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MUCH CONFLICTING TESTIMONY GIVEN

The Coroner's Inquest Develops Startling Facts

From Friday's Daily.

The coroner's inquest at the home of John P. Thacker last night developed a very startling state of affairs and brought out some evidence which is flatly contradictory. The witnesses examined were Lee Thacker, Carter Albin, Earl Albin, Ira Clark, Jas. Stevens, Lenn Crawford, Dr. T. P. Livingston and Dr. J. F. Brendel. The two latter gentlemen testified to the medical conditions surrounding the wounds from which he suffered.

The testimony of the several witnesses was in sharp conflict. Some of those examined swore that the first shot fired by Clarence was before Thacker had picked up a board or made a hostile move toward the former while others go to the other extreme and swear that Thacker had knocked Clarence down and had repeatedly hit him over the head with the board before he drew his revolver and fired.

As near as the story can be woven from the tangled mass of testimony produced, it would appear that the men were engaged in shelling corn at the farm of James Darrough. The situation at the time of the trouble seems to have been about as follows: The corn which was being shelled was being shoveled out of the crib by Crawford and Clark who were in the crib. The sheller stood about the middle of the crib and these two men shoveled the corn into it. Backed up to the spout of the sheller was a wagon with two top boards on it driven by Carter Albin who was in the wagon at the time of the occurrence. The team stood parallel to the crib. Earl Albin, a nephew of Carter Albin was standing on the ground between the wagon and the crib and the two Albins were engaged in a heated quarrel. Lee Thacker was engaged in arranging a chain at the chute from which the cobs were delivered from the sheller being some twenty or thirty feet from the crib. Stevens the engineer of the traction engine, was in the cab of the engine around the corner of the crib. Clarence was standing near a water tank and probably thirty feet from the corner of the corn crib, also in such a position that Carter Albin's wagon and team was between him and the crib and between him and Earl Albin.

Thacker who had come to the farm to look after the shelling, came up and passed Clarence, noticing the two Albins quarrelling. Carter Albin standing in the wagon with his back to Clarence and to the direction from which Thacker approached. As he came up Earl Albin was standing on the ground and daring his uncle to come down out of the wagon and whip him, at the same time running his hand up and down his coat pocket as if he had a weapon concealed there. He was also using violent language toward Carter Albin and seemed intent upon having trouble. Thacker came up and walked around the head of the team close to the two quarrelling men. According to some of the witnesses Thacker advised Carter Albin to get down out of the wagon and "slap the little whelp's face" or some similar language. Others insist he used language more forcible than this and advised Carter Albin to injure his nephew. At this Clarence, who was still standing at the water tank, took a hand and told Thacker to "keep his face out of it. It is none of your row." Some others say he used stronger language and threaten to shoot Thacker if he did not keep out of the trouble. Here is where the real sharp conflict in the testimony commences and it is hard to reconcile the statements of the

several witnesses. According to Clark and Crawford who were in the corn crib, Thacker seized a board and started for Clarence, striking him over the head with it, at which Clarence drew his revolver and shot three of the bullets taking effect. As Clark and Crawford were both in the corn crib with a wagon with two high sideboards upon it between them and the scene of the shooting, their testimony created some surprise. It was borne out by Earl Albin who was standing on the ground with the wagon between him and the parties to the shooting. The testimony of Carter Albin did not throw any light upon the actual facts of the shooting. He insisted that he did not see the trouble as he had his back to the parties and was watching his nephew whom he feared intended to shoot him as he had his hand in his pocket and was acting in a threatening manner. The evidence of Lee Thacker is flatly contradictory to that of the others. He was at the end of the spout where the cobs were being expelled from the machine, and from his position he should have been able to see the entire trouble. His version is that Clarence commenced firing as soon as Thacker appeared around the horses' heads and that Thacker had nothing in his hands at this time. That Thacker after the first shot was fired picked up a board and dashed toward Clarence with it, striking him over the head after the shots were fired and finally falling to the ground from his wounds.

From this it can be seen there is a very sharp conflict of opinion as to what actually occurred and that it is hard to determine just what method of procedure will be adopted and just what degree of murder will be charged the defendant. From present indications a charge of murder in the first degree is likely although County Attorney Ramsey is still considering the testimony and the surrounding facts before finally deciding the nature of his course. There is a possibility of some of the witnesses in the case getting themselves into trouble on account of their conflicting stories of the matter although this is hardly expected.

The testimony of Drs. Livingston and Brendel was purely medical and recited of the effects of the wounds which Thacker suffered from.

The coroner was present to hold the inquest coming down from Elmwood, his home, and County Attorney Ramsey represented the state while Byron Clark looked after the interests of Clarence. Court Reporter Earl Travis took the evidence in the case for the several parties.

