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DEFENCE STARTS IN THE CLARENCE MURDER CASE

Number of Witnesses Summoned to Testify to John P. Thacker's Reputation for Quarreling With His Neighbors.

From Friday's Daily.

The trial of John Clarence, which is engaging the mind of the public, does not abate in interest as it nears the close, and at the adjournment of court last evening attorneys for both sides thought that the evidence would be all submitted by noon today, Friday.

The state closed its direct evidence yesterday morning with John Corey's evidence on recall. Prior to recalling Mr. Corey some of the defendant's testimony on cross-examination at the former trial was read to the jury. This evidence was in substance that at the time he fired the shots into John Thacker's body, Thacker was not trying to do defendant injury.

The defendant began to introduce testimony about 10 o'clock Thursday morning, and the testimony taken by the reporter at the former trial given by Earl Albin, was read to the jury. This witness is in South Dakota, at this time. Another witness for the defendant, Sam Redmond, is in Missouri, and his testimony was read as given at the former trial, and the testimony of Mrs. Maggie True, who is in Michigan, was also read.

The evidence of Earl Albin was to the effect that he had been an eye witness to all that transpired there at the Darrow farm the day of the trouble. That the first he saw and heard of John Thacker was when he appeared between Carter Albin's team and the crib, and that Thacker called to witness's uncle to get out of the wagon and kill the witness, he then heard John Clarence call to Thacker to keep his mouth out of the trouble between witness and his uncle. That on hearing Clarence call to him Thacker picked up a board and started toward Clarence. Witness followed Thacker to the head of the horse, saw him strike Clarence twice with the board and once with Clarence's cane, and in the clinch which followed Clarence fired three shots close together.

The witness Redmond testified that he had been in the house to use the telephone, and was returning to the shelter when the men were grappling, he saw Thacker strike Clarence, who had struck at Thacker with his cane, but witness did not know whether the blow landed on Mr. Thacker's body. This witness heard three shots close together.

Ira Clark, who was in the crib when the trouble started between Earl Albin and his uncle says he was an eye-witness to the shooting. That when the trouble first started between Clarence and Mr. Thacker he looked through the cracks of the crib, he also heard what Thacker said to Carter Albin and Clarence's call to Thacker to keep out of the quarrel. He saw Mr. Thacker pick up the board, then he got out of the crib and passed to the head of the team

and heard the three shots fired close together, as the men grappled.

Leonard Crawford was in the crib with Clark, heard the shots but did not see the shooting.

Dr. J. S. Livingston was called by the defense, and testified to being called to dress wounds on the head of defendant at the time of the trouble and at the time found two wounds one on the top of the defendant's head and the other toward the front on the right upper portion of the head, the one on the crest of the skull about the size of a silver dollar and the other something near the size of a split pea, the skin was abraded. On cross-examination witness stated that the wound was a confused abrasion.

The doctor then made an examination of the defendant's limbs and made measurements of his legs above and below the knees, and found the left much smaller than the right, and pronounced the defendant a permanent cripple.

Walter Thacker, a brother of John P. Thacker, the murdered man, testified that he had had a talk with the defendant on the day the murder was committed, and witness had asked defendant to sign a petition for a road across J. P. Thacker's land which was to be used by witness; that Clarence had said that he would sign the petition provided John Thacker got pay for the land. That on the same day he had told Clarence of his brother asking the witness to have Clarence come into the timber so John Thacker could give him a thumping. Witness also swore that the reputation of his brother for being a quarrelsome man in the neighborhood was bad. On cross-examination, witness stated that reputation was what people said about a man, and admitted that he had learned the meaning of the word reputation since the former trial of the case. He was pressed in his cross-examination to explain to the jury why he had informed Clarence that day of John Thacker asking witness to decoy Clarence into the woods to give Thacker a chance to thump him. Witness replied that he did it to keep down trouble and so that Clarence would stay away from his brother.

