

MURDER IN FIRST DEGREE

County Attorney Ramsey Files Complaint in Clarence Case

John Clarence will have to answer to the charge of committing murder in the first degree. This is the determination which County Attorney Ramsey has arrived at in the case, and the complaint which will be filed at once will so charge him. Mr. Ramsey is looking after some further evidence in the case which has come to his notice and when this has been examined it is his intention to file the complaint and have Clarence arraigned. He yesterday authorized the announcement that he had studied the evidence over carefully enough to feel that it would warrant the filing of a complaint charging the most serious of crimes. He would not state what this evidence was but that it is very grave must be certain or this complaint would never be filed.

It is more than probable the complaint will be filed either Saturday or possibly Monday and the understanding is that the defendant will be arraigned and plead to the charge. The preliminary examination will no doubt take place at that time or as soon after as it will be possible to get the witnesses together. There can be no trial of the case until May term of court and should the defendant be held for trial on the first degree charge, he must stay in jail as this charge is not a bailable one. If the court should not find him probably guilty of the first degree charge but hold him for murder in the second degree or man-

slaughter, bail could be arranged. The widow and family of the deceased John P. Thacker, are determined that the case be prosecuted for all there is in it, and they have retained Matthew Gering to assist the County Attorney in the prosecution. It is probable that he will take an active part in the preliminary examination and certain that he will aid in the prosecution of the case in the district court. Byron Clark has been retained to defend Clarence, he having acted as his counsel for many years.

Clarence is said to take his confinement in good shape and to be satisfied to wait until his case can be reached. He does not seem to be much worried over the ultimate outcome of the case and is confident of acquittal when he comes to trial.

The complaint against him would have been filed much sooner had it not been for the pressure of work in connection with the Ossenkop case. This being laid over for several weeks, County Attorney Ramsey is now at liberty to turn his attention to the business which has piled up in the office. There are several additional matters of consequence pending in his office which he expects to get to and dispose of before the Ossenkop matter comes up again. There are several criminal matters in which no complaints have been filed but which the parties interested in are urging for hearing and these will be looked into and such action taken as the circumstances justify.

JOHNSON WILL CASE

Being Bitterly Fought by Relatives in District Court

The contest over the will of the late Samuel S. Johnson of Elmwood opened in district court here this morning. The case is being bitterly fought and there are many witnesses in the city from Elmwood and vicinity. Attorney Byron Clark appears for the widow Mrs. S. S. Johnson who proposes a will for probate which makes her the devisee of the farm lands of which the testator died seized, and which gives to Edwin Jeary, the well known banker and lawyer of Elmwood personal property consisting of notes and other like property to the value of some \$40,000. Attorneys A. N. Sullivan of this city and William DelesDernier of Elmwood represent the contestants who include a brother, Wm. H. Johnson, several sisters and nephews and nieces of the deceased. The principal ground upon which the admission of the will is being fought is that Jeary exercised undue influence upon the deceased to secure the legacy of the large sum left him, and that there was fraud and deception used in securing the insertion of the provision of the will favorable to Jeary. These charges grew out of the close personal relations of the latter, Jeary being the business agent of the deceased and being consulted by him in all matters concerning the estate. Jeary drew the will under which he inherits which is also another point relied upon by the contestants to break it.

The case was heard before in county court where Judge Beeson sustained the contention of the proponents of the will and admitted the same to probate. It is from this order of the lower court that the contestants appeal.

The morning was practically spent in getting a jury for the trial of the case, all those called being subjected to searching and careful inquiry. The taking of testimony did not commence until about eleven o'clock and little progress was made up to noon.

Afternoon the taking of testimony was continued but at the hour of this writing little of real importance had been added, the counsel for the parties not having gotten into the case far enough to open up the facts which the contestants rely upon to win their suit.

Ask Yourself the Question.

Why not use Chamberlain's Liniment when you have rheumatism? We feel sure that the result will be prompt and satisfactory? It has cured others, why not you? Try it. It costs but a trifle. Price 25 cents; large size, 50 cents. For sale by F. G. Fricke & Co.

John Bukacek is spending the afternoon in Omaha being a passenger on the mail train for that city.

New Electrician.

