

STATE INTRODUCES DYING DECLARATION OF JOHN P. THACKER

Matt McQuinn Testifies to Hearing the Dying Man Make His Statement of the Shooting.

The trial of John Clarence for murder attracted many spectators yesterday and the testimony of many of the state's witnesses was sensational. The foundation for the introduction of the dying declarations of the murdered man was outlined and the declaration of John Thacker of the manner of his fatal encounter with defendant was detailed to the jury by several witnesses.

After the cross-examination of Carter Albin by the defendant's attorney, which only lasted a few minutes, Lee Thacker, son of the murdered man, and the only eye-witness to the entire trouble at the Darrow farm, was sworn and testified that he was at the cob-carrier of the sheller in full view of the encounter and saw and heard all that took place. Witness corroborated Carter Albin in his statement of the quarrel between Albin and his nephew, Earl, and witness stated that his father came across the Darrow yard at the time of this trouble and his father called to Carter, to "slap his chops for him and learn him some sense," whereat Clarence, who was at the tank watering his mules, called to his father, saying, "keep your d—n mouth out of that, John Thacker, or I will shoot h—l out of you," and at the same time began to draw his revolver. Witness' father then turned and went to the head of Carter Albin's team, advanced a few feet and picked up a board as he stooped, Clarence fired. John Thacker then went toward Clarence and struck him with the stick, which broke, Clarence struck at Thacker with his cane, which was seized by Mr. Thacker and wrenched from Clarence's hand and with it struck Clarence, but did not knock him down. In the struggle, Clarence fired twice more. The men then went down with Clarence underneath falling on his right side, with his right hand outstretched in which he held the revolver. Witness' right wrist was grasped in the left hand of Mr. Thacker.

Again the state offered to illustrate the position of the two men on the ground, which was objected to by defendant's counsel, as being a part of the evidence which could not be introduced into the record, and the court took the same view of the matter. Mr. Thacker then detailed the taking of his father home and sending for Dr. J. F. Brendel.

Dr. Brendel was placed on the stand and swore he was called to the Thacker home on the evening of January 15th, and found Mr. Thacker lying in bed suffering much pain. He made an examination of his wounds and found that he had been shot in three different places, once in the breast, once in the abdomen and once in the right leg above the knee. He probed for the bullets but could not locate them. Dr. B. B. Davis, of Omaha, and Dr. T. P. Livingston were called the same night, and arrived at Union on the midnight train, and held a consultation and probed for bullets, but failed to locate any one of them. Both doctors testified to what they observed. Mr. Thacker lived six days and died. After death, Dr. Livingston held a postmortem and found that the bullet which penetrated Mr. Thacker's breast had taken a downward range and was found in the region of the stomach. This shot must have been fired, according to the physician's testimony, when the revolver was held parallel with the body of Mr. Thacker.

Dr. Lavender, of Omaha, was then sworn as expert on powder marks and burns, and testified that he had examined the clothing worn by Mr. Thacker at the time of the shooting, and that on the overalls there was no mark of powder burn nor was there any on the vest, while the bullet hole in the coat showed powder burns on the lining of the coat. The witness had experimented with a revolver similar to the one offered in evidence as the gun with which Clarence killed Thacker, and witness had found that at a distance of sixteen inches from the muzzle of the gun to the clothing, powder marks would be left, while at a greater distance there would be no powder mark. At a closer distance the burning powder would set fire to the cloth, that the lining of the coat showed it had been set on fire from the powder, following the shot. The witness had observed the three bullet holes in the clothing. On cross-examination, witness would not state whether there had been two or three shots, but gave his opinion that there were three separate shots fired into the clothing.

Mrs. John P. Thacker, wife of the

murdered man, testified to her husband's condition on arriving at home the day of the tragedy and also to his statement the next morning that he did not expect to survive, and requested her to send for Attorney Graves, of Union, to draw up a bill of sale of his property, which request she complied with.

Mr. Graves was put on the stand to show the purpose of the bill of sale and the statements of Mr. Thacker as to the probability of his not recovering from the wounds inflicted the day before.

This evidence was probably for the purpose of laying a foundation for the introduction of the dying declaration of the deceased as to how the trouble occurred. Constable John Corey was sworn and gave an account of Clarence riding to his hotel on the afternoon of the tragedy, his horse covered with sweat, hastily dismounting and inquiring for an officer, and on being informed that Mr. Corey was one, delivered up his revolver, saying that he had shot John Thacker and wanted to give himself up.

Mr. Corey identified the revolver and scabbard, told of their condition at that time, being practically the same as now. Witness took the defendant to the jail of the county and locked him in.