And during the year and a half which elapsed since his brother had made the request, witness had not had an opportunity to tell Clarence, although Clarence resided but two miles away.

El M. Smith, Mrs. Carrens and Charles Hackathorn were put on the stand to show the reputation of the deceased, J. P. Thacker, as to being a quarrelsome man, each of them, except the latter, stated that his reputation was bad. Mr. Hackathorn said Mr. Thacker was a nice man, a good man, but a little quarrelsome.

After the evidence of Mr. Hackathorn was in the court adjourned until 9 o'clock Friday morning.

apples to shipments on one kind of stock only—hogs—sheep or cattle being considered separately for weighing purposes.

The milling in transit privileges have been extended on the Burlington in Hastings territory for the benefit of millers at that point. Changes to this purpose were authorized by the commission Thursday.

Killed by Falling Windmill.

The body of Eugene Harshman was transferred here Tuesday from the train to a hearse in waiting to convey the remains to the old home for burial. Mr. Harshman resided at Maltby, South Dakota. He was erecting a windmill on his farm, and in some way it fell and struck him. The accident happened on December 2nd. The body was in charge of a son-in-law, Hans Hogg. Harshman was a son of Geo. Harshman, sr. He leaves a wife and three children.—Weeping Water Republican.

The unfortunate man is a son of George W. Harshman, of near Avoca, and went to South Dakota and located several years ago.

If you want help or have anything to sell, advertise in the Journal.

Mrs. Harvey Very Sick.

From Friday's Daily.
Mrs. C. A. Harvey, residing six miles south of Plattsmouth, is very seriously ill and her friends are solicitous as to her condition. Last Saturday she suffered a stroke of paralysis, her right side being affected. Today her condition was worse than it has been. Dr. Cummins was called and has rendered what aid medical skill can furnish.

"RUBE" HYERS CETS A SHAKE FROM PLUM TREE

We clip the following from the Lincoln State Journal: "R. W. Hyers, of Bassett, is appointed deputy oil inspector for the Sixth congressional district. Mr. Hyers does not come to this public position without similar training. He is a pioneer settler as well as pioneer politician of the state. He came to Nebraska in 1870 and took a homestead on what is now the site of Bethany, a suburb of Lincoln. Later he moved to Weeping Water in Cass county, where he made his home a great many years. He served as sheriff of Cass county three terms in the early '80s and was elected to the state senate as a republican in 1886, serving in the session of 1887, the time that the state was last restricted legislatively. Almost immediately Mr. Hyers was appointed warden of the penitentiary by Governor Thayer, which place he held one term. Governor Sheldon in 1906 appointed Mr. Hyers deputy game warden for the Sixth district, he at that time as now being a Kinkaid homesteader." The Journal together with Rube's many friends in Plattsmouth and Cass county extend congratulations. While this paper and Mr. Hyers cannot agree, politically speaking, yet it has always had the warmest regard for him. Rube is one of those gentlemen who will always be found doing his duty, no matter where you place him.

Will Soon Return to Hayti.
Ex-Congressman E. M. Pollard was in Lincoln last evening attending the dinner of the West India Mahogany company, which was held at the Lincoln hotel, and which was attended by those interested in the company. At this dinner reports were made to the stockholders by Mr. Pollard and an expert who had surveyed the property in the south.

Mr. Pollard was called home about two weeks ago by the illness of a fourteen-months-old son who was afflicted with pneumonia. The child's condition has improved rapidly, and Mr. Pollard hopes to return to Hayti in about two weeks and take his family there for the winter. He thinks the climate will greatly aid in restoring his son to health.

"It is a very fine climate," said Mr. Pollard, "in fact almost ideal. The one drawback is the rainy season and that is not nearly so bad as many northerners think. The nights are cool and the days are not uncomfortable. There is always a sea breeze when it is most needed. There are very few Americans on the island and this fact argues against it as a residence place."—Lincoln Journal.

Frick Laying Resumed.