M. R. H. Elliott of Lincoln has been engaged by the Plattsmouth Telephone Company as superintendent and electrician and arrived in the city the first of the week.

Mr. Elliott is a strictly high grade telephone man and comes very highly recommended.

For the past four years he has been employed by the Lincoln Automatic Independent Telephone Company in the responsible position of chief wire and superintendent of their private branch exchanges and for ten years previous to his connection with the Lincoln Automatic Company Mr. Elliott has held very responsible positions with other large telephone companies.

General Manager Pollock is to be congratulated upon securing the services of Mr. Elliott as he is perfectly capable of handling any class of telephone apparatus, either automatic, central energy or magnetic systems and in the rebuilding of the Plattsmouth Telephone Company's exchange which will begin shortly Mr. Elliott's experience will insure a perfect telephone service to the patrons of the Plattsmouth Telephone Company.

Dies at Farnam.

Word was received in this city yesterday of the death at Farnam, Neb., of Mrs. Claud Hostetter, she dying there during the day. Mrs. Hostetter was a sister of Mrs. John Hatt, Jr., of this city and had been ill for some time past, Mrs. Hatt being advised of her dangerous condition and intending to go to her bedside. Before she could make the trip death came to the sufferer. Deceased had a number of friends in this city whom she had met during her short residence of several months in this city some years ago, and they are all greatly shocked to hear of her demise. The entire sympathy of the public goes out to her sorrowing family and her sister in this city. A more extended sketch of her life will appear in Saturday's issue of this paper.

The remains will arrive in this city tomorrow morning and will be taken overland to Lewiston church and cemetery where services and interment will be made.

Little One Dies.

The little three months old daughter of Mr. and Mrs. Chas. Piper died at their home last Sunday, and was buried in the Elkembury cemetery yesterday afternoon. The funeral services were held at the home in South Park, in the afternoon. The bereaved parents have the sympathy of all.

For that Terrible Itching.

Eczema, tetter and salt rheum keep their victims in perpetual torment. The application of Chamberlain's Salve will instantly allay this itching and many cases have been cured by its use. For sale by F. G. Fricke & Co.

J. D. Cross of Union, one of the panel jurors, is registered with the Perkins hotel.

Does Food Agree With You?

We often find people with seemingly good appetite, but the food does not seem to agree with them. It does not make them stronger; they feel hungry soon after a good meal. This is not a healthy condition, because useful particles of food leave the body with the waste and are of no benefit to it. It shows that the digestive system is too weak to retain and assimilate the food. You must strengthen it with Triner's American Elixir of Bitter Wine. It will give satisfaction in curable diseases of the stomach and the bowels. It will make the digestive organs work regularly and the food will then certainly agree with you. It will make the blood pure, the nerves strong, the muscles elastic. Use it in all cases where your appetite is not natural, where you are losing flesh and weight, where you feel tired without cause. At drug stores, Jos. Triner, 616-622 So. Ashland Avenue, Chicago, Ill.

HAVE A MIXUP

John Harkins and H. E. Rand Have Lively Time of It

Yesterday evening the saloon of H. E. Rand on Main street between Fifth and Sixth streets, was the scene of a bloody battle between Rand and John Harkins in which the former, judging from his appearance, got very much the worst of the fray. Harkins invaded the saloon in a seemingly ugly frame of mind according to spectators, and started in to create all the racket and noise possible. Rand, who is running the place for the Blatz Brewing Company, tried to quiet him, telling him he wouldn't permit such a disturbance in his house. Harkins failed to choke off his uproar and Rand started to eject him. Forthwith there was doings aplenty. The air was full of fists and swaying bodies and when the smoke cleared away Rand was there with very much gore spilled over his countenance from contact with Harkins' large, rude mitts. As the poet has well said, Harkins literally "raised daddy" or something stronger, with Rand's face and put him very much to the bad. To add to the excitement attending the massacre, the spectators present injected very side-splitting humorous remarks designed to encourage Harkins in his evil course. Even after the fray was over and Rand was engaged in washing away the stains of battle, James Jones invaded the saloon and was misunderstood by Rand who imagined James was really named Mars, the god of war, and was coming in to renew the combat, so he was invited to get on the outside of the gilded resort and remain there. Jones replied in language that was rather strong as he admits but he stayed out.

