5 o'clock. He received it calmly and said: "I am ready to turn over the office now." His attorney, John D. Howe, of Omaha, who had just arrived, requested him to wait and immediately went to the supreme court room to file a motion for a stay, but as the judgment had already been entered and the writ served it was too late. Boyd accordingly turned over the office to Gov. Thayer, who had in the meantime taken the oath of office and filed his bond. The opinion was signed by Chief Justice Cobb and Justice Norvall, Justice Maxwell dissenting. It is stated that Mr. Boyd will carry the case to the supreme court of the United States. The decision on the whole may be said to be a surprise. The opinion was that, in event of the ousting of Boyd, Lieut. Gov. Majors would be named as the successor.

PUMPING BUFFALO.

The Senate Committee on Trade Relations With Canada.

BUFFALO, N. Y., May 5.—Four members of the United States senate committee on trade relations with Canada arrived in the city from Niagara Falls early last evening. They are Senator Hoar, of Massachusetts, chairman; Senators Dolph, Oregon; Hale, Maine, and Gray, Delaware. The public hearing began this morning at the Merchants' exchange. The first witness was ex-Mayor John B. Manning, representing the malting interests. He sought to show that Canadian barley is the best for malting that is grown on this continent, and that it is very important that it should be admitted into this country under favorable conditions. Referring to the duty put on Canadian barley by the McKinley bill, he said the result of the 30 per cent duty is that our Canadian barley business is annihilated. Not a bushel is coming over.

"Would 25 cents ruin it?" asked Senator Gray.

"Yes, sir; 20 cents would ruin it; 15 cents was the war tax. At 15 cents I think we could get along. The duty does not help our agriculturists. We cannot begin to raise the barley that is needed in this country."

Thomas Loomis, coal dealer, was sworn. The source of supply was Pennsylvania, and the market for Buffalo dealers is Western New York, Canada and New England. He said the Grand Trunk advertised in Buffalo for about 750,000 tons of bituminous coal, which goes as far East as Montreal in competition with Nova Scotia coal, with a duty of 60 cents net on the American product, and he therefore thought that if the duty on both sides of the line should be taken off the result would be greater consumption in Canada of American coal. Eric L. Hedstrom, another coal dealer, was then called upon. He dealt principally in anthracite. He said that he handled a tonnage of about 300,000 tons a year ago, an insignificant amount of which went to Canada. N. W. Ransom, East Buffalo live stock dealer, followed. He said the source of supply was the Western states and Canada and the distributing points in the East.

Senator Hoar asked the witness if there was any change in our fiscal policy that would benefit live stock interests. He answered that the chief change desired was one in regard to transportation, in which there was discrimination.

INDIANA O. K.

Large Democratic Gains Throughout the State.

INDIANAPOLIS, Ind., May 5.—Returns from elections in second and third-class cities throughout the state show general Democratic gains, with the exception of New Albany and Jeffersonville, where the Republicans made clean sweeps.

FORT WAYNE, Ind., May 5.—Hollinger (Dem.) elected mayor by 97 majority. Nine Democratic councilmen out of ten.

LAFAYETTE, Ind., May 5.—Entire Democratic ticket elected. Democratic gain.

HAMMOND, Ind., May 5. —Entire Democratic ticket elected. Democratic gain.

No Available Funds.

Special to the Globe.

FARGO, N. D., May 5.—It now transpires that funds belonging to the Fargo Agricultural college are not available, as had been understood they would be, owing to the failure to attach an emergency clause to the legislation enacted last session. The state treasurer cannot pay over the funds to the trustees of the college until some time after July. It is thought this will not seriously retard operations already begun on the college grounds and buildings as probably negotiations can be effected which will permit of continuance of the work until such time as the college fund is available.

A DISORDERLY ROOSTER.

It Did Not Appreciate the Rounded Periods of the Eloquent Judge.

San Francisco Call.

