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THE KILLING OF JAMES DYER AT GREENWOOD

Bozarth, the Murderer, Now on Trial in the District Court—A Large Number of Witnesses Present to Testify.

From Friday's Daily—

This morning the case of the State vs. Bozarth was taken up and the morning was consumed in trying to secure a jury. Bozarth is the man charged with the murder of James Dyer at Greenwood several weeks ago and the defense will probably be insanity. County Attorney Rawls represents the state while A. N. Sullivan is handling the defense.

The jury in the Bozarth case, as finally selected, is as follows: Theo. Amick, John Weyrich, Thos. Murphy, W. D. Wheeler, Chas. Brann, T. S. C. Dabb, Luke Wiles, Albert A. Wetenskap, E. C. Giberson, Chas. Wilkins, John Brady, and W. R. Murray. The taking of testimony commenced this morning, the first witness called being Dr. N. D. Talcott of Greenwood whose testimony was along medical lines.

Dr. Talcott testified as to the position and nature of the knife wounds from which Mr. Dyer died. There was no effort to prove either sanity or insanity by the witness.

H. H. Wiedeman testified to the actual facts of the murder, he being an eye witness. According to him, Bozarth approached Dyer and when they were together he placed his arm about Dyer's neck and with an open knife stabbed him twice in the abdomen.

Dyer seized his arm and together they struggled for a few moments when Dyer weakened and as he sank to the ground Bozarth plunged the knife into his heart. Bozarth then started away and was speedily overtaken and disarmed. He did not struggle. This in brief is the story of the tragedy. Constable Andrus gave some important testimony on Bozarth's capture and delivery to the jail here while the testimony of Gus Brockhaug and Charles A. Helms was largely corroborative of those who went before.

The afternoon session of the case opened with the reading of the deposition of J. N. Bozarth of Rush Springs, Oklahoma, Sam Bozarth of Salina, Texas, brothers of the defendant, Dr. N. Clayton of Salina, Texas, Ben Smith of Salina, Texas, J. H. L. C. English of Salina, Texas, all called by the defense and read at this time so that the medical witnesses for the state could obtain an idea of the evidence in the case. These witnesses all testified to an acquaintance with the defendant while he lived in Oklahoma and Texas and each of them was of the opinion that he was mentally unbalanced, basing their belief upon his actions and conversations. They all testified that he had been afflicted with delusions in which he thought that his neighbors and other parties were seeking to imprison him and to take his life. His brothers testified as to some distant relatives having been insane and idiotic at times although this testimony was rather weak.

Dr. Hayes of the State Asylum for the insane was then called by County Attorney Rawls and a hypothetical question put him in which all the evidence of the case was incorporated as well as many facts which showed the delusions from which he was suffering had continued all through his lifetime. Dr. Hayes gave it as his opinion that Bozarth was insane and that that condition would continue so during the remainder of his life. He was what was known as a paranoid or a monomaniac. There might be intermissions when he would be rational but the delusions would return. Defendant was a dangerous man. He did know right from wrong but his actions were controlled by his delusions. He must have known the killing was wrong. The examination of the witness brought out the fact that Bozarth claimed to have heard that Dyer "had a gun for him," he telling Dr. Hayes this when he was examining him last evening. His testimony was favorable to the defendant save that it laid strong grounds for Bozarth's commitment to the asylum.

Dr. E. D. Cummins also testified strongly that Bozarth was insane but that he knew the act of killing was wrong. Self protection impelled him

to commit the act as he feared for his life.

Dr. J. H. Hall also testified that Bozarth was insane and he was of the opinion that Bozarth did not know the difference between right and wrong. Dr. Hall believed the mental trouble would continue indefinitely.

This closed the medical testimony for the state which had sought to show that Bozarth was so dangerous an insane man that he should be strictly confined. No effort was made to prove sanity or to prove a motive for the crime and the efforts of the state were directed toward making so strong a case that Bozarth should go to the asylum.

Hon. Albert Metzger.

Here is a Cass county production that we are all proud of. Born and reared to manhood here he went to the northwestern part of Nebraska several years ago and located on a ranch in Cherry county, where together with a brother he engaged in stock-raising, and has prospered well. Two years ago the people of Cherry county honored him by electing him to the legislature, and wanted to send him back again this winter, but he refused to accept a re-nomination because it interfered with his business so much that he could not afford to spend so much time away from home. Mr. Metzger came in from the ranch Wednesday to visit his mother, brother and sister at Cedar Creek, and came down to Plattsmouth this morning to look after some business matters, previous to departing for his home on the noon train. While in the city Mr. Metzger called at the Journal office to extend congratulations to Col. Bates and renew his faith in his old home paper, and all we regret is that Albert will not be at Lincoln to keep us company, as he is one of the finest young men in Nebraska.