Marshal Fitzgerald this morning swore out warrants for Rand, Harkins, Jones and John Miller charging the two former with fighting and disorderly conduct, Jones with using profane language and disorderly conduct, and Miller with assisting Harkins and encouraging him by language calculated to shock the refined sensibilities. Judge Archer this afternoon got out his Celebrated Brand of justice and heard what the parties had to say why they should not receive a coat thereof. He found that no one could identify Miller as one of those assisting in the riot nor could they identify him as urging the fighters on, so he got away on this charge. The marshal however, stated he would take him to jail on an old sentence which he had never served. Jones admitted that he used some pretty strong language but pleaded that it was a misunderstanding between he and Rand which the latter corroborated, letting him escape with \$5 and costs. Rand was discharged as the evidence disclosed that he merely protected his property and was within his rights. Harkins had not come in at the time of going to press.

John E. McGinniss of South Bend, one of the jurymen, is a guest at the Hotel Perkins coming in this morning.

William Stohlman, one of the solid farmers and veteran democrats of Center precinct, is renewing acquaintances in the city today. Mr. Stohlman is one of the best citizens of the precinct and his democracy is of the lion brand. He is always a welcome caller at the Journal office.

Adam Friedrich of Pierce County, Neb., one of the prominent and enterprising young men of that section was a visitor in this city and vicinity for a short time with relatives, departing for his home on the mail train at noon. Mr. Friedrich is a young farmer with a great deal of practical experience and much sound sense who has made his farm in Pierce County a paying investment. He formerly lived in this section and is a young man with many friends here.

South Bend

(Special Correspondence.)

A circle gathers every night,
Say ten odd or more
Around the big invitin' stove
In Stuz's grocery store.
Counters and chairs take
The place uv fine settees,
An' here the circle spends its time
In Stuz's grocery-store.

Here's where the farmin's carried on,
Here's where the hay is raised,
Here's where the cords uv wood are cut
An' where the stock is grazed.
Here's where the monstrous clams
are dug
Instead of 'long the shore,
Great deeds are done around the stove
In Stuz's Grocery Store.

The women folks around the town,
'Low if these great affairs
Would only happen close at home
They'd all be millionaires,
But while they're luggin' coal
Or wood out uv door
These warriors are fightin' still
In Stuz's Grocery Store.

They nights they come, the nights they go,
Spring, summer, winter, fall,
An' still they meet there regular,
The settlers one an' all,
I'd tell you more uv what they do
An' rake them fellers o'er,
But, I must go an' take my seat
In Stuz's Grocery Store."
By Charles Deur of the C. K. L. & P.
at South Bend, Neb.

Mrs. Chas. Hill spent Sunday in Lincoln.

Mrs. H. P. Long was on the sick list recently.

Jerry McHugh was a Louisville visitor last week.

Dr. Lewis was a professional visitor in the Bend Sunday.

Kleiser Bros. shipped out two car loads of sheep on Wednesday.

J. B. McGinniss was called to Plattsmouth to act on the jury.

Miss Katie McHugh of Plattsmouth visited at her brother Jerry's over Sunday.

John Wagoner, J. H. Tarpening and son Roy were Valparaiso visitors last week.

Mrs. John Campbell is enjoying a visit from her sister and brother of Calgary, Canada.

The Woodmen lodge will give a dance and oyster supper at the hall on February 12th.

O. W. Zarr went to Ashland Saturday night to spend Sunday with his sister Mrs. Dr. Henry.

Hiram Hunter of Glenwood, Iowa, has moved on the Adam Miller farm west of South Bend.

John Hewett is erecting a hot house on his place, so South Bend should be supplied with early garden stuff.

O. J. Wortman shipped out two car loads of household goods and farming machinery for White Water, Kansas.

W. J. O'Brien, Supt. of the hatcheries, entertained the game and fish committee Friday, who came down a regular inspection.

Hugh Murphy and his assistants were in the Bend Monday looking over the ground at the quarry. They intend to do more work here in the future. So by this the quarry will be running most of the summer.