John Blanchard, of El Dorado, who has loomed up of late as a senatorial candidate, is one of the most genial of men, but sensitive to the last degree. During the recent campaign the judge made a very active canvass for congress and stumped the district from end to end. When he reached Modesto he was received with open-handed hospitality, and a stand was erected on the principal street from which he was to address the voters. When he arose he was in the best of spirits, and in a few moments he was scourging the Democrats with his tongue in a manner that called for round after round of Republican applause.

In the midst of one of his most eloquent flights a rooster crowed shrill and clear and the judge paused. He glanced keenly over the crowd and proceeded. Scarcely had he resumed his theme when the notes rang out again. Angered at the interruption, Judge Blanchard stopped abruptly, glared for a moment at the audience and forged ahead again.

When the interruption was repeated a third time, he said: "If some one will remove that Democrat from the audience I shall esteem it a great favor, otherwise I must decline to proceed."

It took several minutes to explain to the judge that the Democrat was a full-fledged rooster cooped up in a poultry store around the corner.

CARPENTERS ALL RIGHT.

The Master Builders of St. Louis Are Coming to Time.

ST. LOUIS, May 5.—The prospects for a settlement between the carpenters and master builders on an individual basis becomes more bright, as there were 300 less men out to-day than yesterday. The great majority of these were those who refused to work for less than 40 cents per hour yesterday morning, but secured employment elsewhere before nightfall at the standard wages. Two more of the firms who stood off last Friday asked for union men at 40 cents an hour this morning. This leaves only about 200 carpenters out, and it is claimed that these can secure employment elsewhere than they have been working, but they believe their employers will concede their demands. The painters are still out, with no apparent weakening on either side.

BIG PITTSBURG FIRE.

The Arbuckle Building and Christ M. E. Church Destroyed.

PITTSBURG, Pa., May 5.—A fire that broke out in this city about 11 o'clock to-night proved one of the most dangerous and stubborn the city department ever encountered. The first blaze was discovered in the lower floor of the great Arbuckle building, on Seventh street, near Duquesne. It is occupied by the Grocers' Supply and Storage company, and the seven-story edifice, 100 feet wide and several hundred deep was soon a mass of flame from roof to cellar. The losses are so widely distributed it is impossible to secure them precisely, but will certainly reach $750,000.

At 1:30 a. m. the fire caught up a row of tenement houses on Seventh street. The other buildings being wrecked, the department turned its entire attention to prevent a further spread, and at this hour it is thought the tenements and surrounding buildings will be saved.

Leniency for Van Dyke.

BELVIDERE, N. J., May 5.—John M. Van Dyke, the Washington (N. J.) man who has been recently engaged in systematically swindling the express companies by means of raised money orders, and who was arrested in Minneapolis and held for trial, has made a full confession and thrown himself on the mercy of the companies. His mode of operating was to buy orders, raise the amounts, and then present the orders at another office and draw the money. In this way he swindled the express companies out of a great deal of money. His friends are now aiding him to secure a sufficient sum to reimburse the companies for their losses, thereby hoping to avert the full penalty of the law, as the companies are inclined to treat him with leniency, owing to his position in society and exemplary life in the past.

They Don't Get It.

Special to the Globe.

MADISON, Wis., May 5.—The supreme court to-day rendered an opinion against the plaintiff in the case involving the title to the property on which the Milwaukee exposition building is situated. The property in litigation was valued at $250,000. It was conveyed to the city of Milwaukee in 1835, by Byron Kilbourne, for park purposes. The heirs to Kilbourn sold the property to Gen. Micajah Williams, and his heirs brought suit for its recovery from the city of Milwaukee. The litigation has been in progress for years, the lower courts holding in favor of the plaintiffs, while the supreme court to-day reversed the decision and ordered the complaint dismissed.

They Make Sweets.

ST. LOUIS, May 5.—Two hundred delegates to the eighth annual convention of the national confectioners' association assembled in the parlors of the Southern hotel at 11 o'clock this morning, and were called to order by President Jacob Bush, of Cincinnati. The president then read his annual address, after which an executive committee was appointed whose duty will be to look over the work of the past year, pass upon resolutions and report to-morrow. The convention then adjourned, and under the leadership of the local entertainment committee, the delegates were driven through the city.