Another Wreck On the M. P.

From Friday's Daily—
The Missouri Pacific had a slight derailment this morning early, which resulted in tying up the road for the day. The trouble was caused by the derailment of a car between Murray and Union which the trainmen were unable to get on the track again. On this account, the northbound morning passenger was detoured via Weeping Water and Louisville, while the southbound train went the same way. The freight for the south was reported as being at South Omaha at 11 o'clock, while it was not known whether it could get further south than Murray at all. There were many passengers much inconvenienced by the wreck, there being passengers for both the north and the south in large numbers.

New Cash Register.

John Hatt & Son have just added a new cash register to the equipment of their store, having installed it yesterday. It is a fine, new modern and strictly up-to-date machine much like that put in a short time since by H. M. Soennichsen and which was described at length at that time. The only difference is in the size of the machine and the number of drawers it contains. It will greatly facilitate business with this enterprising firm and assures them protection against the usual mistakes of business. The machine was sold there by C. D. Lusk, the enterprising salesman of the Cash Register Company.

Returns From Oklahoma.

Adam Hild, the vigorous German farmer from west of this city, has been taking a well deserved vacation from his labors and for the past three weeks has been in Oklahoma visiting with relatives and friends at many points including Minco, El Reno, Union City and other points. Mr. Hild found everything in Oklahoma to be in fine shape, the crops being abundant and everything prosperous. The ex-Cass county people who are located down there are all enjoying themselves hugely and have been very fortunate in their business. Mr. Hild certainly enjoyed himself while away and was sorry to have to return.

Could Not Get There.

From Friday's Daily—

Commissioner Martin Friedrich was greatly inconvenienced by the wreck on the M. P. between Murray and Union. It had been arranged for the county commissioners to meet today at Union and proceed to the proposed Liberty drainage district where they would look over the ground and make an investigation into the proposed district. Commissioners Switzer and Jordan were on hand this morning but Mr. Friedrich could not make it as he could not get a train, the wreck causing the south bound train to be detoured by way of Weeping Water. He was promised that he might be able to get south on the freight, but later he was told that this train would likely be annulled so he was forced to abandon the trip and so telephoned the remainder of the commissioners. They in company with several other parties are engaged in the task of looking the ground over this afternoon.

District Court.

From Friday's Daily—

In district court yesterday afternoon Judge Travis put an end to the case of Henton vs. The Sovereign Camp of the Woodmen of the World by instructing the jury to return a verdict in favor of the plaintiffs. The amount was \$750 which is divided between Mrs. Henton and the minor heirs of the deceased.

The testimony in the case developed the payment of Henton's lapsed dues to the Clerk of the Camp on the day of Henton's death. He had failed to pay his dues for several months prior to his death and under the rules and by-laws of the order stood suspended as a member. The court held the acceptance of the back dues by the Camp Clerk reinstated him as a member and made the order liable. It is probable that the case will be appealed to the supreme court.

A Good Appointment.

Burlington Agent Pickett is in receipt of a formal circular announcing that F. T. Darrow has been appointed Engineer Maintenance of Way vice I. S. P. Weeks, deceased, with headquarters at Lincoln, Neb. Mr. Darrow is quite well known in this city and throughout Nebraska, having been District Engineer for the Burlington for sometime past. His new appointment comes as a well deserved and marked promotion. He is generally recognized as one of the ablest members of the Burlington's engineer corps and has been credited with a great deal of their most difficult work. He is largely responsible for the new subway which the company is building at this place and the plan of lowering the streets for the drainage of flood waters, is one of his devices. His many friends in this city and vicinity extend their congratulations to him upon his notable promotion.

ANOTHER SHERIFF CALLED FOR DUTY

Sheriff Fischer, of Otoe County, Called to Chase Down the Weeping Water Murderers.

The Nebraska City News of Thursday says that Sheriff Fischer was called to Syracuse this morning to take up the track of the men who are supposed to be the one who killed the night watchman at Weeping Water last week. It seems that Mr. Emmens in coming into Syracuse last evening, saw two well dressed men crossing the railroad track going toward a hay stack and reported the matter when he got into town, because they acted so strangely. Constable Meeker and several others went out to that place and found where the men had been, but they were gone, so they could not find any trace of them.

About midnight Landlord Holderness, of the Syracuse hotel, heard a noise and going down into his kitchen found one of the men there eating and he made his escape. He at once aroused a number of people and they started out to search for them.

