

CLARENCE MURDER CASE ON TRIAL

Jury Is Selected and Attorneys Make Opening Statements

The opening of the trial of John Clarence for the murder of Jno. P. Thacker in district court this morning served to bring out a large number of interested spectators who flocked to the court room sometime in advance of the opening hour.

A large number of the spectators were from Union and its vicinity, many of them being witnesses for one side or the other. The interest shown by the general public was greater than that shown in the Fred Ossenkop case doubtless on account of the proximity of the occurrence to the place of trial.

Clarence is charged with murder in the first degree, having shot and killed Jno. P. Thacker in January last, at the farm of James Darrough, near Union and Murray.

Court was prompt in convening, Judge Travis ascending the bench at a few moments past nine o'clock. Some morning business was done including the dismissal of the damage case of Pratt vs. Marsh.

Court opened with the defendant present with his counsel, Byron Clark, and the State represented by County Attorney Ramsey and Matthew Gering. The aged father of the defendant occupied a seat beside him.

The calling of the jury proceeded promptly. Peter Campbell, Andrew Stohlman, Geo. Cook, Chas. Gerlach, Geo. Barton, Geo. Horn, D. A. Miller, Jas. Eager, John Edmunds, Jas. Turk, Wm. Starkjohn, L. D. Mullen, sr., were the first twelve men called to the box. County Attorney Ramsey examined the jury on the part of the state.

Jury Examined.

Peter Campbell examined. Knew the parties but had no opinion in the case. He also knew the counsel in the case, Mr. Clark having represented him. This would not influence his verdict. He would naturally sympathize with a cripple, such as defendant. In rendering his verdict he would be governed by the law and the evidence. The juror talked low and caused considerable protest from counsel. He was a married man.

Andrew Stohlman had read what purported to be facts in the case. He had no opinion in the case. He, also, sympathized with a cripple to some extent. It would not affect his verdict. He did not know the defendant. He was married, with children.

Geo. Cook had read of the case in the Plattsmouth Journal. He had no opinion in the case, knew Attorney Clark, but that did not influence him. He had sympathy with a cripple. Attorney Clark objected to the juror being asked as to whether it would require evidence to remove this sympathy and considerable argument resulted between counsel. Judge Travis overruling the objection. The sympathy was not such as would require evidence to remove. He could give the defendant a fair and impartial trial.

Chas. Gerlach was married, a stock buyer and had heard of case but not the facts. Had no opinion. Did not know defendant or father and had no business with Attorney Clark. Defendant being a cripple did not create sympathy. No reason why he could not render fair and impartial verdict.

Geo. Horn had read the facts in the paper. Had no opinion. Married man. Cripple did not create sympathy. No reason why he could not be a fair and impartial juror.

George Barton had heard or read of case. Had an opinion which would require evidence to remove. Might render a fair and impartial verdict in the case, but probably could not.

Wm. Starkjohn had read of the case. Had no opinion. Did not know defendant or his father. Knew Attorney Clark, but that would not influence verdict. Cripple did not create sympathy. Could render a fair and impartial verdict. Single man.

L. D. Mullen, sr., had not heard of case. Had no opinion nor did not know defendant or father. Knew Attorney Clark, but that made no difference. Cripple did not create sympathy. Could render fair and impartial verdict. Married.

J. W. Edmunds had heard and read of case but had no opinion, knew defendant and father and Attorney Clark, who had acted as counsel for him. That made no difference. No opinion. Cripple did not create sympathy. Could render fair verdict. Married.

Jas. Eager had heard of case. Had no opinion. Did not know de-

fendant, father or Clark. Cripple did not create sympathy, could render a fair and impartial verdict. Widower.

Jas. Turk had heard and read of case. Had an opinion, such as would require evidence to remove. Might render a fair verdict.

D. A. Miller had read and heard of case. Parties who talked to him claimed to know facts. Had an opinion, such as would require evidence to remove. Could not render fair and impartial verdict.

Mr. Barton could render a fair and impartial verdict on the law and the evidence.

Mr. Campbell did not think the fact of defendant being a cripple would cause him to deviate from the court's instructions and could render fair verdict.

Mr. Stohlman thought likewise, as did Mr. Cook.

Attorney Clark examined Juror Barton who lived at Union, who knew all parties and Attorney Clark challenged for cause. Mr. Barton was excused.

S. R. James was called as a juror. Had heard and read of case. Had an opinion which would require evidence to remove. Could render fair verdict notwithstanding. Did not know parties, knew Attorney Clark. Single man. Had sympathy with a cripple, but could render fair and impartial verdict. Would require evidence to remove the opinion which he had. Challenged and excused.

O. C. Dovey called. Had read of case. Had no opinion. Did not know defendant but knew father. Did not affect his verdict. Cripple did not create sympathy. Knew Attorney Clark, but did not affect a fair verdict.