Honor to Grant.

CHICAGO, May 5.—The statue of Gen. Grant to be presented to the city of Galena by H. H. Kohlsaat, of Chicago, at the opening of Grant park, is to be unveiled on June 3, and Hon. Chauncey M. Depew, of New York, will deliver the oration. The citizens of Galena are making preparations for a great time, to be as memorable in the history of the city as the return of Gen. Grant from the war.

Lived on Horse Flesh.

Special to the Globe.

WINNIPEG, Man., May 5.—An Icelandic census enumerator, while on his rounds near Lake Manitoba, lost his way and wandered on the prairie and in the woods five days without food, excepting roots. Then he killed a horse, and lived on horse flesh four days, when he succeeded in finding a settler's house.

THE PRISON SOLITARY

Is the Minnesota Dungeon Being Used With Too Great Frequency?

A Committee Now Making a Careful Inquiry Into the Matter.

Warden Garvin Explains His Method of Punishing Recalcitrants.

General Belief That Prison Officials Will Not Be Censured.

Special to the Globe.

STILLWATER, Minn., May 5.—The commission appointed by Gov. Merriam to investigate into charges of alleged brutal treatment of convicts on the part of prison officials, and particularly Deputy Warden F.H.Lemon, arrived in the city this morning and proceeded to the prison, where, without unnecessary delay, they entered upon their duties. The investigation was thorough and impartial, and will no doubt result in the complete vindication of Deputy Warden Lemon. The commission occupied the governor's room on the second floor, and, after a short executive session, the doors were thrown open and the taking of testimony began. Warden Albert Garvin was the first witness called, and was questioned thoroughly in relation to the mode of inflicting punishment at the prison. Mr. Garvin stated that, in his opinion, no unnecessary brutality had been resorted to, and nothing of a brutal and cruel character had ever been inflicted on the convicts. Men who were

Stubborn and Disobedient

were punished more severely than others. Sometimes they were kept in the solitary four or five days at a stretch, but the men always decide for themselves the length of their term of punishment. If a man is incarcerated in the solitary in the morning and, after a few hours, decides to behave, he is invariably let down, that is if dependence can be placed in his word. The warden did not believe that there was a prison in the United States where discipline could be enforced without some means of punishment. He never allowed his subordinate officers to treat the prisoners in a harsh or violent manner, and if at any time any of the guards inflicted some punishment, he would look into the matter. The deputy warden is given full charge of the cell room, and it devolves upon him to see that convicts are properly treated. When a convict is placed in the solitary he is chained to the door so that his hands are extended through the bars, the height of his chin. He did not believe that Mr. Lemon resorted to any improper treatment of convicts when the recent attempt at escape was made. A convict in solitary confinement is given three ounces of bread a day, in addition to all the water he desires. This be considered sufficient for a healthy convict. Dr. B. J. Merrill,

Prison Physician,

was next called to the stand and testified that during the time he had been connected with the institution no complaints had been made to him by convicts in regard to the punishment inflicted, and as far as he knew no sickness or ailment had ever resulted from a convict being chained to the cell door for any length of time. It will naturally tire a convict so suspended, but in his opinion would not cause mental or physical injury. He visits the solitary daily and examines all who are incarcerated there. It he thinks that a man cannot stand the punishment which he receives he orders him taken down. He considered solitary confinement a very light mode of punishment. James Raney was ordered taken down by him on Feb. 13. Raney's confinement had produced an oppression of his nervous system, and he seemed to be delirious. This was the only case to his knowledge where anything had occurred of this character. The cell room is kept at a temperature of 75 degrees, and convicts confined in solitary have no beds, but are obliged to lie down on the cement floor with their clothes on. He had never noticed any ill effects from sleeping on the floor. Men who