W. C. Ramsey was sworn and testified to writing down the declaration of Mr. Thacker on the morning of the 16th of January, the day after the shooting, which was taken down in the presence of Lee Thacker, G. W. Saxton, Matt McQuinn, Herbert Thacker, Miss Lulu Ames and others.

Matthew McQuinn was placed on the stand to give Mr. Thacker's statement, which was in substance: Mr. Thacker had returned from a funeral of a neighbor that afternoon and went to the Darrow farm. He crossed the yard going to the crib, where the corn shelling was going on. He passed Clarence at the tank watering his mules, and observed that Carter Albin and his nephew, Earl, were quarrelling, that Earl was throwing corn at his uncle when his back was turned. Mr. Thacker passed between the team and the crib and called to Carter to get out of his wagon and slap Earl's face for him and learn him some sense. Just at that time he heard Clarence call to him to "keep your d—n mouth out of that, John Thacker, or I will shoot h—l out of you." At this Mr. Thacker turned and walked to the head of the horses and saw that Clarence was pulling his gun. He thought it was the same gun L. Crawford had drawn on him before, and he thought he could eat that, and he advanced to take the gun from Clarence, and picked up a piece of board. As he picked up the stick, Clarence shot him in the leg. He then knew that it was not the gun he had first thought, and struck Clarence with the stick, but the stick broke, it having been run over by a wagon. Clarence struck him with his cane which Thacker then seized and struck Clarence with it, a blow which he thought was hard enough to fell an ox, but which had no effect on Clarence, and he had to knock him down with his fist. In the struggle Clarence shot twice more. Witness stated that Mr. Thacker was a man about five feet and eight or nine inches tall, and weighed close to 210 to 220 pounds and was probably 47 or 48 years of age. The court then took a recess until nine o'clock Thursday morning.

Juror Sayles was given permission by the court, with consent of both defendant and the state, to bill out a car of corn which he had loaded at the elevator, and with a bailiff, Mr. Bayles went to look after this business.

When court convened this morning the state asked leave to recall John Corey for a question or two, which was granted.

On again taking the witness box, Mr. Corey was interrogated as to what John Clarence had stated, if anything, while walking with Mr. Corey to jail on the evening of the tragedy. The witness replied in substance that Clarence said to him at that time, "I shot the s—n of a b—h three times and I hope to God I killed him." After a brief cross-examination, the witness was excused, and the state then rested its case in chief.

Mr. Henry Long, of Murray, was a Plattsmouth visitor today and dropped in at the Journal office for a chat with the editor.

Public Sale

The undersigned will sell at Public Auction at his home, two miles east and one-half mile south of Murray, Nebraska, on

THURSDAY, DECEMBER 15

The following live stock, implements and other property:

Live Stock—One brown horse, 10 years old, weight 1,200; one gray horse, 12 years old, weight 1,300; one black mare, 12 years old, weight 1,400; one black mare, 14 years old, weight 1,250; one bay mare, 13 years old, weight 1,250; one bay mare, 10 years old, weight 1,400; one bay mare, 8 years old, weight 1,050; one yearling colt, one two-year-old colt; one two-year-old heifer, coming fresh early in spring; six head of good milk cows; fourteen head red brood sows; twelve head of shoats.

Farm Implements, Etc.—Two Avery stump cultivators, one Avery pin brake, two New Departure cultivators, Western Belle riding cultivator, one row machine, two Moline corn planters, two McCormick hay rakes, one McCormick mowing machine, two Starley discs, one three-section harrow, one two-section harrow, two Peru two-row stalk cutters, one Moline two-row stalk cutter, one one-row stalk cutter, one Peru riding plow 16-inch, one Face riding plow 16-inch, two Peru walking plows 16-inch, one Bradley riding lister, two St. Joe walking listers, one Peru walking lister, one John Deere single corn drill, two Hoe corn drills, one Diamond corn grinder, two Dearing grain binders, one 40-ft. Wenzelman corn dump, one high wheel wagon, one low steel truck wagon, one low wheel wagon, one spring wagon, one top buggy, one new buggy, one old buggy, two hay rakes, two hundred hedge posts, two thousand feet oak lumber, one cider mill, one grind stone, one hand corn sheller, one Hoosier seeder, one Economy cream separator, one pair bob sleds, one eight-horse Jollet power engine, 150 feet hay fork cable, five tons good prairie hay, three tons of alfalfa hay, one set buggy harness, twenty-five bee hives; some household goods and numerous other articles.

Terms of Sale: All sums of \$10 and under, cash; over \$10, eight months time will be given, purchaser giving good bankable paper bearing eight per cent from date. Sale to commence at 10:00 o'clock a. m.

