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THE LINCOLN DAILY CALL.

TWELFTH YEAR. LINCOLN, NEBRASKA, THURSDAY EVENING MAY 28, 1891 NUMBER 271

A GREAT CROWD

Listens to Attorney Strode's Powerful Speech.

The Eloquent Lawyer Wakes up the Prosecuting Attorneys to Retorts.

A LIVELY DAY IN THE SHEEDY CASE.

Mr. Strode Closes for the Defense and Mr. Lambertson Speaks for the State.

Today has been an eventful one in the Sheedy murder case—not so much on account of any startling things brought out in the arguments, but by reason of a few disgraceful scenes in which the attorneys figured through personal references.

The largest crowd of people that ever assembled in the district court room of this county was that of today, when even standing room was at a premium.

The closing of Mr. Strode's arguments were at times touching and withal it was an affecting appeal to the jury in behalf of Mrs. Sheedy.

The following is a synopsis of the closing of the speech of

J. E. PHILPOTT, YESTERDAY.

In the afternoon Mr Philpot took up the testimony of the Hitchcock and Curry boys and defended them by saying they told a strightforward story as to seeing two men going down Twelfth street on the night of the assault—though admitted that the Curry boy, his first time in any court, was a little excited under the fire of Frank Hall. "Why," says the attorney, "Paul, Luke and John do not tell precisely the same story of the Saviour? Why expect these boys?"

He then considered the matter of the identity of John Sheedy's assailant, referring to Sheedy's apprehensions that his life was endangered by two gamblers and his statement to A. W. Carder after the blow had been given, that "the bigger one of the two" had struck him and "the worse a short cost." He then asked how the state could explain better than Sheedy who it was that struck him—holding that it was Monday McFarland and he wore an overcoat on that night. Furthermore, he asked why the prosecution had been driven to the extreme of proving an alibi for Gleason and Williams if they had "a clear case" on Monday McFarland and Mary Sheedy. Following this up he maintained that, even in this the defense had failed to establish clearly the whereabouts of Gleason and Williams on that night.

Then he passed on to the matter of the skull as it had been exhibited to the jury and personal remarks of the opposing counsel during the trial, making it at times humorous and sublime.

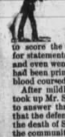
His closing remarks were addressed feelingly to the jury in the way of a speculation, believing not one among them could find it in his heart to bring in a verdict of conviction.

J. S. STRODE

then took his position before the jury and in quiet tones addressed that body, regretting that they had been detained so long from their usual avocations, but feeling that when their deliberations are ended his client and that of his friends will go forth as free as a child.

Mr. Strode is an old friend of his client—in fact she was a school-girl under his tutorship in Illinois and hence it was with no struggle that he called up feeling apostrophes in her praise as t her virtues.

Addressing Mr. Lambertson he said he regretted that he could so far forget himself to use the language that he did toward his client throughout this trial and hoped that if his wife, or his mother or his sister were brought within the pale of any court that they should escape the assailments he had heaped upon Mrs. Sheedy.



"I tell you, gentlemen," he said to the jury, "if it had been that John Sheedy died a poor man you would not have seen these gentlemen working in this prosecution."

He then took occasion to score the newspapers unmercifully for statements that they had published and even went so far as to say that it had been printed in papers that African blood coursed in her veins.

After mildly roasting the police he took up Mr. Snell's opening argument, to answer that particularly. He held that the defense endeavored to picture the death of Sheedy as a great loss to the community and then related that when he came to this city some nine years ago the first man whom he was called upon to prosecute was John Sheedy, the gambler.

"He then occupied the same position before this court that his wife and Monday McFarland occupy now," said he.

Then he dwelt upon the testimony of Mrs. Coil and maintained that ere she left the stand she admitted that she was an enemy of McFarland, rebutting it with the evidence of Whedon, Carpenter and Officer Betts.

The failure of Dennis Sheedy to come when telegraphed for, furnished Mr. Strode an admirable opportunity to answer the question of the defense, why they did not put certain parties on the stand.

He called attention to the fact that the state although endorsing his course upon its information failed absolutely to have him here, simply because he was the most important witness that the defense could obtain, for it was he who saw every drop of medicine given and knew how happily John Sheedy and his wife lived. Had Mrs. Sheedy's fullest confidence and settled John Sheedy's business—"who, moreover," he said, "settled John Sheedy's affairs with the gamblers, took $500 and gave it to Mrs. Sheedy but died only knows how much money was in that safe at Gus Sanders."