Complain of Sickness

are allowed to see the doctor. No men are obliged to work when ill. George Tressler, one of the so-called "cranks," was frequently punished by being placed in solitary confinement. His punishment apparently had no effect morally, mentally or physically. He did not consider him insane, but a trifle unbalanced. The blow inflicted on Douglass' head by Deputy Warden Lemon did not require medical attendance. Prisoners were always allowed to stand with their feet square on the floor. Dr. W. H. Pratt, who had been prison physician under Wardens Reed, Stordock and Randall, testified that virtually the same manner of punishing convicts was in vogue while he was connected with the prison. The prisoners in solitary confinement were given all the bread and water they desired. He did not think three ounces of bread a day was sufficient for convicts while enduring punishment. He believed that chaining a convict to the cell door so that his hands were suspended would result in permanent bodily injury. Dr. T. C. Clark, hospital steward from 1877 to 1879, testified that he was conversant with the mode of punishment at the prison. He did not believe that permanent injury would result from being

Chained to the Door.

He stated that although three ounces of bread a day was not very much it was sufficient for a healthy man. Edwin Dunn, president of the board of managers, testified that no rules had been made by the board governing punishment of convicts. He believed in treating them humanely, and it was the desire of the board to see that no ill treatment occurred. He said that the board realized, however, that the warden must maintain discipline, even if he did have to resort to punishment. He stated that he was thoroughly conversant with the present warden's administration of affairs at the prison, and believed that he was doing very well, and that the discipline was improving. John F. Norrish was called, and testified substantially the same as Mr. Dunn. Cell Guard T. W. Alexander was next called, and stated that he had charge of the cell room. He made several visits to the solitary during the day, and if any of the convicts wish to be let down to obey the calls of nature their requests were invariably granted. They were given one slice of bread at noon, and this was all they received during the day. Never saw any harsh or brutal treatment to convicts on the part of Mr. Lemon. About twenty-five convicts at the prison are reported quite often, and these men are punished more severely than others. A man of good record is seldom required to stay in solitary over night. Thomas McTague, warden of

Penitentiary at Deer Lodge,

Mont., testified that he did not believe the punishment in vogue here brutal, and not near so severe as in prisons where repeated gagging and stretching are resorted to. Deputy Warden Lemon testified that during his administration three convicts, Davis, Lynch and Tressler, had been gagged for using obscene and abusive language in the cell room, disturbing the sleep of the other convicts. He did not tolerate abuse at the prison, and did not allow guards to swear at convicts. He said that he struck Douglass with his revolver when he recaptured him, after his escape, simply because Douglass endeavored to take his (Lemon's) revolver. The injury was not severe or painful. The report that the solitary was in a filthy condition, he said, was absolutely false. Several citizens who had seen the recent attempt at escape testified that Mr. Lemon did not resort to any unnecessary means of subduing the convicts, and in their opinions he could not do otherwise. The convicts who made the recent break for liberty testified that they were not cruelly treated. After finishing the taking of testimony the commission, composed of Rev. S. G. Smith and Hon. J. W. Willis, of St. Paul; George A. Brackett, of Minneapolis, and Secretary Hart, of the state board of corrections and charities, returned to their homes. Before submitting their report to the governor they will hold another meeting at St. Paul. Everybody is well satisfied with the manner in which they conducted the investigation.

Would Regulate Dress.

Special to the Globe.

DULUTH, May 5. — Considerable amusement was caused at last evening's meeting of the common council of this city by the attempt to pass upon its second reading an ordinance for the purpose of maintaining peace and good order. It was defeated by a decisive vote, because it contained provisions similar to the famous McHale bill, regulating the dress of performers upon the city stage. Among other things the ordinance provided that male actors should not wear the costumes of females and that females should confine themselves to dress approved by polite society. There were many very necessary and proper regulations for the preservation of public morals, but there was too much of the McHale flavor about it to suit some of the aldermen.

Carleton's New School.

Special to the Globe.

