

THE THACKER-CLARENCE MURDER CASE REVERSED

The Supreme Court Has Decided That a New Trial
Must be Held on Account of Error.

THIS IS A BIG VICTORY FOR
LAWYERS CLARK AND ROBERTSON

The Case Attracted Great Interest When Tried and
the Decision is Popular.

(From Friday's Daily)
Word was received today that the decision of the district court in the murder case of John Thacker, where in the alleged murderer John Clarence was sentenced to 14 years in the penitentiary had been reversed by the supreme court and a new trial demanded. The Supreme court, which is now in session at Lincoln, reached the decision, and the new trial was ordered on account of error in instructions and of omission in the evidence. The syllabus will be issued tomorrow, when the particulars and exact causes of the reverse in the decisions will be made public.

The shooting affair and trial were of great interest to the Plattsmouth people, both of the parties concerned being well known in town, the defendant John Clarence having lived in this vicinity for years, and his parents are among the most respected old settlers of the county.

The encounter occurred on the Darrough farm, five miles from Union, on the fifteenth of January 1909. The young men were helping their neighbors shell corn, on the above named farm, when a quarrel arose between Earl Albin and his uncle Carter Albin. Thacker interfered and advised Carter to slap his nephew in the face, whereupon, Clarence, who was standing at a nearby tank, watering his mules, took a part in the affair and told Thacker to "keep his nose out of

it, it was none of his business." On this point, one of the witnesses claimed that Carter warned him to keep out of it or "he'd shoot him—out of him."

The evidence showed that Thacker advanced a distance of 30 feet toward Clarence, who is a cripple, and seizing a board, struck Clarence a blow on the head which broke the board into pieces. The cripple, carrying a black hickory cane, raised it to ward off the blows, but Thacker took it from him and struck him again over the head. The men grappled, and Clarence, in self defense and as a last resort, pulled the gun and fired three times, the shots all taking effect. The victim died a few days later on Jan. 15.

The trial was held in the district court here last June, the prosecuting attorneys being Mathew Gerding and County Attorney Ramsey, the defending attorneys, Byron Clark and W. A. Robertson. The sentence of fourteen years in the state penitentiary was passed July 14, Clarence being at that time under a bond of \$10,000, which was later raised by the supreme court to \$25,000.

Clarence and Thacker were distant relatives, being cousins by marriage but had never been very friendly toward each other.

The attorneys in the case were unable to state positively today the reason of the reverse by the court, but it is thought the statements of the dying man was one of the prime causes.

on their heads. Miller dresses neatly and moderately either in dark blue or black serge while Fish runs to tweeds, not loud of course but some what conspicuous when one considers that the average "statesman" affects the more conventional black even in his daily "working clothes."

Representative Miller was born on a Minnesota farm in 1872, a son of a veteran of the Civil War; was educated in a country school, high school and Minneapolis Academy and graduated from the University in 1895 and from the law department of the same institution several years later.

Hamilton Fish, was born in Albany in 1869 while his father was governor of the State; was educated in private schools and in Switzerland; graduated from Columbia College in 1889; from 1889 to 1871 was private secretary to his father who was secretary of State under President Grant. He was for eleven years a member of the New York State Assembly, was Speaker in 1895 and 1896. He was appointed by President Roosevelt Assistant Treasurer of the United States at New York in 1903 and reappointed in 1907, resigning the office in October 1908 to run for the 61st. Congress and in which he is now serving.

STATE OF WASHINGTON IS GOING DRY.

Two Hundred and Eighty Eight
Saloons Have Been Put Out.

Spokane, Wash., March 10.—Two hundred and eighty-eight saloons in 33 towns and cities in five counties in this state have been put out of business in the last five months, according to a report just issued by the Anti-Saloon League of Washington. Twenty-three towns voted to remain "wet." Among the Cities voted "dry" are Wenatchee, Puyallup, Prosser, Lynden, Colville, Goldendale, Kettle Falls, Rosalia, Davenport, Cheney, former seat of Spokane county; Wilbur, Garfield and Pullman, the counties being Thurston, Skagit, Clark Stevens and Whitman. The league, which is represented in Spokane by Lewis R. Horton, claims 38 dry units and it is expected to have 100 by July 1, after which, Mr. Horton announces, that the organization will begin its campaign for a legislature, pledged to give the league a county local option law. Mr. Horton declares that the liquor interests are playing a losing game, though at first glance it would appear that the league is only holding its own, adding: "The liquor men gave us the present law, and we are doing the best we can with it."

A Word of Kindness.

There are lives of wearisome monotony which a word of kindness can relieve. There is suffering which words of sympathy can make more endurable, and often, even in the midst of wealth and luxury, there are those who listen and long in vain for some expression of disinterested kindness. Speak to those while they can hear and be helped by you.

The Doctor's Orders.