Attorney Clark wanted County Attorney to exercise his prerogative and use his challenges who had opinions. County Attorney Ramsey argued against the motion. Judge Travis looked up authorities.

Attorney Clark examined Jurors. Mr. Campbell knew John P. Thacker in his lifetime. The additional facts developed in his examination.

Mr. Stohlman did not know Jno. P. Thacker, and nothing developed in his examination.

Mr. Cook did not know Mr. Thacker, and nothing developed on his examination.

Mr. Gerlach did not know Mr. Thacker, and nothing developed in his examination.

Mr. Horn's examination developed nothing.

Mr. Dovey had business with County Attorney Ramsey, which did not affect his verdict. Knew Jno. P. Thacker. Aside from this nothing developed.

Mr. Starkjohn's examination developed nothing new.

Mr. Mullen knew Jno. P. Thacker, but nothing additional of consequence developed.

Mr. Edmunds knew Jno. P. Thacker, but nothing additional of consequence developed.

Mr. Engle's examination developed nothing new.

The question of the County Attorney's duty to challenge Jurors where an opinion existed, here came up and Judge Travis, on his own motion, challenged Juror Miller, after an examination of him, for cause. The same course was taken in regard to Juror Turk, after questioning.

Matt Jirousek and John Colbert were called to take the places vacated.

Jno. W. Colbert was a married man who had read of case but had no opinion. Did not know defendant or father, knew Attorney Clark. Cripple did not create sympathy. Could render a fair trial and verdict.

Matt Jirousek had read of case, but had no opinion. Did not know defendant or father. Knew Mr. Clark. Could render fair verdict. Cripple did not create sympathy.

Mr. Colbert's examination by Attorney Clark did not dissolve anything new of importance. Did not know John P. Thacker.

Mr. Jirousek's examination resulted likewise.

Judge Travis announced the State would be entitled to six challenges and the defense sixteen. Some question arose as to the order in which the challenges were to be made, and a long conference between counsel and the court ensued. The order was finally determined on giving the state first and last challenges.

County Attorney Ramsey waived his first challenge and the defense challenged.

Q. K. Parmele called. Had heard and read of the case but no opinion. Knew defendant by sight but not father, knew Clark, but that did not affect verdict. Cripple did not create sympathy. Would render a fair and impartial verdict.

Mr. Clark's examination developed that Juror knew Mr. Thacker but that did not influence him. Nothing further developed.

The State sprung an unexpected surprise by waiving their third, fourth and fifth challenges while Attorney Clark waived his second and all his remainder. The state waived the last challenge and at 11:10 the jury was secured. They are Peter Campbell, Geo. Cook, Jno. Edmunds, Chas. Gerlach, Andrew Stohlman, Geo. Horn, Jas. Eager, Jno. Edmunds, L. D. Miller, sr., Wm. Starkjohn, Matt Jirousek, Jno. Colbert, Q. K. Parmele. A recess of a few moments was taken, court re-convening at 11:20.

County Attorney Ramsey then made the opening statement on behalf of the State, explaining to the jury that the state expected to show that on Jan. 15, on the farm of Jas. Darrough corn was being shelled by a sheller belonging to Jno. P. Thacker, who was attending a funeral on the morning of that day. There were a number of parties present at the time, he naming them. He described the Darrough home some 500 feet from where the corn was being shelled. He also described the premises surrounding the place where the sheller was and the nature of the crib. He also described the position of the sheller with reference to the door to the corn crib. Men were shelling and hauling corn when Mr. Thacker arrived there about half past two o'clock in the afternoon. When Thacker came over he was horseback, he got off and walked over at the time he came Ira Clark and Lewis Crawford were in the crib, one kneeling and the other standing. Carter Albin and Earl Albin were quarrelling. Carter Albin was in a wagon facing his nephew Earl, who was on the ground. Mr. Thacker was related to both parties. Mr. Ramsey here described the exact situation of all the parties at this time, as the State expected to show it, with Lee Thacker on the ground and Jim Stevens was in the engine cab. He could not now be found in the state for some reason or another. Earl Albin was between the wagon and the crib. Mr. Thacker saw the quarrel and remarked to his uncle something about slapping Earl's face when John Clarence said to Thacker, "Keep your G—D—nose out of that or I'll shoot H—out of you." He turned and saw Clarence with a revolver. He stooped to pick up a piece of fence board when Clarence shot him—just which shot could not be shown. Mr. Thacker was a very large man and Clarence small. Mr. Ramsey explained the evidence of the medical effect of such a shot. As Thacker stooped the second shot entered his breast and stomach causing death. The men were ten to fourteen feet apart when the shots were fired.

St. Mary's College Team.

