

STATE COMPELLED TO REST

All of the Testimony Against Morgan is Now In.

JUDGE CUT THE PROSECUTION SHORT

Declared Too Much Time Was Being Consumed—Continuation of Damaging Testimony Against Accused—Defense Opens Today.

Judge Scott brought the state's case in the Morgan murder trial to a close yesterday afternoon in a most unusual way. It fairly took the breath away from the attorneys present at the trial, including that of the county attorney.

It was at 4:30 o'clock, a half hour before the regular time for adjourning court. A witness was on the stand and Judge Scott was called upon to decide an objection. After he made the ruling he said:

"Mr. County Attorney, I think you are going over a good deal of old ground by these witnesses. I have been hearing a good deal of the same kind of evidence. Therefore I have decided that you must finish your case tonight. We will adjourn at 6 o'clock and reconvene at 7:30 and stay in session until you introduce all of your evidence."

The county attorney jumped up in surprise. "Why, your honor, I have fifteen more witnesses and some of them will offer important testimony. I have not yet introduced their testimony. I cannot introduce their testimony until after the adjournment. Life and death are involved. If you had told me of your decision this morning I might have been prepared. But I cannot get all my testimony in before tomorrow noon and I hope you will give me that time at least."

"I don't care if you have 15,000 witnesses," responded the court. "I said you would have tonight and only tonight and that's all there is about it. Proceed with your examination."

"The court could not be moved. Consequently the county attorney hurried his witnesses and when he had finished he had still six unpermitted witnesses whom he could not get on the stand before he did not know that they would testify to."

During the Morgan murder trial most of yesterday morning was occupied with the cross-examination of Willie Gaskill, the brother of murdered Ida Gaskill.

The little fellow, only 9 years of age, stood up under the close questioning of the defendant's attorney, direct and positive and at every point he reiterated his story of the evening of the Sunday on which Ida was murdered. The facts which he told in the direct examination late Tuesday afternoon. The defense put all kinds of questions to him in the hope of tripping him up, but the little boy was more than a match for the lawyers. So far as the cross-examination went the defense was utterly unable to weaken his testimony.

When the attorneys for the defense saw that his testimony could not be broken down they set to work to break down the boy himself and in this they were successful. He questioned him on the same points again and again, went over ground that was immaterial to the issues and hedged him in corners by their questions, from which the fact that the experienced witness would have found difficulty in extricating himself. Judge Scott permitted it despite the objections of the county attorney. Finally the boy gave up.

HE BEGAN TO CRY.

He had just said that he could not be on the night of the murder at about 8 o'clock. "How do you know that it was 8 o'clock?" was asked.

The little fellow was tired. He had tried to answer every question put to him. He had been on the stand for two hours, and through all that time had gone through similar questioning. He was asked, "How do you know that?" and "How do you know that?"

There was hardly a man or woman in the courtroom who did not sympathize with the little boy, who had before answered everything so bravely and so intelligently. Even the county attorney was moved. "Take the jury out for a few minutes. Little boy, go to your mother."

When court reconvened Judge Scott refused to allow the cross-examination to continue at the time and consequently it was postponed to the afternoon.

MORGAN SHOWS UNKINDNESS.

Morgan however, showed no mercy. He sat through the questioning without an expression on his face, although he followed every word that the little witness said. But he is beginning to look worried. There is a frown on his face almost continually and he casts frequent and furtive glances at the jurors. He speaks to his attorney quite frequently and at one time during the cross-examination several minutes duration occurred between them.

Immediately upon the convening of the court yesterday Willie Gaskill was placed on the stand and after a few questions had been put by the state the boy was turned over for cross-examination.

He was questioned regarding Booker's relations with Morgan. He said that he had known Booker for some three weeks and he was considered a pretty good friend. He had given the children money several times and he was very kind to them. He said that he had known Booker for some three weeks and he was considered a pretty good friend. He had given the children money several times and he was very kind to them.

On Sunday, between 5 and 6 o'clock, Willie saw Ida when he was near the lady man's place, just north of the vacant house. She was alone and he went to her. She was alone and he went to her. She was alone and he went to her.

Willie was closely cross-examined as to his meeting with Morgan, which he said occurred between 3 and 4 o'clock Sunday afternoon. His testimony was that he saw Morgan at the vacant house, which he said was near St. Mary's avenue, walked with him to the red house, to the east side. There Morgan got in through a window and said:

MORGAN WANTED IDA.