An old farmer was walking out one day looking very grim and miserable. He was a man who ordinarily dearly loved a joke. But jokes seemed a long way off just then, and the old man was thinking deeply when he was accosted by a tramp, who made the usual request for a night's lodging and something to eat, as he explained he had had nothing for two



WALKED ON HIM.

whole days. The effect upon the farmer when he said this was magical.

"Why, man," he said, "I've been looking for you all day."

And then without more ado he knocked him down and walked on him from one end to the other. The tramp got up, looking very staggered, and asked him why he had done that.

"Well," said he, "my doctor has ordered me to walk on an empty stomach, and now that I have fulfilled his injunction I can go and have a good feed."

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WASHINGTON DOPE.

Washington, D. C. March—(Special)
The high cost of living in Washington has driven at least one Editor Congressman back to the "case." This member who announces that he can no longer afford to be a Representative in the Congress of the United States is William D. Jamieson, a Democrat representing the Eighth Iowa district.

Mr. Jamieson had the distinction of defeating that old war horse of Republicanism Hon. P. W. Hepburn that even with a salary of \$7,500 per year with mileage and stationery added he can only, with through strictest economy, make ends meet. He states in declining to be a candidate for re-election that he cannot by the closest figuring save over \$3,000 of his Congressional salary and even that pittance and more he would be called upon to "cough up" by the aversive local campaign committee in order to secure a renomination and re-election.

Therefore he has announced his intention to quit his Congressional job and return to Shenandoah, Iowa to edit and manage the newspaper which he owns.

There is every reason to believe that the Commerce Committee of the Senate will report the River and Harbor bill as passed by the House at month, within the next ten days at the outside within two weeks. From three to five millions will be added to the bill by the Senate Committee Projects, which were not considered by the Rivers and Harbor Committee of the House, having come to the attention of the Senate Committee through the recommendations of the Engineer Board of the Army, being largely accountable for these measures.

Since the River and Harbor bill came to the Senate some ninety amendments have been proposed by Senators the measure, carrying in the neighborhood of ten millions of dollars. These amendments cover the entire scope of river, harbor and canal improvements and show the wide interest that in being taken in these appropriations that but a few years ago were looked upon as a "sop" legislators to help strengthen them their states and districts.

Water transportation is being demanded in sections of the country

to-day that but a few years ago would have laughed immoderately over the scheme of making the rivers work. But congested freight yards and the inability of the railroads to handle the bulkier freight within reasonable limits of time have brought the people face to face with a condition and to day they are demanding of their legislators that something yearly be done for the rivers and harbors of Continental United States to the end that both the rail and the river shall do their part in handling the growing commerce of the nation.

The Washington Baltimore and Annapolis Electric Railway has commenced the operation of sixty three limited trains daily between Washington and Baltimore running on half hour schedule starting from a point within sight of the U. S. Treasury building and landing its Baltimore passengers at Park Avenue and Liberty Streets. Those destined for Annapolis may, by a system of transfers, be landed at the very gates of the U. S. Naval Academy. The cars in service are some 60 feet in length and resemble very much a miniature Pullman. Each contains a smoking compartment and the body of the cars contain comfortable seats upholstered in leather. The time these trains make from Baltimore to the Treasury Building at Washington is 90 minutes, which, when one considers that you are brought directly into the business section of each terminal city and furnished with transfers to practically all the street cars is bound to have considerable favor with those obliged to travel frequently between Washington and Baltimore.

One of the most notable friendships which has sprung up between a Congressman from the "effete East" and a Representative of the middle progressive west is that of Hamilton Fish of the Twenty first New York district and Clarence Benjamin Miller of the Eighth Minnesota district.

As those of the Army would express it they are "buddies." They lunch together daily and during the sessions of the House may be observed in earnest conversation. These men are entire opposites in physical appearance, Miller of Duluth being of ruddy complexion and of rather boyish appearance, of almost bashful presence; medium in height and weight. Hamilton Fish on the contrary is a six footer lank and spare, with austerity written all over him. Each is devoid of hirsute facial adornment though both have a reasonable amount of hair

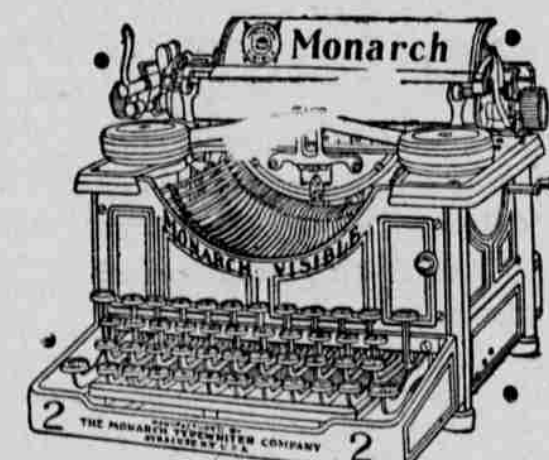
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