The verdict of the jury was sealed up and has not yet been opened here. It is understood that they merely found that the deceased came to his death from the effect of bullet wounds inflicted by John Clarence and made no recommendation in the case. Under this verdict it is left to the county attorney as to what charge to prefer against Clarence.

After the inquest Sheriff Quinton and Attorney Clark drove to this city arriving here about four o'clock this morning, the inquest having held until after midnight. County Attorney Ramsey and Reporter Travis drove to Union and came up on the M. U. train this morning.

Mr. Thacker's funeral took place this afternoon from his residence and was probably largely attended as John P. Thacker was a popular and greatly esteemed man. A further account of it will appear tomorrow.

Buys a Very Fine Team.

Jas. Sage, the horseman, has just made a sale of a fine team of drivers to Harry Meisinger, the team being considered one of the best ever exhibited in this section. Mr. Meisinger paid \$450 for them and is justly proud of his acquisition. This team Mr. Sage has exhibited at several county fairs in this section where the competition was pretty strong and he had the proud satisfaction of seeing them step away with the blue ribbon in each event, they taking first prizes at three county fairs. They make just the team which Mr.

Meisinger wants to drive to and from the city and are a good step toward improving the general class of driving horses which this section is stocking up with. Mr. Sage during his ownership of this team took great pride in them and parted with them with genuine regret.

Claud Everett came up this morning from his home near Union for a short visit with relatives, and to attend to some business matters in the city.

"Gut Hell," the favorite cigar.

Will Sell Goods.

From Friday's Daily. Tomorrow afternoon at 2 o'clock at the south door of the court house there will be a sale by the constable of the goods belonging to Frank Benfer taken under the order of attachment secured by Charles Wilkins and Ed. Egenberger. This property consists of 25 gallons of whiskey, 14 broken lots of cigars, 10 bottles of Triner's Bitter Wine, 2 cases of Blatz beer, 49 bottles of Blatz beer. Anyone desiring such goods are invited to call and bid on the same. Saturday afternoon at 2 o'clock at the south door of the court house.

GETTING VERY BUSY

Legislators Are Working Hard on a Bank Guarantee Law

Lincoln, Neb., Jan. 20, 1909. The House has almost gotten down to business in the fullest sense of the term, and bills are being enrolled daily. The bill in which most of the members of this legislative body are interested just now is one to appropriate funds to pay the members of this august body and its employees which will no doubt be engrossed this week.

Several guaranty bank bills have been introduced, but none seem to strike the right spot yet. The Wilson bill in the House and the Volpp bill in the Senate will no doubt suit several members in each body, but it is the general sentiment both will be voted down. This body is decidedly in favor of a bill that guarantees immediate payment, without any ifs and ands about, and no other sort of a bill will pacify a majority of the members. There is not a democratic member of this House but who was elected pledged to a guaranty law that meant something, and when such a bill comes up it will be passed, are there are also a number republicans who are also pledged to such a law.

Senator Banning has introduced several bills in the Senate, which your humble servant had intended to introduce in the House, chief among which is taking the salary away from sheriffs and giving them only the fees for services rendered. Such a bill will be generally supported in the House and will no doubt carry.

A bill has been presented in the House restoring to the people the right to elect their own precinct assessors, and when the proper time arrives for its adoption there will be no dissenting voices on the democratic side of the house.

The House adjourned at noon today to visit the state farm in a body, but it is marbles to chalk that not one-half of either body will attend.

Representative Noyes, of Cass, has introduced a bill to compel all saloon keepers to place a big display card in their places of business, with the following printed thereon: "No treating permitted here." It would seem that if the rank prohibitionists fail to get one thing they will insist upon getting another.

Byron Clark, C. A. Rawls and Judge Sullivan were here yesterday shaking hands with their friends. Our friend, Billy Puls, of Mt. Pleasant precinct, was also here yesterday, and had an opportunity of seeing how they behave in a body of this kind. We were delighted to meet him.

Senator Banning is no "slouch" in the Senate, we desire to inform you. He is among the leaders of that body and is getting in some good work.

Miss Lucille Bates has been chosen by Henry Richmond, the chief enrolling and engrossing clerk, as his first assistant. There are quite a number of young ladies employed in Mr. Richmond's office, including Miss Leona Brady. Mr. Richmond is a most popular official and makes a friend of everyone he meets. More anon. M. A. B.

To Fill Vacancies.

Dispatches today announce that Congressman Pollard has two vacancies to fill in the naval academy at Annapolis. He has promised one place to Carl Chapman of Tecumseh and has made a conditional promise of the other. There are three alternates to be chosen for each position and none of these places have been promised by him.