A PROFESSIONAL BOUT.

At this point Mr. Lambertson objected and asked that a ruling of the court be had compelling Mr. Strode to stick to the evidence, giving due notice that he would resort to the same methods. During the discussion both lawyers became wroth, each accusing each other of irregularities. It was only by the stern voice of Judge Field that they were stopped, giving each notice that fines would be imposed unless each based his arguments upon the evidence.

Mr. Strode then continued, showing the testimony of Dennis Sheedy at the coroner's jury and saying that the defense knew he would have to corroborate that testimony at this trial and hence purposely for this and other reasons kept him out of the way.

He then proceeded to show how Sheedy incurred the enmity of the other gamblers in town by endeavoring to monopolize the entire gambling business of the city, and in support referred to the threatening letter he received only a few days prior to his death and which he had given to D. G. Courtney.

His respects were then paid to Mr. Snell for his assertion that Mrs. Sheedy was unduly intimate with A. H. Walstron, and said there was not one scintilla of evidence to show that Mrs. Sheedy was ever guilty of anything of the kind.

He said by the testimony of Dr. Ruth M. Wood the window curtain as a signal was knocked out of the case.

Passing on to the matter of Mrs. Sheedy's past life Mr. Strode drew a beautiful word picture, saying that he could not go outside the evidence—but there may have been something in her earlier days that made her what she was when she married John Sheedy. He also spoke of knowing Horace McCool, her first husband, and turning to Mr. Hall, said: "You know him, Mr. Hall; you have been to see him; you know where he is and you tried to get him to testify here—but what did he say to you?"

Mr. Hall: "We said nothing about McCool."

Mr. Lambertson: "Go on and tell us all you know about McCool, Mr. Strode, if you will allow us the same privileges."

The cane was taken up and the variety of testimony given, but principally the testimony of Mendall and Hyman Goldwater who, he averred, were testifying for a price—identifying that cane because he "drove a tack in the centre of the head of it," when there was never a tack in the centre of its head, not even a tack hole.

In explanation of how Monday McFarland could have known of all the circumstances his confession relates he said that no man was more familiar with all of John Sheedy's surroundings and everyday life and what he did not hear from him he could have read.

"Now, gentlemen, take Monday McFarland's confession out of this case and you haven't got a criminating circumstance against Monday McFarland—and you have not one iota of evidence against Mrs. Sheedy, for this confession as the court has already instructed you, does not apply to Mary Sheedy. Gentlemen, it behooves you to look around to see what you have to convict upon ere we talk of convicting these parties," said he. "Why, taking out the confession ye have nothing left but the cane—and, gentlemen, I maintain that cane has never been identified by the Goldwaters or anyone else. Then, gentlemen, what have you got?"

He then touched upon the methods of getting the confession using virtually the argument of Messrs. Woodworth, Philpot and Stearns to show that it was not voluntary, but incidentally remarking, "where would Jim Malone have been had it not been that he had gotten the fellow-prisoner by the identity the case the day before?" He cited the testimony of Messrs. Carder and Splain and Mellick to show that hope of favor and fears of mobs were used to extort it and admonished the jury that they would be told by the court they would have to say upon oath that they believed the confession was not extorted by either of these if they could take it into consideration. Further on the speaker alleged that it was clear to his mind this confession was concocted for the purpose of implicating Mrs. Sheedy, if Jim Malone being charged with the scheme. As to the admissibility of the second confession Mr. Strode told the jury it would be necessary to show that all these incidents that would defeat its first admission had passed away and the prisoner made it voluntarily. He then proceeded to show how persuasions was again used, even after McFarland had stoutly denied killing Sheedy, thus giving the lie to his first statements. Then he quoted the statement made by Dennis Sheedy at the time of the second confession in the presence of Mayor Graham, Malone and Mellick, that he "was satisfied who killed his brother and now to make a clean breast of it—turn state's evidence and possibly escape with ten or fifteen years in the penitentiary. This," said Mr. Strode, "is what Dennis Sheedy held out to him. And for what purpose?" Passing on he took that portion relative to the statements about buying whisky at a drug store on east O street, and asked why these prosecutors had not brought that druggist to the stand to corroborate that.