The Journal is in receipt of a picture of the St. Mary's (Kansas) College teams, which will represent the Southwest at the Yukon-Alaska Exposition at Seattle, Washington. The picture shows a fine looking bunch of boys, and can be depended upon to make good. Leo Tighe, son of Mr. and Mrs. John Tighe, of Manley, is attending school at St. Mary's, and of course feels a deep interest in this team. If the boys can play ball as well as they look, they no doubt will return home with banners flying, to be welcomed by their many admirers. Success to them.

REPORT OF THE CONDITION OF THE Bank of Cass County, of Plattsmouth, Nebraska.

Charter No. 642, Incorporated in the state of Nebraska, at the close of business May 22, 1909.

RESOURCES	
Loans and discounts	\$280,534 70
Overdrafts, secured and unsecured	1,443 27
Bonds, stocks, securities, judgments, claims, etc.	3,217 44
Banking house furniture and fixtures	5,500 00
Other real estate	5,000 00
Current expenses and taxes paid	2,250 58
Cash items	233 19
Due from nat'l, state and private banks and bankers	60,441 36
Checks and items of exchange on hand	181 30
Cash	19,136 04
Total	\$382,958 78
LIABILITIES	
Capital stock paid in	\$50,000 00
Surplus fund	25,000 00
Undivided profits	6,279 32
Individual deposits subject to check	17,934 30
Demand certificates of deposit	74 50
Time certificates of deposit	151,981 01
Cashier's checks outstanding	17,944 00
Due to nat'l, state and private banks and bankers	4,675 30
Total	\$382,958 78

STATE OF NEBRASKA, COUNTY OF CASS, I, T. M. PATTERSON, cashier of the above named bank, do hereby swear that the above statement is a correct and true copy of the report made to the State Banking Board. T. M. PATTERSON.

Witness my hand and the seal of this bank this 1st day of June, 1909. ZETTA BROWN, Notary Public. (Seal) My commission expires Mar. 12th, 1915.

SCOTTS BLUFF COUNTRY

UP THE FAMOUS NORTH PLATTE VALLEY OF NEBRASKA.

BEST IRRIGATED LANDS IN THE WEST

Thirty thousand acres fertile land in a splendid climate, watered by one of the biggest irrigation systems in the country. No Nebraska land of equal area will support more families.

Men from the Greeley district of the South Platte country say the advantages of the North Platte are superior—and the prices are one-fourth to one-third less. Read again; think.

Tuesday, May 18th is the date of our second excursion for the sale of the famous Tri-State land at Scott's Bluffs, Neb., said to be the finest single body of irrigated land in the United States, embracing 30,000 acres, of which 10,000 acres will be sold immediately.

This land is owned by the Tri-State Land Company, of which E. A. Cudahy is president, and is under the great Tri-State Canal, one of the largest systems of irrigation in the west, constructed at a cost of \$2,000,000. Six four-horse teams, 24 horses, can stand abreast across the bottom of the canal, which for the first few miles is ninety feet wide on the bottom. It is half again as large as the immense government Pathfinder canal. Its headgates, dams, intakes, waste ways, and drops are wholly constructed of steel and re-inforced concrete. Its every part represents the highest achievement of modern engineering skill and workmanship.

The Tri-State Land Co. has practically the first water right out of the North Platte river, and for an immense amount of water. When it is also remembered that the South Platte waters all the irrigated land at Fort Collins, Greeley, Fort Morgan, Brush, Sterling and Julesburg, and supplies only one-fourth as much water

at the North Platte, the sufficiency of water under the Tri-State canal can never be questioned. It is this fact that is bringing so many of the Greeley, Fort Collins and Fort Morgan farmers to the Scotts Bluff country, who all declare its land and water equal or superior to anything in Colorado, while the prices are only a fraction of the Colorado prices. This magnificent body of land at Scotts Bluffs represents the best there is in irrigated land. The two big canals, the government and the Tri-State, represent a combined cost of \$4,000,000, which is an evidence of the value of the lands.

Speaking of the Irrigated Land, just remember:

First—Irrigated land produces the maximum every year. Your eastern Nebraska and Western Iowa land never produces the maximum, because even if you got just enough rain at the right time for one crop it would destroy part of the other.

Second—On your eastern land you raise 40 bushels of corn on an average at 40 cents per bushel, at a cost of \$8.00, leaving you \$5.00 clear profit. We will take you to many men at Scotts Bluffs who raised 250 to 400 bushels of potatoes per acre and sold them at 40 cents, this year considerably higher than that; 15 to

25 tons of alfalfa at \$8.00 per ton; 100 bushels of oats at 40 cents per bushel.