Accidents will happen, but the best regulated families keep Dr. Thomas' Electric Oil for such emergencies. It subdues the pains and heals the hurts.

DIES IN ILLINOIS

Jacob Volk Dies at Pekin, Illinois, Will be Brought Here for Burial

From Friday's Daily.

Yesterday afternoon Commissioner Friedrich and Jacob Tritsch received the unexpected and sad intelligence from Pekin, Ill., of the death of Jacob Volk, brother of Mesdames Friedrich and Tritsch and father of William Volk, living near Louisville. The message conveying the intelligence of his death contained no further information than the mere fact that he had died, giving no cause. The message also asked whether he should be buried there or brought to this city for burial. It was decided to have the body brought here and interred beside his wife who sleeps in Waldrat cemetery some twelve miles west of the city. It is expected that the body will arrive tomorrow morning and the funeral will be held Sunday. Other details will be arranged later.

Mr. Volk was quite well known in this city and vicinity and universally respected. He was an excellent, Christian gentleman, thrifty and upright in his business dealings and a man deservedly popular.

His wife preceded him to the better land a number of years ago, and but one son, William, survives him. Mr. Volk married Miss Terryberry of Louisville.

A full sketch of the life of this estimable citizen will be printed in the Journal later.

FAILED TO GET PAPERS

Chris Bockalmann Runs Up Against Snag in Naturalization Law

Chris Bockalmann of Otoe County came to the city yesterday intent upon getting his first naturalization papers and ran squarely up against a snag. Chris labored under the delusion that the old law respecting naturalization papers was in force and effect, and that all he had to do was to declare his intention and obtain his first papers. Recently he had purchased some land in Oklahoma and had made all arrangements to move down there and become a thrifty and prosperous citizen of that commonwealth. He thought best to get his papers before he left the region of his friends and made the trip yesterday for that purpose. Comes now the majesty of the law and says that Chris cannot get his first papers until he has given ninety days notice thereof. As he cannot wait this length of time and must live in Oklahoma one year before he can make application there, he is in bad shape. In addition when he applies for his final papers, he must have the testimony of two citizens who have known him five years, so the prospects of Christian becoming a good citizen inside of six years are not very bright. He took the situation philosophically and merely remarked "one must expect these things."

Shipped to Texas Homes.

Charles Frans and Dick Conrad commenced Wednesday loading a large lot of their worldly goods for shipment to their new homes down in the Texas Panhandle country, and yesterday they started with four carloads. W. H. Crawford and Luke Crawford accompanied them and may remain there several weeks. George Conrad had made arrangements to ship at the same time, but the illness of his son will delay his departure for awhile.

The Franse and Conrad families did not accompany the "menfolks" yesterday, but will go later after the goods are there and arranged for comfortable living. The moving of these families takes some of our best people whose companionship we regret to lose, but all their acquaintances here hope they may be happy and prosperous in their new homes in the sunny south.—Union Ledger.

A Disastrous Defeat.

The Plattsmouth basket ball team composed of Charles Hoppling, Fred Mann, Rex Wilson, Emil Droege and Clarence Beal made a disastrous excursion into Iowa last evening over to Malvern and tackling the team at that place. The outcome of the game was an easy victory for Malvern who won by a score of 24 to 7. Ernest Wurl went along to bring back the remainders after the slaughter. What was left of the team returned this morning on No. 19.

FIGHTING TUBERCULOSIS

Modern Woodmen Society Will Conduct Free Sanatorium For Members

The Journal is in receipt of information through Dr. E. W. Cook, state physician to the Modern Woodmen of America, of the determination of that organization to establish a sanatorium for the treatment of tuberculosis. This sanatorium is for the use of members of the organization and is a big step in the fight against the white plague. It is an excellent thing from several points, not alone from the view of saving for the organization in losses but for the welfare of the people at large. Through the courtesy of Dr. Cook the Journal is enabled to print below a complete outline of the situation as regards the position of the Woodmen on the subject:

At the December meeting of the Executive Council of the Modern Woodmen Society, held at the headquarters of the society in Rock Island, Ill., it was decided to conduct that society's sanatorium at Colorado Springs, Colo., for the treatment of members afflicted with tuberculosis, free of all charges to members.

The Modern Woodmen Society, several months since, acquired 1,380 acres of land within seven miles of Colorado Springs, and has established thereon an up-to-date sanatorium, the tent colony plan being employed. The first colony plan will be ready for reception of patients on January 1, 1909, and is equipped to care for 69 patients, to which number admissions will be limited for the present.