A full force of brick layers were put to work on the gasoline engine factory building yesterday noon, and the work is progressing right along. The mortar is being mixed with hot water and while the weather is no colder than at present will set before the frost reaches it.

Mr. D. H. Harkness, who is overseeing the laying of the pavement for the M. Ford people, yesterday completed the block of pavement between Sixth and Seventh streets and expects to have it open for traffic by Saturday. He expects to have the block adjacent on the east finished this week. There has been some delay in the arrival of the brick, which were reported all shipped from the kiln on the 25th of last month. One car arrived last evening and three more are expected this morning. A force of a dozen men are scooping the snow and sand from the concrete preparatory to laying the sand and blocks on Fourth and Fifth streets. Mr. Harkness says the intersection at Seventh and Vine was the hardest to lay of any he has yet tried, and he has laid some difficult intersections.

Frank Grauf and John Everett, of Union, were in the city yesterday afternoon to attend the Clarence trial in the district court and while in the city Messrs. Grauf and Everett were guests of the Perkins hotel.

NOW FOR THE BIG WRESTLING MATCH

The Contestants Being Lee Fickler, of Plattsmouth and Kid Parker, of Alliance.

At the Parme theatre, on next Thursday evening, Dec. 15, will be the exciting number of the season, at which time there will be two good wrestling bills pulled off, the preliminary being between Will Seybolt and Theo. Amick from near Murray, and the main event between Lee Fickler, of this city, and Kid Parker, of Alliance. This promises to be a very exciting number, as Mr. Fickler has been making rapid strides the past year or two, and is becoming a mighty good little man on the mat, while Kid Parker has been a good one for a number of years, and while Fickler is somewhat handicapped as to weight, we wager a coon skin he will be there at the finish. The wager is made upon this condition, owing to the difference in the weight of the two gentlemen, Parker wagers that he will deliver two pin falls upon his opponent in thirty minutes, and the Cass county champion, Fickler, does not believe he can deliver the goods. Then that preliminary bout is not going to be so slow either between Amick and Seybolt. They are both good men and pretty evenly matched, and will make quite a contest. The admission for both of these numbers will be 50c and 25c, the second floor tickets being placed at 25c. This price is very reasonable and should draw a large house.

That Poultry Show.

Since the Journal's suggestions on the subject of a chicken show in Plattsmouth, we have conversed with several business men, who are in for it, and say it would surely succeed if some of those who are engaged in raising poultry would come to the front and exercise a little energy in this direction. While the farmer, and especially the farmer's wife, is interested in raising poultry, there is a great demand for the best and purest bred chickens, and an exhibit of this character will bring the best to the front. There are a number of breeders of fine poultry in Plattsmouth and vicinity, and if these persons will put on their hustling clothes, we believe they can get all the help necessary from our merchants to make such an enterprise a success. Nebraska City has just pulled off a chicken show this week that has excited more interest than any one exhibition of this character that they have held, and they have been giving these shows annually.

Will Plattsmouth Join?

Manager Brantner, of the Red Sox ball team, is contemplating trying to enter either the Mink or State league for next season. There are now six teams in the Mink league, and they are thinking of enlarging their territory by taking in four more teams, making ten in all. It will take some money to enter either the State or Mink league, and that money must be put up by the business men. In a very few hours the other day, according to the Press of that city, Nebraska City business men subscribed \$1,600 for this purpose, which denotes they are enthusiastic in the cause. The leagues are now engaged in making up their circuit, and if Plattsmouth desires to march in the base ball procession next season, they must soon move in that direction.

Aged Gentleman Visits Son.

Mr. J. M. Dalton, of Valisca, Iowa, and his wife arrived from Gretna this morning, where Mr. Dalton celebrated his 86th birthday last Saturday at the home of his son-in-law, Mr. Moyer. Mr. and Mrs. Dalton were accompanied to Plattsmouth by Mr. J. A. Rouse, of near Gretna. Mr. and Mrs. Dalton will visit their son, R. D. Dalton and family in this city for a few days.

Box Social.