"You go and tell Ida I want to see her. I want her to go on an errand. Don't tell anybody else, though, not even your mother." After delivering the message he went back to the same side window.

"Why did you not look into the front window? It is out of the way to go back to the side window."

"I don't know. Because I thought he would be by the other window."

At this answer Assistant County Attorney Slabaugh made a remark. One of the attorneys for the defense charged him with audibly saying, "That's business." The attorney charged him with coaching the witness.

"That's a falsehood," said Slabaugh. The court averted the threatened storm by remarking that he had not heard the remark. He informed the county attorney that they could address only the court during the cross-examination.

The boy was very closely questioned regarding his return to the red house after he had delivered the message to Ida. A half hour was spent in asking him just where Morgan was in the house, what he was doing, but he refused to answer any more questions and that way. The ground was gone over again and again and there was nothing of importance developed.

In answer to questions Willie told again and again how he and Ida had met Morgan while on their way to Booker's, of their dining at dinner at the vacant house, of his meeting with Morgan in the middle of the afternoon and of his conversation with him, of his meeting him again at the red house after he had delivered the message to Ida.

WOULD NOT BE TANGLED. The little witness absolutely refused to be tangled up. Only on one point was he contradictory. He said that he and Ida had not been in the house at the time that he had his meeting with Morgan be-

twice 3 and 4 o'clock and after he and Ida had left the house he went to the vacant house and returned again and again the testimony he had originally given.

After the ground had been gone over several times the witness was asked to go to the vacant house during the evening. It was very evident that the only object of the defense was to break down the boy if possible. Attorney Slabaugh said in this, for suddenly the boy began to cry.

But one or two more questions were asked, and the court, noticing the sobbing of the little fellow, gave the jury recess for a few minutes. The little child ran to his mother's side and, nestling up to her, cried as if his heart was breaking. The scene was a most affecting one and brought tears to the eyes of many in the room, both men and women.

When court reconvened the boy was still crying and by an agreement his cross-examination was postponed. Another witness was called, Charles W. Moore.

Cox testified that some particles of blood which purported to have been scraped off the fingers of Morgan had been handed to him. After sealing them in a bottle he and his men over to Dr. Foote for chemical analysis. He identified the vials containing the blood particles. Although the witness was on the stand but a short time he did not appear to be particularly intelligent, as there was difficulty in getting him to give proper answers to questions.

HIS HAND SHOOK.

Sergeant S. D. Corey testified that he had seen Morgan's hand, fingers and thumb, turned it over to Cox. He said that in taking the blood off Morgan's hand trembled so violently that it was necessary for another man to hold it.

On cross-examination the attorney for the defense stepped up to the witness, and, pointing to his hand, which was noticeably trembling, asked:

"Your hand is trembling now, is it not?"

"Yes, sir, I have a bad cold and have taken medicine for it."

"What would you say if any one were to accuse you of murder because your hand is trembling? You intended to convey the idea that the man was guilty because his hand trembled?"

"I did not," answered Corey. Officer Marshall identified the blood-marked shirt and pants, which had been taken off Morgan, and testified that he had taken them to the police station.

Dr. Robert testified that he had taken some scales from Morgan's hand, received more from Officer Cox and had placed them in vials and sealed them.

Dr. J. S. Foote testified that he had subjected the particles scraped from Morgan's hand to a chemical test and found that they contained blood. He also examined the shirt, pants and handkerchiefs found on Morgan and subjected them to the same test. The stains on the shirt, pants and one handkerchief, the one which was damaged when found on Morgan, were blood stains.

On cross-examination the witness said that he could not tell whether the blood from the hand of Morgan or on his clothing was human blood or not.

WILLIE AGAIN CALLED.

Willie described the search that had been made for the missing girl. He related to the jury how he and his mother, Mrs. Gaskill, but did not enter because the house was dark; that they went home and then to the theaters; that they came back to St. Mary's avenue and there met the policeman who told them to go to the police station.

"Willie, did you not tell your mamma of your conversation with Morgan?" the attorney asked.

"No, sir."

"Why?"

"Because I was afraid that she might whip me."

"Who did you tell it to first?"

"To Captain Hazle. But I did not tell him that Morgan told me not to say anything about it."

The little witness then went on to say that he did not tell the full conversation with Morgan until a week afterwards. He told it to his mother then.

Do you know anything else about the case?"