Third—It is a singular thing that while the majority of farmers who buy irrigated land know nothing of irrigation, you can never interest an irrigation farmer in any other kind of land. He doesn't have to understand all about irrigation to succeed. The ditch rider knows and the farmer soon knows.

Fourth—While your Eastern Nebraska land will go on up to \$150 per acre, it may then stop, or it may go back to \$50 or \$75, like the same land did in Pennsylvania, Ohio and New York. But your irrigated land, increasing its fertility and producing power each succeeding year, will do like the other irrigated land in this country and Europe—go on up to \$200, \$300, \$400 and \$500 per acre, and will not simply "keep you," but will make you rich.

This land lies so perfectly that a flat price of \$70.00 per acre has been fixed on all uncultivated land and \$80.00 upon cultivated land; hence the first excursionists have the choice of the entire land. A regular excursion will be run every two weeks.

All irrigated Lands advance steadily to \$300 and \$500 per acre; they never go back. Think once more; act.

One price to all—\$70.00 per acre for uncultivated; \$80.00 for cultivated. First come, first served. No favorites.

For further information call on or write to

Windham Investment Co.,

Plattsmouth, Nebraska.

Associate Agents with Payne Investment Company, General Land Agents, Omaha, Neb.

Union.

From the Ledger. A. E. Stites departed Saturday evening for Burlington, Iowa, to spend several days visiting some of his friends and taking a rest from the worry of business.

Jesse McKean and wife departed last Friday for Kiowa, Oklahoma, where they will make their home, and The Ledger will keep them informed as to happenings here.

Samuel Goodwin of Marshalltown, Iowa, and Mrs. Wm. Hobson of Weeping Water, brother and sister of Mrs. J. W. Pittman, arrived on Tuesday for a visit at the Pittman home northwest of town.

Prof. G. C. DeBolt, principal of our schools the past year, departed Saturday morning for Omaha to visit a few weeks, and from there he goes to Peru for the summer, after which he takes up the work as principal of schools at Unadilla. His many friends here wish him success in his profession.

Louis Kohrell, residing on the Reynolds farm southwest of town, has a rare and peculiar coin which he found while plowing his garden a few days ago. The coin has the date 1807 very plain, showing it to be 102 years old. The hieroglyphics thereon are a mystery to all who have examined them, being foreign characters. The coin is silver and the size of the American dollar.

"Billy" Betts and John Dukes of Avoca, and Judge Barnes, Harry Reed and Chas. Baldwin of Weeping Water, came here hunting for fishing fun, and Roy Upton took them under his hunting wing early Tuesday morning and headed for the river. There they launched their crafts and floated and fished down the river, reaching Nebraska City in time to return on the train last evening. They say they had a fine time and caught 75 pounds of fish.

They all told the same story, and we'll have to believe it.

Miss Mabel Davis, of Weeping Water, the accomplished daughter of Mr. and Mrs. Wesley A. Davis of that city is in the city, the guest of Judge and Mrs. B. S. Ramsey. Miss Davis ranks among the leading teachers of Cass county and our City School board, recently employed her for the next year as one of our city teachers.

Shorthorns for Sale.

Three good registered Shorthorn yearling bulls for sale. Also good fresh milk cows. Mark White.

For Constipation.

Mr. L. H. Farnham, a prominent druggist of Spirit Lake, Iowa, says: "Chamberlain's Stomach and Liver Tablets are certainly the best thing on the market for constipation." Give these tablets a trial. You are certain to find them agreeable and pleasant in effect. Price, 25 cents. Samples free. For sale by F. G. Fricke

Henry Prosser,

Contracting, Plastering, Brick and Stone Work, Concrete Foundations and Walks.

ALL WORK GUARANTEED. Phone 107, Elmwood, Neb.

SPECIAL SUMMER RATES!

EXCURSION RATES EAST:—Daily low round trip rates, with thirty days limit, in effect early in June to New York, Jersey Coast Resorts, Boston, Montreal, Portland, Me., and other prominent eastern resorts. Somewhat higher round trip rates daily, with all Summer limits, to New England, St. Lawrence River, Atlantic Coast and New England Resorts. Also desirable round trip rates to Wisconsin, Michigan, etc., including Lake Journeys from Chicago to Buffalo and return. Rates, details, destinations, etc., may be had of your nearest ticket agent.

EXCURSION RATES WEST:—Seattle Exposition, California, Pacific Coast Tours, Denver and Colorado Resorts, Black Hills, Big Horn mountains, Utah, Yellowstone Park circuit through scenic Colorado and Yellowstone and Gardiner gateways. Homeseekers rates first and third Tuesdays. You can reach all western Summer resorts on very desirable rates this Summer. Call on nearest ticket agent for special publications covering any western tour.



W. L. PICKETT, Ticket Agent.

L. W. WAKELY, G. P. A., Omaha, Neb.