Miss Marie H. Jerowshek, who is teaching the Cottonwood school of district No. 27, and her pupils are arranging for a box social to be given at the school house on Saturday evening, at 8 o'clock, December 17th. The proceeds from the sale of the boxes will be used for the benefit of the school. Everybody cordially invited.

Gibbon House Sold.

O. K. Cromwell, owner of the Gibbon house for practically twenty-five years, has sold the hotel to J. A. Eller, of Louisville, former proprietor of the Speaker hotel. The deal was made Monday. Mr. Eller expects to improve the building, and take personal charge in the near future. He is known to many patrons, and has a reputation for conducting a good house, supplying a splendid table, and The Republican extends to the new proprietor a hearty welcome.—Weeping Water Republican.

Mr. Eller was proprietor of the Speaker house in Louisville to within a few weeks of its destruction by fire, and sold out, expecting to locate in the hotel business elsewhere. He is a good hotel man.

WILL PUT IN THE MANLEY ELEVATOR TRACK

The trouble between the Farmers' Elevator company and the Missouri Pacific Railway company has been adjusted, the elevator people agreeing to build the grade for the siding to run to their elevator and the railway company agreeing to lay the track at once.

Some few years ago the farmers of that vicinity organized the Farmers' Elevator company for the purpose of shipping their own grain. They demanded a site on the Missouri Pacific right-of-way, but were refused. They then built their elevator on land adjoining the right-of-way and went into court to force the railway company to put in a side track leading to the elevator. The mill of justice grinds slow, meanwhile the elevator people were compelled to haul their grain from the elevator and scoop it into the cars for shipment. The case was appealed from one court to another until it reached the supreme court of the United States, where a decision was recently rendered in favor of the railroad. Now the whole matter is to be satisfactorily adjusted by each sharing the expense. The farmers were busy Wednesday with plows and scrapers building the grade for the track.—Louisville Courier.

Narrow Escape.

From Friday's Daily.
Mr. D. W. Foster, of Union, Mont Robb, of Mynard, and Malcolm Pollard, of Nehawka, had a narrow escape last evening riding down town from the Missouri Pacific station in this city. On getting off the train about 6 p. m., it being dark and walking bad, they stepped into a hack. Before reaching the mill it appears a second hack attempted to pass the one in which the gentlemen were riding, when a race was started. Near the mill the hack collided with a telephone pole knocking the hind wheel and axel out from under the box, letting the load down on the step and in this plight the vehicle in which the three passengers were seated was dragged for some distance before the attention of the driver, who was intent on being beat in the race, could be attracted. When the hack was stopped, the men climbed out and walked the remainder of the distance to town.

When the hack collided with the pole, Mr. Foster was thrown against the side of the vehicle with such force as to bruise his left shoulder quite severely.

Pastor Russell's Sermons.

Pastor Russell, the noted pastor of the Brooklyn Tabernacle, will deliver three sermons or lectures in Omaha on next Sunday, December 11, at the auditorium. At 10 a. m. the praise meeting will be held, and at 3 p. m. the general sermon will be delivered, his topic being, "Hereafter." At 7:30 he will deliver a sermon at College Hill. The Pastor Russell sermons have been running in the Journal for the past year, and many of our readers have found them very interesting, and no doubt the sermons at Omaha will attract a number of people from this city, who have long had a great desire to hear him.

Horse Shoeing.

John Durman desires to inform those who need his services that he has opened a shop at the Ora Dawson place for shoeing horses. Satisfaction assured.

For Rent.

Eighty-two acres, two miles north of postoffice, known as Paradise Park. For terms apply at Straight & Straight's furniture store. 12-3-31d1v

HIGH SCHOOL BASKET BALL TEAM AT AUBURN

Another scalp dangles at the belt of the A. H. S. basket ball team as the result of the encounter between the home boys and Plattsmouth team at the Dougherty hall last Saturday evening.