The tents are octagonal structures with shingle roofs, canvas sides, hardwood floors on solid cement foundations, heated by a central plant, equipped with all modern conveniences, such as telephones, etc., and each tent will accommodate one patient. An administration building for physicians, nurses, dining hall, baths of all kinds, etc., stands in the center of the colony.

Dr. J. E. White, formerly of the Nordrach ranch sanatorium, the medical director in charge, states that only those consumptive members who are curable, or whose lives may be prolonged for a considerable length of time, will be admitted as patients. The wisdom of this rule is apparent. Rigid medical examination as a condition precedent to admission will be insisted upon in every case, and special blank forms have been prepared for this purpose.

It is expected that another colony of 60 tents will be ready by July,

1909, and that acceptable patients will be ready to occupy it in full by that time. A movement is already under way to equip the second colony plant. Each tent, completely equipped, represents an expense of \$250, and a number of local camps, or lodges, of the society have decided to donate tents. As there are over 13,000 local camps of Modern Woodmen, and over 1,000,000 members, it is anticipated that several colonies will soon be equipped in this way.

The members and local camps of the society have voluntarily contributed to the sanatorium fund over \$70,000, and at the last national convention a permanent tax of ten cents per member was voted to the support of this work.

The last official Woodmen reports show that during the years 1891-1907, inclusive, 14.5 per cent of the total mortality, or 5,156 deaths, were charged to tuberculosis, and that 13.9 per cent of the total insurance losses in those years, or \$9,065,000, resulted from this cause. As the mortality experience of the Modern Woodmen society has been remarkably favorable, being but 70 per cent of the expected at all ages under the National Fraternal congress table, a death rate of but 6.29 per 1,000—or but 4.98 per 1,000, if the experience of the first five membership years be included—the much heavier insurance losses inflicted upon other societies experiencing a higher mortality may be conservatively approximated.

Which prompts this question: If the Woodmen Society, with its exceptionally favorable mortality, finds it to be "good business," as well as good fraternalism, to fight consumption in this way, why should not other fraternal societies, life insurance companies, labor organizations, the national and international church bodies, etc., find it profitable, from the viewpoint of business or benevolence or both, to take such action.

Every life saved to the Woodmen Society, by means of this sanatorium, will, it is stated, represent a saving of \$1,700—the average amount of the Woodmen policies in force—at an expense for treatment of approximately one-twentieth of that sum. In the broader sense, each life saved means the preservation to the family of its head and bread winner, and to the state of a useful, self-sustaining citizen.

IN THE COURTS

Case of Miller vs. Worth on in the District Court—Quiet in Justice Archer's Court

From Friday's Daily.

Matters in Justice Archer's court were very quiet. In the case of Plyson vs. Dunn, a suit for balance due on contract for grubbing brought by some parties near Union against Wm. Dunn of Weeping Water, a continuance of thirty days was taken. Chas. E. McEntree commenced a suit to recover \$23 from C. D. Woodworth, the paving contractor, for the rent of a wagon used by the latter last summer when he was paving the streets of this city. This is the claim which McEntree presented to the city council and which they rejected at the same time they retaining enough money from Woodworth's contract to make the city safe. Service was had on Woodworth who happened to be in town on business.

In District Court yesterday and today Judge Travis has been listening to the evidence in the case of Miller vs. Worth. This is a case from Murray involving the title to some eighty acres of land near that village which Mrs. Miller conveyed to her sister Mrs. Worth and which conveyance is now sought to be set aside. There are a great many witnesses in the case, seemingly the entire population of Murray being subpoenaed for one party or the other, and it is likely

will take the balance of the week to finish the testimony in the case. Matthew Gering of this city and Col. J. W. Stokes of Craig, Mo., represent one of the parties while Byron Clark looks after the other side.

Pleasantly Surprised.

From Friday's Daily. The Journal was very pleasantly surprised this morning by receiving a visit from our good friend D. M. Jones who came into the city last evening to visit with friends for a few days. D. M. is located at Tagosa Springs, Col., away up in the clouds, some 7,000 feet above sea level and the high air seems to agree with him as he is looking fine. He reports that there is not much snow now around Denver although at his location, there is plenty which will remain until the spring comes on. He is a Colorado enthusiast and considers that there is nothing better out that the sunshine and bracing air of the mountains. It is needless to remark that his many friends were delighted to see him once more.

Mrs. Martha Ruby, daughter of Mr. and Mrs. C. Bengen, has arrived in the city for a visit with her parents. At the first station this side of Oberlin her satchel was taken by the conductor of the train and set off the train, he later promised to send it to this city without charge. Today Mr. Bengen who was in the city complains that when the satchel arrived here it was held at the station for three days and he was compelled to pay forty-five cents storage charges on it. It is quite needless to say that he was justly indignant over such an outrageous hold-up.