Ernest Richter, Rob't Wilkinson, Auctioneer. W. G. Boedeker, Clerk.

Return to Portland.

Mrs. E. N. Carroll and son, Orta, who have been visiting Mrs. Carroll's sisters, Mrs. Andy Campbell and Mrs. Frank Campbell, near Kenosha for a month, departed for their home at Portland, Oregon, this afternoon. Mrs. Andy Campbell accompanied Mrs. Carroll as far as Omaha on her return journey. Mrs. Carroll came into the Journal office before leaving for her home and renewed for this reliable family paper. She was anxious to return to her home, as the climate there is not so cold as here.

Wants to Help Some One.

For thirty years J. F. Boyer, of Fertile, Mo., needed help and couldn't find it. That's why he wants to help some one now. Suffering so long himself he feels for all distress from Backache, Nervousness, Loss of Appetite, Lassitude and Kindey disorders. He shows that Electric Bitters work wonders for such troubles. "Five bottles," he writes, "wholly cured me and now I am well and hearty." It's also positively guaranteed for Liver Trouble, Dyspepsia, Blood Disorders, Female Complaints and Malaria. Try them. 50c at F. G. Fricke & Co's.

From Alva, Oklahoma.

The Journal is in receipt of a letter from our old friend J. W. Cox, at Alva, Oklahoma, in which he encloses the money to pay for his paper another year. Mr. Cox has many friends in Cass county who will be pleased to learn that he is happy and prosperous in their new home. Mr. Cox left Cass county several years ago, but has always kept in close touch with his friends here through the columns of the Journal.

Do you want an AUCTIONEER?

If you do, get one who has Experience, Ability, Judgement. Telegraph or write

ROBERT WILKINSON,
Dunbar, Neb.

Dates made at this office or the Murray State Bank.
Good Service Reasonable Rate

LESS YOU FORGET, WE SAY IT YET!

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Opened His Pack for You to See!

5, 10 and 25c Store!

GRYB-CARR STORES COMPANY

COATS BLOCK, : : : : MAIN STREET

Candies 10c per pound!

Watch Our Windows!

HAIR HEALTH

If You Have Scalp or Hair Trouble, Take Advantage of This Offer.

We could not afford to so strongly endorse Rexall "93" Hair Tonic and continue to sell it as we do, if it did not do all we claim it will. Should our enthusiasm carry us away, and Rexall "93" Hair Tonic not give entire satisfaction to the users, they would lose faith in us and our statements, and in consequence our business prestige would suffer.

We assure you that if your hair is beginning to unnaturally fall out or if you have any scalp trouble, Rexall "93" Hair Tonic will promptly eradicate dandruff, stimulate hair growth and prevent permanent baldness.

Our faith in Rexall "93" Hair Tonic is so strong that we ask you to try it on our positive guarantee that your money will be cheerfully refunded if it does not do as we claim. Two sizes, 50c and \$1.00. Sold only at our store—The Rexall Store. F. G. Fricke & Co., Union block.

Found.

A black hog, weighs about 150 lbs. Enquire of John Engelkeimeier at the home of A. J. Engelkeimeier, 5 1/2 miles west of Murray. 12-4-2tw.

TRUSSES

The only surgical house in the West where all fitting is done by an expert. Largest stock of trusses in the West.

THE W. G. CLEVELAND DRUG CO. OMAHA, NEBRASKA

Wonderful Success.

Straub Brothers, of Otoe county, should feel very proud of the success they have had at the stock show in Chicago. Their herd of Galloways captured prize after prize, and the prizes are worth something for they mean that the cattle shown are the best in the world. The Chicago show was the greatest stock show ever held in the United States, and entries were made from every state in the union. Straub Brothers have entered their cattle so many times in different exhibitions and have won so many prizes that it must be getting monotonous.—Nebraska City News.

Saved From Awful Death.

How an appalling calamity in his family was prevented is told by A. D. McDonald, of Fayetteville, N. C., R. F. D. No. 8: "My sister had consumption," he writes, "she was very thin and pale, had no appetite and seemed to grow weaker every day, as all remedies failed, till Dr. King's New Discovery was tried, and so completely cured her, that she has not been troubled with a cough since. It's the best medicine I ever saw or heard of." For coughs, colds, lagrippe, asthma, croup, hemorrhage, all bronchial troubles, it has no equal, 50c., \$1.00. Trial bottle free. Guaranteed by F. G. Fricke & Co.

Farm For Sale.

160 acres two miles from Avoca. Two houses and barns in fair shape. Will sell for \$140 per acre. A sixty-acre tract, well improved, 2 1/2 miles from Avoca. And lots of other lands in other sections. Come and see me before you buy.