"No, sir," answered the boy. "I told everything I know."

The defense then jumped back to the time that Willie saw Morgan at the vacant house. The defense questioned on the theory that Morgan went into the house for purposes of nature. Willie answered, however, that he had seen Morgan enter the house and that he was standing in the big room with his face toward him and jumped into the closet.

The boy was examined in regard to the fact that he had seen Morgan enter the house and that he was standing in the big room with his face toward him and jumped into the closet.

"Is that the reason why you would not tell me the whole story?"

"No, sir," answered the boy. "I told you everything I know."

"Did your mother tell you what to say?"

"No, sir. She only told me to say what she told me to say."

The boy was asked why on the search for Ida he and his mother did not wake Booker and ask him where Ida was. He answered that he was afraid that Booker might not know them and might shoot, thinking that she was a tramp.

The county attorney began to ask the boy questions, but the court interrupted. "I think I will excuse this witness," he said.

The next witness called was John Flanagan, a liverman whose place of business is at the corner of the vacant house. He was going to a cigar store at Eighteenth street and St. Mary's avenue at 2 o'clock Sunday afternoon. He went past the red house, and saw Morgan enter the house. He saw Morgan enter the house and saw Morgan enter the house.

On cross-examination Eliza said that it was in the morning when she was going to school. She saw Morgan at the vacant house, which she said was near St. Mary's avenue, walked with him to the red house, to the east side. There Morgan got in through a window and said:

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was made whether the blood was that of a human being or of some animal.

Erza Heming, who swore that he was a newspaper reporter, testified that he was present at a conversation with Morgan before 11 and 12 o'clock Sunday afternoon. The murder. The witness started out to relate the previous life of Morgan as told to him by Morgan during the conversation, but this was not permitted to be done. It was held that no witness could testify as to this unless the defendant was placed on the stand and was questioned about it.

SAID THEY WERE BEEF STEAKS.

The witness then went on to state that Morgan was asked how he got the blood on his hand and clothing. At first he answered he did not know, but finally he said that he had worked on Saturday with Albeck Murray, a butcher on South Twentieth street, and carried in some meat, thereby covering his clothes with blood.

Witnesses called on the Sunday on which Ida was killed Morgan said that he was home a greater portion of the day. He went to the saloon at the corner of Eighteenth street and St. Mary's avenue where he bought beer and beer, and took home two bottles of whisky. He said that he got drunk. He denied at first that he had been drinking, but later modified the statement, saying that he had beckoned to a Mr. Thompson who was standing near some other girls. He denied that he had sent a message to Willie Gaskill or had sent him with any message to his sister. In the morning he said that Ida was in his room, that he held her on his knees for some time and gave her a nickel. He went to bed at 8 o'clock.

Mrs. Mary Hart living at Eighteenth street and St. Mary's avenue testified that she and her husband, testified that at between 1 and 1:30 o'clock on Sunday Ida came into her room, bought some candy, went out and re-joined Willie, her husband, and they went across the street and met Morgan. The three stopped and talked, but Mrs. Hart saw nothing further of them.

Mrs. Mary Whitcomb, who lives at 1514 Half Howard street, in the same house in which Morgan lived, was called as the next witness. She lives in the front two rooms of the house and Morgan's room is directly across the street. There is a hallway separating the apartments, and in it is a sink some five feet from a door leading into Morgan's room.

The witness testified that about 7:45 she heard footsteps in the hallway as one going from Morgan's room to the sink. The water was turned on and was allowed to run awhile, and was then shut off, the footsteps going back to Morgan's room. The county attorney asked the question whether the witness recognized the footsteps but on an objection from the defense, the witness was not allowed to answer. After his ruling Judge Scott said:

"It seems to me, Mr. County Attorney, you are wasting a good deal of time with immaterial testimony. Enough. Your case will be given to the jury already. Your case will be closed tonight. We will adjourn at 6 o'clock and reconvene at 7:30 again."

The county attorney objected to this most strenuously. He said that he still had fifteen witnesses remaining, with whom he had not talked, and asked that he be given tomorrow morning. Judge Scott was firm and would not be moved. He said he would be given the night to finish introducing his testimony and no longer, no matter if it had 15,000 witnesses left.

"That is there about it," continued the court. "Continue the examination."

Mrs. Whitcomb said that about 7 o'clock of the same evening she was sitting near the window of her room, when she heard a scream. She heard but one, and it came from the south. This was in the direction of the vacant house where Ida Gaskill was murdered.