There is no question but that Plattsmouth has a splendid team, but they were not quite fast enough or quick enough to cope with the Auburn youngsters, who played all around the visitors, winning the game by a score of 35 to 21.

The line-ups of the teams were as follows:

- Auburn—Plattsmouth.
- (g) L. Smith—Schlater.
- (k) Gerlaw—Herold.
- (c) Quackenbush—Dalton.
- (f) Mastin—Reese.
- (t) E. Smith—Falter.

The first half started off in the usual whirlwind manner. Quackenbush throwing a goal before the visitors realized the game had fairly commenced. It was steady goals after that, with Reese securing the two goals for the visitors and the four free throws. Lee Smith, guard, who found the ball in his possession at one time in the first half discovered that by no secure chance could he get it to an Auburn player. Necessity left him no alternative and he made a throw from far down the field—making a goal and a spectacular play in one. The first half ended 25 to 8 in favor of Auburn.

In the second half Plattsmouth substituted Egenberger for Falter, and there was something doing at once. Within thirty seconds the new player had made a goal and by this assistance had helped Reese make three. This occurred while Auburn had made only two goals and the score of 10 to 4 in favor of the visitors looked bad, but Auburn soon "got wise" to the new man's style of play, and it was all over, but the shouting, the second half eventually ending 30 to 13 in favor of Auburn.

The game throughout was free from any jangle, the boys of both sides being in high good humor, caused by several amusing incidents of the game. Principal Richey acted as referee in a most satisfactory manner, as did Supt. Doremus as umpire. J. Stoddard as time keeper and E. P. Stoddard as scorer filled their positions according to the rules of the game. There was a fair attendance.—Auburn Herald.

Rebuilding the Body.

There are constant changes going on in our body. Some of the small particles or cells, of which the body consists, die and new ones are filling their places. If these new particles receive enough nourishment, we do not notice the exchange. The new cells are then strong and active. Good nourishment can only be carried to them by good, rich blood. Poor blood gives nourishment, the cells are starving and some bodily discomfort results. Good blood being the result of a thorough digestion of food, it becomes our duty to watch the process of digestion. As soon as some irregularity makes itself apparent by poor appetite, Triner's American Elixir of Bitter Wine should be used. It will thoroughly clean out the alimentary canal and strengthen all organs. Use it in all disturbances of the stomach, the intestines, the blood and the nerves. At drug stores. Jos. Triner, 1333-1339 So. Ashland avenue, Chicago, Illinois.

Attention!

If you wish to purchase Adeline Plantation Land, Louisiana, where every acre produces 35 tons of sugar can to the acre and corn runs at from 60 to 90 bushels, take the Payne Special from Omaha on December 20th, January 3d and 17th. Fare for the round trip only 32.50 sleeping car berths, meals, etc., without expense to you. For further particulars write or call on Associate Agents, the

Windham Investment Co., Plattsmouth, Neb.

Enjoy Kensington.

Mrs. E. H. Wescott entertained about twelve ladies at her pleasant home on South Ninth street yesterday afternoon at a most enjoyable Kensington. The event was in honor of Mrs. R. B. Hayes. Music, sewing and social conversation furnished entertainment for the invited guests.

For Sale!

A number of Duroc boars with pedigree. L. H. Oldham.

BURLINGTON MAKES A NEW WEIGHING ORDER

The Burlington railroad has gained permission from the state railway commission to put a new weighing order in effect that is of considerable importance to stock shippers in Nebraska. The order affects all shipments destined for South Omaha.

Heretofore if a shipper sent one heavily loaded car and one lightly loaded car to market he was charged actual weight on the heavy car and was forced to pay the minimum rate established by the tariffs on the light car, although his shipment might be considerably under the minimum.

The new order provides that the entire actual weight of both cars or more shall be considered and that payment shall be on the average per car. If the average falls below the minimum for both cars, only the minimum rate will be charged. For weights over the minimum actual weights will be used.

The rule in effect is a reduction in rates on shipments of live stock of this particular character. The rule