The men answer the description of the men who killed the watchman at Weeping Water and has since been able to escape arrest. Both are well dressed. Mr. DeFrees came into town and passed the men going out and his description tallied with others who had seen the men. A detective came down from Lincoln on the freight train and took up the trail of the men. The men went south and are working south of Syracuse this afternoon and hope to make a capture before night.

TOMS CONVICTED OF BIGAMY

Once a Citizen of Nehawka and a Preacher at the Time of His Residence.

From the following special from Tecumseh, Neb., under date of November 5, it would seem that the once Rev. Toms, who made his home at Nehawka, this county, has finally come to grief: "The somewhat checkered career of 'Rev. Dr.' Toms received a setback at Larned, Kan., Wednesday when he was found guilty of the charge of bigamy in the district court of Pawnee county. At one time Toms was engaged in the mercantile business at Graf, this county. He had prepared himself for the ministry, being of Baptist persuasion, and had had charges in Nebraska. For a time he lived in Tecumseh, but did not engage in ministerial work here. Later Toms devoted his time to the practice of optometry and traveled as an optician. In this way he secured the title of 'Dr.' Toms married a daughter of Mr. and Mrs. W. C. Carrington of Tecumseh and a child was born to them. There were domestic difficulties and Mrs. Toms and child came to Tecumseh to make their home with her parents. Toms went to Kansas and engaged in evangelistic work, and in the meantime he went to Colorado Springs, Colo., and secured a divorce. The decree was granted on September 15 last and on September 17, two days later, Toms was married to a Mrs. Kate Kennedy at Great Bend.

"The woman had heard him preach, had become acquainted with the revivalist, and their acquaintance seemingly ripened into love and their marriage followed. The woman is 20 years the senior of Toms, having grown children, and is said to have some little wealth. The particulars in the case leaked out and the friends of Toms' first wife, particularly among the church people, took a hand in the matter. The result was the arrest of Toms on the charge of having falsified in securing his divorce and not having waited the time prescribed by law before remarrying. His conviction followed. The judge at Larned will pass sentence within a few days. Toms may appeal to the supreme court, but the prosecution announces it has a convicting case against him."

Latest Returns.
From Friday's Daily—
A Western Union bulletin received this noon gives the latest election news as follows: The republicans elected two congressmen for certain, they being Hinshaw in the Fourth and Kinkade in the Sixth district, with Norris in the Fifth district in doubt. The democrats elect Maguire in the First, Hitchcock in the Second and Latta in the Third beyond a doubt, with the Fifth in doubt. Returns indicate Missouri is surely republican by a scant plurality and Maryland is so close as to be in doubt. This is not much of a change from the morning reports and indicates returns coming in very slow.

Hurried to the Hospital.

From Friday's Daily—

J. W. Tulene was hurriedly taken to the Immanuel hospital last evening, where an operation was performed upon him. While he had been complaining for some time of feeling badly, he had become so bad that the attending physician deemed an operation imperative. At the hospital the operation disclosed the fact that Mr. Tulene was suffering from a loop in the bowels, which was immediately relieved and at midnight he was reported as resting easier and with every prospect of getting through all right. W. A. Tulene, his brother, was a passenger this morning for Omaha, where he goes to look after him and assist in any way possible in his recovery. It is to be hoped that he finds him very much improved and that his complete recovery will be a question of only a very short time.

For Supreme Judge.

From Friday's Daily—

A special from Fremont says that the members of the Dodge County Bar have unanimously signed a petition to Governor Sheldon to appoint Hon. Geo. L. Loomis a judge of the supreme court to fill one of the vacancies made by the adoption of the constitutional amendment increasing the number of judges. Fremont people generally, without regard to politics, are anxious to see him one of the two democrats to receive the appointment.

He Extends Thanks to His Friends for Their Generous Support

ALMA, Neb., November 4.—World-Herald: Through your columns I wish to extend to the democracy of Nebraska and the friends in all political parties who made possible the splendid democratic victory in this state November 3, my sincerest thanks.

GOVERNOR ELECT SHALLENBERGER

He Extends Thanks to His Friends for Their Generous Support

A united and thoroughly organized democracy proved conclusively the irresistible force of perfect organization while, of course, the first reason for our substantial victory in this state was the determination of our people to show their trust in our great and grand leader, Mr. Bryan, by giving him a vote of confidence. Yet splendid work was done by every one concerned with democratic management.

This year I wish to congratulate the chairman and every member of the state committee and Bryan Volunteers and working force for their very efficient work in the late campaign. Especially I wish to acknowledge personally the splendid work done by our incomparable secretary, C. M. Grunther, working night and day. He achieved success when victory was generally believed impossible, and proved himself the Von Moltke of Nebraska politics.