NORTHFIELD, Minn., May 5.—In the school of pure mathematics and practical astronomy, organized at Carleton at the beginning of the year, three students have been pursuing post graduate studies in regular courses. During the next year two classes will be instructed in this school, which is the only one of its kind in this country. Five scholarships are offered, two of which are already taken, and for two there are applications from graduates of Eastern colleges, leaving but one still open. Those who receive these scholarships are, for a part of the time, employed at a specified compensation in mathematical reductions of the observations made by the professors in charge.

Long Fight Promised.

Special to the Globe.

ABERDEEN, S. D., May 5.—County Treasurer Raymond's appeal to the supreme court in the case of Fylpaa vs. Raymond has been dismissed by stipulation. Fylpaa to-day demanded possession of the office, but was refused on the ground that the order of the court had not been received. Raymond asks for a new trial in the circuit court, on the ground of newly discovered evidence. The case will be contested to the bitter end.

Star Again Elected.

Special to the Globe.

DEADWOOD, S. D., May 5.—Sol Star, Republican, was re-elected mayor of Deadwood to-day. This will be the eighth term for him. There was practically no opposition. One hundred thousand dollars in bonds were also voted for improvements, with very few opposing votes. The improvements will consist of macadamizing streets, extending water works and establishing a sewerage system.

They Got Lots of Help.

Special to the Globe.

ABERDEEN, S. D., May 5.—Chairman Sessions, of seed grain committee reports that 40,000 bushels of seed have been put out, and that 38,223 acres have been seeded by help thus furnished. Some farmers in thirty-one out of the thirty-four organized townships were helped. The seed cost a little less than $1 per bushel.

Masteller Goes Free.

Special to the Globe.

LONG PRAIRIE, Minn., May 5.—John Masteller, who was tried one year ago on the charge of attempt to commit rape and given a ten years' sentence by Judge Searle, was granted a new trial on points of law. The case came up to-day and was dismissed by consent of both attorneys.

Sale of the Crown Point.

DULUTH, May 5.—The Crown Point silver mine, of which Tinkham Bros. are the largest owners, situated in the Thunder Bay district, was sold yesterday to a firm of New York brokers, Simpson & Co., for $600,000. Mr. Tinkham leaves for the East to-night to close the deal. The property is owned exclusively by Duluth capitalists.

Switchman Killed.

Special to the Globe.

FARGO, N. D., May 5.—About 2:30 this morning, Joseph R. Warner, switchman in the Northern Pacific yards, was run over by a freight train. His head was severed from his body and both arms were horribly mutilated. It is not known how the accident occurred.

An Editor's New Job.

Special to the Globe.

REDFIELD, S. D., May 5.—Samuel B. Milton, editor and proprietor of the Redfield Observer, has been commissioned aide de camp, with the rank of colonel, by Gov. Mellette.

For Franciscan Sisters.

Special to the Globe.

LITTLE FALLS, May 5.—Work will begin Monday next on the $50,000 hospital and school building of the Franciscan sisters, who make this city their headquarters. An additional $25,000 building will be erected next year.

Oshkosh Blaze.

OSHKOSH, Wis., May 5.—C. C. Paige's foundry and machine shops were damaged by fire this afternoon to the extent of $30,000. The insurance is $8,400.

A DOUGLAS SUICIDES.

Lord James Edward Sholto Douglas Cuts His Own Throat.

The Only Explanatory Theory is That of Mental Incapacity.

Strange Actions of His Lordship in Making Census Returns.

An Italian at Southport, England, Murders a Whole Family.