At that point he asked that he might rest his arguments until today and inasmuch as Juror Johnson's physician had recommended that he be taken in the buggy long the court granted it and ordered the jury removed.

THIS MORNING.

Mr. Strode began his discourse by referring to the remarks of Mr. Hall, who would invoke the spirit of John Sheedy and correcting his quotation as to the death of King Claudius.

He then took up the confession again, refuting the charge that McFarland would not have made that confession had it not been true, citing a number of cases in which such confessions had been made, that afterwards proved to be entirely untrue.

Touching upon the matter of detectives and referring to the fact that Pinkerton men were brought from Chicago here he referred to Mr. Hall as a member of the firm of Marquett, Dewesse & Hall, attorneys of the Burlington railroad which often calls out Pinkerton men.

Mr. Hall, taking it as an appeal to such members of the jury as might be alliance men, arose and said in bitterness, "I denounce, Mr. Strode, that speech as an unprofessional and uncalled for one." The court called them to time and Mr. Strode continued.

He then referred to Mary Sheedy as the fair-haired little school girl he knew as a school teacher; could see her little sisters and an aged mother on a sickbed awaiting with breathless anxiety the word from this jury that would set her youngest daighter free, the speech bringing tears not alone to the eyes of many auditors but a flood of them from Mrs. Sheedy and her faithful sisters.

Messrs. Lambertson and Hall were given some attention, the speaker holding that these able gentlemen did not offer their valuable services to the prosecution out of any desire to see broken laws vindicated, but in the regular line of making money. He said so able and talented gentlemen in opposition was enough to crush the less able and steal all hope and ambition from them.

A fair tribute was paid to County Attorney Snell, but the speaker regretted that he had been superseded by Messrs. Lambertson and Hall, in closing he admonished the jurors not to be led away from their honest convictions by the sophistry.

"Who is it, gentlemen," he continued, "that desires, outside these prosecutors, who are planning and plotting for the blood of Mrs. Sheedy, my client? I think I know the sentiment of this community and I do not believe there are any who desire her conviction. When you go to your homes, gentlemen, ask your neighbors if they desired the blood of Mrs. Sheedy to atone for this crime. All that those gentlemen want is the ear of Mary Sheedy. Gentlemen, there is no compromise in this case. If she be guilty at all it must be in the first degree—the punishment for which is death. You cannot evade that issue must either be found guilty of murder in the first degree or not at all. Think of this, I charge you gentlemen."

Referring to the charge of poison Mr. Strode told the jury that if it was administered it must have been while John Sheedy was on the sick bed, and the only person who was present when every dose of medicine was given was endorsed on the information by the prosecution, but had not been brought into court—a significant fact that spoke volumes. Relying upon the intentions of the state the defense who expected and hoped to use Dennis Sheedy, jr., were deceived—he was spirited away, kept out of the reach of the defense. Mr. Strode said. He then recalled how graciously Mr. Hall apologized at the close of the state's testimony and stated as due to the defense that no poison had been found in the stomach. Then he dwelt upon how they, with Dennis Sheedy behind them, like thieves and ghouls, sneaked to the grave yard and took up the liver and other organs, took them to Chicago in the hope still of convicting that poor broken-hearted woman with the murder of her husband—for the purpose of getting the property. Then he asked if any one of the jurors believed John Sheedy had been poisoned; if so what evidence did they base it on. Why didn't you arraut the doctors or others at his bedside that night? Dr. Hart told you he had been suspicioned. No! he had no interest in John Sheedy's estate. Mrs. Sheedy was and, they, to get thirty-five or forty thousand dollars worth of property—solely to get the property," said Mr. Strode.

He then reviewed the condition of Sheedy prior to his death reading authorities to show that he lived long beyond the time in all rules laid down in medical works relating to poisoning cases, refuting the statements, throughout, of Dr. Winnett and others.

The ring was shown the jury and Mr. Strode stated that the prosecution had made a great point of it in maintaining that it was one given him by Mrs. Sheedy and yet totally failed to bring any evidence to show that Mary Sheedy ever owned such a ring. Endeavoring to slip the ring on his finger and finding it would not fit, sought to have Monday McFarland place it upon his finger but the prosecution strenuously objected. He then charged that this was sufficient evidence that the charges against his client were trumped up and that the case had wholly been brought about by detectives.