The Workmen lodge have five new members to initiate in the order Saturday night. Workmen neighbors are invited to attend. Supper will be served after the meeting.

Alfonzo Sturzenegger spent Sunday at home. Also Miss Carrie and Jessie Deming being home from the University. "Sturze" hopes to make the university ball team. He no doubt will make good in all the games.

Sale bills are out announcing the sale of J. M. Demming, to be held on February 17. Here is a chance for buyers to select some good Duroc Jersey stock as at previous sales. Mr. Demming will give a full blooded hog to the lucky man.

The Rock Island bridge gang have been here the last few days preparing for the breaking up of the ice. They have done considerable blasting getting the ice loose from around the bridge. The ice ranges from 5 to 16 inches in thickness.

W. B. Ackerman has made a name for himself as a crack shot with the rifle. While a large flock of geese passed over the section house W. B. pulled up with his trusty army rifle which he purchased recently and killed one of the geese which weighed fifteen pounds. What makes this such a good shot is that the flock was almost two blocks from the depot, and were flying very high. Whether this was just a chance shot or demonstration of "Billie's" ability with the rifle we will have to leave to the crack sportsman. Later—Since the above was written we have heard that this is "Billie's" first fowl to his credit.

Eagles will trip the light fantastic on February 13 at Sokol hall.

TALK ABOUT
Good Candy

AND IT MAKES YOU THINK OF
LOWNEY'S

the kind which has
"MADE GOOD"

We sell it in packages
and in bulk.

Gering & Co.

WITH THE SICK.

George McDaniels was taken to Omaha yesterday noon for an operation for appendicitis. Mr. McDaniels has been suffering for some time and has been compelled to lay off at intervals, until he finally concluded to have an operation performed which would release him permanently. The operation will take place today and his many friends here hope that it will be a complete success and that his recovery will be soon and rapid. Mrs. McDaniels and baby were passengers for his bedside today.

The little son of Will T. Richardson who was operated upon some days ago for appendicitis, is reported as getting along nicely and there is no question of his recovery in quick time. This is good news for the friends of Mr. and Mrs. Richardson.

Herman Bestor who has been afflicted so long with rheumatism, is reported as getting along as well as could be expected. He suffers severely at times but bears his ailment with extreme fortitude. He can get out of the house very little owing to the weather conditions.

Mrs. John Nemetz is reported as progressing very nicely toward recovery and hopes are entertained that it will not be a great many days until she can be brought home. Her return will be hailed with joy by her numerous friends who have watched the progress of her disease with the closest attention.

Mrs. Frank Sivey who was recently brought home from the hospital at Omaha is reported as virtually recovered from the effects of the operation although somewhat weak yet. It will not be long before she will be able to be out and around as usual.

Henry Hesse who was recently operated on at the hospital in Omaha has not yet been able to go to work but expects to be able to do so in a very few days. He is considerably worn down by the ordeal he has gone through but will soon pick up.

Ed Egenberger whose poisoned hand was spoken of several days ago, is getting along nicely now and will soon be able to resume work. The hand was badly swollen for some time but this is now passing away and his physician will permit him to use the hand again in a few days. He had a narrow escape from serious trouble in connection with this injury.

O. G. Hale who has been seriously ill for several weeks past with pneumonia is reported as being much improved and expects soon to be able to be out of doors. J. W. Singleton of Kinsley, Kas., who has been visiting with him and helping take care of him, departed this morning for his home this evening.

H. H. Shrader of Murray was a guest of the Perkins last night coming to look after some business matters in the city.

Jos. Mullen, the Elmwood veteran democrat and member of the soldiers' relief commission departed this morning on the early train for Omaha from which city he will return to his home this evening.

Not Coughing Today?

Yet you may cough tomorrow! Better be prepared for it when it comes. Ask your doctor about keeping Ayer's Cherry Pectoral in the house. Then when the hard cold or cough first appears you have a doctor's medicine at hand. Your doctor's approval of its use will certainly set all doubt at rest. Do as he says. He knows. No alcohol in this cough medicine. J.C. Ayer Co., Lowell, Mass.

Robust health is a great safeguard against attacks of throat and lung troubles. Constipation will destroy the best of health. Ask your doctor about Ayer's...