LONDON, May 5.—Lord James Edward Sholto Douglas, brother of the Marquis of Queensberry, committed suicide to-day by cutting his throat with a razor. Lord James Douglas had been traveling from Ireland during the night, and he behaved in such a manner that the railroad officials, noticing that he was apparently in a demented condition, ordered one of the company's employes to accompany him to London. Upon arrival in this city, Lord James Douglas put up at a hotel and subsequently eluded the attendant and cut his throat. Lord James Douglas was born in 1855, and married, in 1888, Mrs. Hennessey, of Kensington Court, London. In connection with the suicide of Lord James Douglas it is recalled that Saturday, April 11, at the West London police court, application was made by Mr. Rutherglen, clerk of the Kensington board of guardians, for a summons against Lord James Douglas, described as "of Kensington Court," for a contravention of the census act. Mr. Rutherglen made the application mentioned at the instance of the registrar general, and in so doing the clerk to the Kensington Board of guardians handed the magistrate, Curtis Bennett, a letter and Lord James Douglas' census paper, which purported to be a return of the members of his household. Upon this return were the names of Lady James Douglas and her son, the former being described as a "cross sweep" and "lunatic," and the latter as "show-black," born in "darkest Africa. Mr. Rutherglen then said that he relied on the twentieth section of the act, which provided that "if any person refuses to answer or willfully gives a false answer to such questions, or any of them, he shall for each offense be liable to a fine not exceeding £50." The magistrate said that the offense was clear on the face of the return, and granted the summons asked for. Mr. Rutherglen asked if he should call Lady James Douglas as a witness, but Mr. Bennett thought not, as the act did not authorize the wife to be called. The magistrate added that some of the servants who knew his lordship's handwriting might be called, and two subpœna summonses were granted for the attendance of Lord James Douglas' servants. The summons against Lord Douglas came up for a hearing Monday, April 20, when Mr. Rutherglen applied to the magistrate for permission to withdraw it, stating that he had seen Lord James Douglass, who had expressed regret and shame for the childish and foolish return. His lordship told Mr. Rutherglen that he was ill in bed, and that he gave the return to his wife to fill up after writing his own name in pencil. Mr. Rutherglen added that the return was filled up by his wife and stepson, who thought it a good joke to make the entries as noted. The magistrate said that he had noticed that in the return there was a handwriting different to the signature. Mr. Rutherglen admitted this, but pointed out that Lord James Douglas was responsible, though there was some excuse for him. Lord James Douglas, he added, had paid all the costs and had satisfied the registrar general, who instructed him, Mr. Rutherglen, to withdraw the summons. The magistrate then allowed the summons to be withdrawn.

WHOLE FAMILY MURDERED.

An Italian Kills Husband and Wife and Daughter.

LONDON, May 5.—A terrible affair is reported this morning from Southport, the watering place on the Irish sea, near Preston. Mr. Sawyer, a landlord, was attacked by an Italian named Cummino. The assault was sudden and apparently unprovoked. The Italian used a knife and plied it with terrible effect. Mr. Sawyer, who was unarmed, defended himself as best he could with a chair, which was soon smashed in the struggle, and he was succumbing under the strokes of his assailant when his wife and daughter rushed upon the scene and tried to rescue him. Cummino drew a revolver and fired upon all three, following up his shots with his knife, and then fled. The wife and daughter are dying, and Mr. Sawyer cannot recover from the injuries he has received. It is reported later that the assassin has been captured.

A Trifling Advance.

BERLIN, May 5.—The German East African company has decided to advance the sum of $1,000,900, which sum is to be employed in the construction of a railroad from Tanga to Usambara.

The Proper Thing.

PARIS, May 5.—The chamber of deputies has voted $10,000 for the relief of the families of the victims of the May day riot at Fourmies.

Belgium's Big Strike.

LONDON, May 5.—The number of Belgium miners on strike has reached 62,000. The strike movement has extended to Namur.

Another Mistake Probably.

LONDON, May 5.—The Rome correspondent of the Chronicle says that it is reported that Minister Porter will shortly vacate the United States legation there, leaving the secretary in charge.

Illinois Legislation.

SPRINGFIELD, Ill., May 5.—The house this morning killed a bill fixing annual saloon license fees in this state at $1,000. The world's fair bill, appropriating $1,000,000, was passed to first reading by a decisive majority.

To Encamp at Devil's Lake.

Special to the Globe.

BISMARCK, N. D., May 5.—The governor and militia line officers met here to-day and fixed on Devil's lake as the place for the encampment July 15, continuing one week.