Taking the hair alleged to have been taken from Mrs. Sheedy's body it was exhibited to the jury, the speaker dwelling upon his belief that it was a concocted scheme against his client, a com-

(Continued on Fifth Page.)

GETTING COAL.

The Insurgent Ironclad Frightens Mexico.

Crops in Northern Iowa Suffering from Millions of Cut Worms.

MICHIGAN'S GOVERNOR USES VETOES.

The Fight Continues Between Britain and Portugal in South Africa.

Destroying Crops.

WATERLOO, IA., May 28.—Millions of cut worms are doing much damage to the growing crop and potatoes in this vicinity. Many fields in all parts of the country have had to be re-planted.

Not Alarming.

OTTAWA, ONT., May 28.—Sir John McDonald has an attack of indigestion yesterday. The report that he had congestion of the lungs was incorrect. His condition is not in any way alarming.

Blaine's Health.

NEW YORK, May 28.—Dr. Dennis said this morning that Blaine was getting along very well and would leave the city for Bar Harbor, Maine, early next week.

At It Again.

LISBON, May 28.—A dispatch from Lourenzo Marquez South Africa, says that another fight has taken place between the Britian and Portuguese on the banks of the Beaube river. The Portugese were defeated.

Mad Soldiers.

WALLA WALLA, Wash., May 28.—The sheriff of this county has asked the governor to send arms and ammunition as an outbreak among soldiers is possible. Some of their number are likely to be indicted for complicity in the Hunt lynching. The Governor sent the necessary order.

That Iron Clad

NEW YORK, May 28.—An Acapulco dispatch, dated yesterday, says: The Esmeralda frightened the authorities at this town to such a degree that at six this evening the Chilian war ship is coaling. She probably will leave here tomorrow.

It Passed.

HARRISBURG, May 28.—The ballot reform bill has passed the legislature and now goes to the governor for his signature.

Drawing to a Close.

SIOUX FALLS, S. D., May 28.—Plenty Horses' trial is gradually coming to a close. Today the government rested its case after introducing the testimony of Spicer, a Sioux Indian policeman. Bear that Lays Down, an uncle of the prisoner, Ricard, the half breed son-in-law of Red Cloud, all of them eye witnesses of the murder. Tom Flood, the official interpreter at Pine Ridge, testified that the prisoner could speak and talk English like a native. Broken Arm amused the spectators when he was asked, on cross-examination, of whom he obtained his sheets for rations.

"The soldiers father gives them to us," responded the dusky savage.

"Who gave you the sheets how loyal Kansas is to the third party idea.

"Ugh, a little short man, no good: poor soldier," said Broken Arm.

"The large audience immediately understood that the Indian meant Dr. Royer, whose fight from Pine Ridge is known to the public.

Kansas Politics.

TOPEKA, KAS., May 28.—The Farmers alliance is preparing for a grand ratification meeting on the work done by the Cincinnati convention. It will not come in the old time form of a gigantic mass-meeting with brass bands, orators and a torchlight procession, but at the varied regular meetings of the 2,000 sub-alliances in Kansas this week and next the work of the Cincinnati convention will be discussed and the planks in the platform separately considered. Then a vote will be taken on the platform as a whole and the reports will be forwarded to headquarters and to the reform papers. It is a scheme to show to other states how loyal Kansas is to the third party idea.

In the call which has been made for the ratification the sub-alliances are warned not to be hasty in their action. Continuing it advises as follows:

"Give every proposition a thorough examination upon its merits. Discuss it thoroughly and extend the discussion if necessary until every proposition is understood by all. Do this dispassionately and let the ratification be unanimous. This is the foundation upon which we build. It is the banner around which we must rally and march to victory in 1892. The principles embodied in it constitute the hope of industrial liberty and progress in America."

THE WEATHER.

Washington, D. C., May 28, 1115, m.—Weather indications for Nebraska: Generally fair; slightly warmer; winds becoming southerly.

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PAPER HANGINGS AND MOULDINGS.

THE MAN

Who makes a success of business life is the man who has the faculty of knowing a good thing when he sees it and whose convictions follow his business judgment. If you are asked to invest $ cents with the assurance of drawing $1 from the slot you naturally and mentally conclude there is something wrong and keep the half in your pocket. But where there is a reasonable certainty of getting back the original investment and a fair per cent of profit on the outlay, the wise man will cease to hesitate.

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