LIKE DRAGGING OF A BODY.

W. S. Saunders testified that at 7 o'clock of the same evening he was on his way up town from his residence at 318 St. Mary's street. He passed through the alley west of the vacant building and while he was passing a couple of windows he heard a shuffling noise as somebody was being dragged along the floor. He stopped one of the windows and although the flare of his match lighted up the interior of one of the rooms, and even extended into another, he was unable to see anything.

The next witness called was Aleck Murray, the butcher at 1716 South Twentieth street, by whom Morgan claimed to have been employed. He testified that he had seen the murder and where he alleged to police officials his clothes had been stained by carrying meat. The testimony of the witness was far from discrediting the latter claim of Morgan.

Murray said that he employed Morgan Saturday before the murder to clean up the vacant house. His duty was to sweep, scrub the floor and do other work of like nature. He was to have nothing to do with the handling, cutting, carrying or selling of meat. The witness testified that he was in the shop all day, with the exception of a few minutes, when he was out with the driver of a wagon who brought him food for the house.

Morgan carried a yard of beef, as he himself was fully able to carry it.

John E. Schaeffer, the driver of the wagon which brought the meat to Murray's shop, testified that Morgan carried none of it into the shop.

STORIES OF LITTLE GIRLS. Emma Herman, a 9-year-old girl, living in the same house with Morgan, said that she was playing in the yard in the afternoon when Morgan called to her and asked her if she wanted a drink of whisky. Morgan had a bottle in his hand at the time. She saw Morgan in his hand and she saw Morgan in his hand and she saw Morgan in his hand.

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UNTIL JANUARY

After that the delay—No more business for us after that—What we can't sell before that we'll give away—We can safely say that, because we are clearing out the stock so rapidly that there won't be enough left to make a respectable showing on a Christmas tree

Overcoats Overcoats A splendid heavy winter overcoat that used to sell for \$6.00, Monday..... \$2.50 Splendid overcoats in beavers, chevots, chinchillas, meltons, kerseys, elysians, in blue, brown, black and Oxfords, at less than half price in every instance. \$15.00 garments..... \$6.50 \$18.00 fine overcoats..... \$8.50 Our elegant \$25.00 garments..... \$12.00

The Equity Clothing Co.

Quitting Business. 13th and Farnam Sts.

received from ex-Treasurer Willard by Hill, amounting to about \$207,000. Hill has received but \$500 in cash from Willard. The remainder of the funds consisted in check drafts and certificates of deposit in banks other than the Capital National bank. Only about 2 per cent of the business of the state treasurer's office was done by the medium of cash. Witness had been connected with the office as deputy and treasurer nearly twenty-four years. Hill had received the certificates of deposit of other witnesses at the time he began his second term of office.

The cross-examination of Receiver Hayden terminated the evidence for the state and it rested. Judge Wakeley announced to the court that, as in the previous trial, the state would ask that a reservation might be made in the case of other witnesses should the state desire to use them. The reservation was allowed.

MOSHER'S GUARANTEE BOND. Testimony for the defense was read by Attorney Pritchett, Auditor Moore being the first witness. He gave evidence to the effect that the original bond of the Capital National bank as a state depository was on the 14th of January, 1893, and was approved by the Auditor General, Secretary of State Allen and Attorney General Hastings. Witness identified the signatures of Mosher, Crouse, Allen and Hastings on the bond of January 14, 1893.

Joseph S. Bartley, recalled for the defense, said that he had deposited no money in the Capital National bank, but had instructed his deputy, Mr. Bartlett, to deposit the certificate of deposit received from Hill in the bank. Witness exhibited his bank book in use at that time marked exhibit "L," showing the sums credited as deposits. He was acting as state treasurer at the time.

Had not signed his name on the first line of the bond because he did not regard it as his bond until all the necessary securities had signed. Nearly all the bondsmen had signed his attention to the omission of his name. Had gone to Omaha and seen Mr. Barlow. In company with him he had gone to see Mr. Drake. They had held a conversation in which it developed that they would not sign the bond unless John B. Wright of the Columbian National bank, Lincoln, and Samuel E. Smith of Beatrice had signed it. It was understood by bondsmen that witness was not to sign the bond or deliver it until all the names agreed upon had been attached to it. The trend of the evidence of witness in the body of his instrument with the full intention of making it his bond. An attempt was made to induce witness to swear that when he wrote in his name "John E. Hill" he did so with the intention of making that paper his legal bond, but this was unavailing.