Jacob Opp,

Avoca, Neb.

11-3-wklytf.

THE DOCTOR'S QUESTION

Much Sickness Due to Bowel Disorders.

A doctor's first question when consulted by a patient is, "Are your bowels regular?" He knows that 98 per cent of illness is attended with inactive bowels and torpid liver, and that this condition must be removed gently and thoroughly before health can be restored.

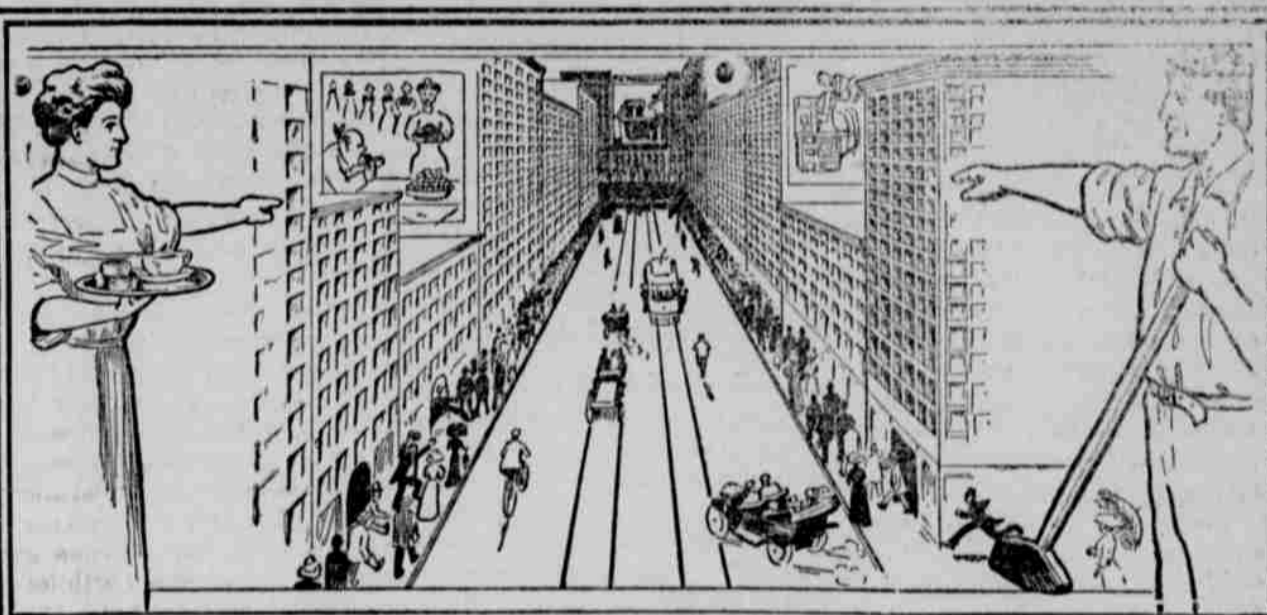
Rexall Orderlies are a positive, pleasant and safe remedy for constipation and bowel disorders in general. We are so certain that we promise to return the purchaser's money in every case when they fail to produce entire satisfaction.

Rexall Orderlies are eaten like candy, they act quietly, and have a soothing, strengthening, healing influence on the entire intestinal tract. They do not purge, gripe, cause nausea, flatulence, excessive looseness, diarrhoea or other annoying effect. They are especially good for children, weak persons or old folks. Two sizes, 25c and 10c. Sold only at our store—The Rexall Store.—F. G. Fricke & Co., Union block.

Mr. John A. Cushing, of Bellevue, was in the city today on business.

Ends Winter's Troubles.

To many, winter is a season of trouble. The frost bitten toes and fingers, chapped hands and lips, chilblains, cold sores, red and rough skins, prove this. But such troubles fly before Bucklen's Arnica Salve. A trial convinces. Greatest healer of Burns, Bolls, Piles, Cuts, Sores, Eczema and Sprains. Only 25c at F. G. Fricke & Co's.



They Are All Going in One Direction

You Had Better Get in Line Too

And be one of the lucky ones to get a set of high grade cooking ware free.

—Your own fault if you don't.

Before you leave home take a look at your kitchen range. If it is not the South Bend Malleable, think of all those cooking troubles and then remember it is possible to rid yourself of them forever.

While you are having a hot biscuit and a cup of delicious coffee, an expert range demonstrator will tell you how it can be done.

There is a still greater attraction but you will have to come to our store to see it.

Remember the date—Any day from December 12th to 17th.

KROEHLER BROS.