To the World-Herald, our only metropolitan daily, I wish to extend thanks for its invaluable assistance and to say that good democrats everywhere rejoice in the success of Mr. Hitchcock, candidate for congress, as well as in the triumph of our other congressmen and legislators who were elected.

A. C. SHALLENBERGER.

Robbed at Ashland.

Friday at Ashland A. L. Snavelly of Omaha was assaulted and robbed within a short distance of the Burlington station by an unknown man who made good his escape. Snavelly who had come into the town from the east on train No. 13, started to walk up to the city when he met a man who inquired of him the way. He answered the questions put him when the man suddenly leaped upon him and knocking him down proceeded to go through his pockets. The robber secured \$130. Snavelly made an outcry but the noise of the train leaving the station drowned his cries and the man was enabled to get a good lead over the citizens and the officers. So far as can be learned there has been no capture made of the scoundrel. The local police and sheriff are on the outlook for the robber.

A HANDSOME FARM RESIDENCE

The New Home of Mr. and Mrs. Henry Born, Three Miles Southwest of Plattsmouth

Near the Taylor school house, three miles southwest of this city, is situated one of the most convenient and up-to-date farm residences in Cass county. It is the new home of Mr. and Mrs. Henry Born, who have just cause to feel proud of it. Several years since, probably three or four, Mr. Born purchased the farm upon which this elegant home is located, from Charley Warner for \$100.00 per acre, also 80 acres adjoining from Senator Thomas at the same price.

The farm which he purchased from Mr. Warner had a house upon it built fifty-years ago by Capt. Archer and which had served all practical purposes until the natural thrift of Mr. Born had served to put him in a position where he could afford to build him the fine new home he has just finished.

The new home is an eight room farm cottage fully equipped with every modern convenience, finished in elegant style with valuable woods and handsome interior finishings. To enter it is to step within the threshold of one of the finest rural residences in Nebraska. The couple have just moved in and that they enjoy their new home is assured.

The work upon the building was done by A. Baxter Smith and Herman Tiekotter and that alone should serve to demonstrate the superior quality of the work. These men gave the job their closest attention and made certain that when the job was completed they could well be proud of their work.

Henry Born is a son of our good German fellow citizen Leonard Born and he has inherited all the energy and thrift which has distinguished his father. To the early aid given him by his father he owes much of his success in life, and to this he has added by his patient work and toll. The new home is a standing monument to the patient labors of this good citizen.

SCHOOLS ARE BEING FUMIGATED

Board Gets Busy and Takes Advantage of Teachers Vacation To Do Work

Several days since the Journal in response to a suggestion from a lady in the city, printed an article calling the attention of the school board to the opportunity to fumigate and disinfect the schools during the vacation. The suggestion met with instant approval from the public and the Journal is glad to note that the members of the board promptly seized the opportunity and today the schools are being fumigated throughout the city. This is excellent work and cannot be too highly commended. While there was no pressing danger of any contagious disease getting a foothold in the schools it was the part of policy to take no chances and the board realized this and immediately got in to action. The expense of the work is trifling especially in the view of the measure of prevention which it accomplishes. The work of the board cannot fail to meet with public approval.

The work commenced with the schools on the north side of the city and was extended over the whole town until all the various wards and the High School is taken care of. By night all the work will be done and Monday when the schools again throw their doors open there will be absolutely no danger of contagion.

Old Friends Meet.

From Saturday's Daily—

Dr. E. W. Cook of this city, this morning was very pleasantly surprised to receive a visit from an old schoolmate of his. Mr. W. B. Donaldson of Pierce, Neb., happened to be called to the city upon business and immediately proceeded to look up Dr. Cook with whom he was raised some twenty-five years ago at Salem, Ia. They had a very enjoyable visit the long interval of a quarter of a century serving to make the meeting most agreeable. Mr. Donaldson also had the pleasure of meeting M. S. Briggs who also came from Salem at the same time that both Mr. Donaldson and Dr. Cook were there. After a very pleasant visit with both gentlemen Mr. Donaldson departed on the mail train at noon for his home, all parties agreeing that they would not wait another twenty-five years before meeting.

To Have Examination Made.

From Saturday's Daily—

Dr. J. F. Brendel of Murray accompanied Glenn Perry and his two little boys to this city this morning, the party driving up from Murray and arriving here just in time to connect with the Burlington fast mail for Omaha. Mr. Perry is having his two little boys taken to Omaha for an examination by Dr. Gifford, one of the little fellows suffering from bad eyes while the other has a throat affliction. The examination will take place this afternoon after which the party will return to this city on No. 2 and drive back to their homes.

When buying candies, why not buy the best? We always have a fine line of the superior grades on hand. Nemetz & Co. Next to P. O.