INTENDED AS HIS BOND. Cross-examined by Mr. Lamberson, witness admitted that he had written his name in the body of the instrument with the full intention of making it his bond. An attempt was made to induce witness to swear that when he wrote in his name "John E. Hill" he did so with the intention of making that paper his legal bond, but this was unavailing.

Two Deaths at Falls City. FALLS CITY, Neb., Dec. 4.—(Special.)—Two deaths occurred here yesterday: one was Mrs. T. J. Mason, who died from old age. Mrs. Mason was 67 years of age. The other was Mrs. Katie Jacobs, aged 27 years. Both funerals took place today, the former at the Methodist church and the latter at the Christian church.

Among the CHS Deceivers. ASHLAND, Neb., Dec. 4.—(Special.)—William Palmer of Ashland received a long and interesting letter from his son, S. L. Palmer, who has been exploring the cliff dwellers' ruins and other places of interest. He was just starting from Santa Fe, N. M., for a city found in a cave a half mile from the entrance of it. It was recently discovered. While in Colorado they remained three weeks with the Zuni Indians. He is collecting a fine lot of skulls, bones and pottery of the tribes that inhabited that section 5000 years ago.

Nebraska City Naturalists Meet. NEBRASKA CITY, Dec. 4.—(Special.)—The members of the Nebraska City Naturalists' association last evening gave a banquet in celebration of the second anniversary of the foundation of the society. The association has done some splendid work since its organization. The membership consists of ten young men, W. E. Pruett, president, and a student of some branch of natural science. Eureka lodge No. 7, Knights of Pythias, last evening elected the following officers: C. C. H. Boydston, V. C. C. G. H. Boydston, W. S. Hyer, K. O. R. and S. W. H. Mutton, M. of E., Ed. McCollum, M. of E., N. H. Anderson, M. of F., N. H. Phifer; and J. W. H. Palmer, secretary.

Robbers Held Up an Operator. PAWNEE CITY, Neb., Dec. 4.—(Special Telegram.)—Night Operator Newlin of the Burlington was held up last night at the depot by two robbers. He was sitting in the waiting room, when the window near was broken in and a revolver poked under his nose. The robbers proceeded to ransack the office. They first visited the express company, but they did not find anything. They then proceeded to the safe and succeeded in getting the keys of the money drawer from Newlin, and on opening it secured \$5. They emptied the safe and vest from Newlin's bag containing a silver watch. When they had finished their pilfering they took an eastern course from the depot. Newlin managed to get to the section foreman's house, opposite the track, and around him. They started in pursuit, but lost track of them. This is the second time the Burlington night operator has been held up in this city.

Fairbury Machine Shops Burned. FAIRBURY, Neb., Dec. 4.—(Special Telegram.)—The machine shops of the Fairbury works were destroyed by a fire which started in the office this evening. The building was owned by H. H. Todd, and was worth about \$2,000, with \$500 insurance. S. A. Seymour had about \$4,000 worth of machinery in the building, which is practically ruined; partly insured. Charles Simpson, who operated the shops, lost \$500, without any insurance.

Guilty of Petit Larceny. GRAND ISLAND, Dec. 4.—(Special Telegram.)—George H. Shank and A. W. Ralston, who in July last attempted to carry away a pile of steel rails from the Union Pacific yards, were arrested, received a preliminary hearing and were held to the district court to answer the charge of grand larceny, to-wit: the theft of steel rails from the Union Pacific yards, valued at \$500 and costs and sentenced to jail for five days.

Small Failure at Crete. CRETE, Neb., Dec. 4.—(Special.)—The grocery store of E. E. Benton was closed under a chattel mortgage last night. L. P. Matthews, father-in-law of E. E. Benton, holds a chattel mortgage of \$2,500, which very nearly covers the secured indebtedness. Matthews having carried Benton for a long time. Total debts amount to about \$2,500. The stock will invoice about \$1,500.

Case Against the Lauridsa Postponed. OMAHA, Neb., Dec. 4.—(Special.)—The case against the steamship Lauridsa, for alleged violation of the neutrality laws of the United States, which has excited so much attention recently, was postponed today until Friday, December 6. It is thought that owing to the great complications the case will be heard by District Judge Foley.