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## JURY FINDS JOHN CLARENCE TO BE GUILTY OF MANSLAUGHTER

Render Verdict Sunday Afternoon After Deliberating for Twenty Hours on the Case—Judge Travis' Rulings Receive Praise.

From Monday's Daily.

After seven days of arduous toil on the part of court, jurors and lawyers, the important case of the state against John Clarence was terminated yesterday (Sunday) afternoon, when the jury was brought into the court room and handed in its verdict of manslaughter, which is a degree of crime lower than the defendant was convicted of at the first trial in the last June term of court. The jury was out about twenty hours and carefully deliberated on the instructions, the evidence and the argument of the attorneys for the parties.

The argument of the main counsel for the defendant, Mr. Watson, was very ingenious, Mr. Watson, one of the most adroit lawyers before a jury, found in this part of the state. He opened his speech Saturday afternoon by telling the jury that he did not fear the evidence in the case, that he depended on and was willing to rest his client's case on the evidence of Lee Thacker and the dying declaration of John P. Thacker and on the evidence of these two, expected a verdict of acquittal. Mr. Watson only feared the oratory of the "Black Eagle of the Platte," referring to Mr. Gering, who was to follow him. The speaker paid a glowing tribute to Mr. Gering's legal and forensic attainments. He also handed bouquets to all other persons and officers connected with the trial of the case. He then went into the case and argued for the acquittal of his client on the ground that he acted in self defense when he fired the three bullets into the body of John Thacker.

Mr. Watson referred to the language of the deceased set out in his dying declaration, in the statement that he "thought he could eat" the small revolver which deceased had taken from Len Crawford as "the language of a braggart." When he had spoken for some time on the different phases of the case, Mr. Watson took from his pocket, a North Western Reporter pamphlet and began to read to the jury the decision of the supreme court on the case at bar, overruling the decision of this court. He was not permitted to proceed as objections were quickly raised by the county attorney and by Mr. Gering for the state, and the court sustained the objection that the document was not proper for the jury to consider. In closing, Mr. Watson paid a beautiful tribute to the faithfulness of the mother of defendant, who had sat by the side of her son during the hours of the trial, and in substance said "that the night was never too dark, and the storms never beat so high nor the lightnings flashed too fiercely and the sky never frowned too dark to keep a mother from going to the side of child." He then asked the jury if, under all of the evidence, it could send the defendant to the gallows, or even to the penitentiary for a term of years or even for one year. Mr. Watson's speech made a deep impression on the jury, and they sat with drawn countenances listening to his impassioned plea for the life and liberty of his client.

Mr. Gering then addressed the jury for an hour and thirty minutes, making one of the strongest arguments in favor of the conviction of defendant of which Mr. Gering is capable. He reminded the jury that sympathy was one of the strongest emotions which awayed human breasts, that while he held the deepest sympathy for the idolizing mother and doting father of the accused, yet there never had been a crime committed but hearts were wrong

and mothers were bowed with grief. He called the jury's attention to the other side of the picture, and mentioned the family of John Thacker, the widow and little children bereft of husband and father, and loss to the community in the taking away of the honored citizen in the zenith of his manhood.

Mr. Gering told the jury that while sympathy was very powerful, that it should not be allowed to sway their judgment, in arriving at the truth from the evidence they had listened to. He accepted Mr. Watson's challenge to try the case on the evidence of the dying statement of Mr. Thacker and the testimony of his son, Lee, and if it were possible to bind the court and jury he would be willing to enter into such an agreement, but such could not be done. Many of those who heard Mr. Gering's speech thought it one of the strongest he has presented to a jury in this court.

The case has been fairly tried, and is one in which the citizens of Liberty precinct are deeply interested. In the case members of the same family have been arrayed against each other.

The evidence was very contradictory, and Judge Travis' manner of conducting the trial has received the commendation of all lovers of justice, his impartial ruling on evidence and points of law presented as the trial progressed is a source of satisfaction to the taxpayers of the county. On this point the Union Ledger said in its last issue: "Judge Travis' fairness to both sides is evidenced at every stage of the case, and he is prompt but very careful in passing upon the many points of law which are raised by the attorneys."

The history of this most important case is summarized as follows:

John Clarence was tried for murder of John P. Thacker at the May term, 1909, of the district court. The jury returned a verdict on the 9th day of June, 1909. A motion for a new trial was filed in three days, and upon argument, overruled by Judge Travis. The defendant, Clarence, then applied for bail, pending his appeal to the supreme court, which was refused by the court. Upon appeal the supreme court fixed his bail at \$15,000. The case was reversed by the supreme court in an opinion in which the court intimated that under the facts he should have been convicted only for manslaughter. After the case was remanded to the district court, John Clarence failed to appear to give bond for his appearance or to surrender himself. After waiting a reasonable length of time for him to make his appearance, the court directed the sheriff to bring him, Clarence, into court. The sheriff found him in the northern part of the state and brought him to Plattsmouth forthwith. He came before the court and claimed that he thought that the bond in the supreme court still held him, but the court was of a different opinion and committed him to jail. He then applied for bail, which was refused by Judge Travis, and he was committed to jail to await his trial. His counsel, John C. Watson, then applied to the supreme court for a writ of habeas corpus, which was granted, releasing Clarence from jail and fixing his bond at \$15,000, which he gave and which holds good until a motion for a new trial is filed and ruled upon. The defendant has three days from the day the verdict was rendered to file a motion for a new trial, afterwards the motion will be argued before the court and if overruled, judgment will be entered on the verdict and the defendant sentenced to the penitentiary under the verdict for manslaughter, which is from one to ten years.

### Charles Guthman Returns.

Charles Guthman and his parents, Mr. and Mrs. F. R. Guthman, arrived yesterday from Boise, Idaho, where Mr. and Mrs. Guthman went about a month ago to see their son, who was then quite sick. Charles is recovering from a seige of typhoid fever, and was in a serious condition when his parents arrived in Boise, but with good nursing and the society of his

friends, he was brought through the sickness which run its usual course of weeks. Charles is feeling much better since he has gotten back on Nebraska soil, and his numerous friends here are glad to see him on the road to recovery.

Mrs. S. A. Wiles was an Omaha visitor today, going on No. 15 this morning.

### Plowed Through Snow.

Harmond Beck and family, accompanied by Mr. and Mrs. Rex Young, all of Murray, took Sunday dinner with Harmond's sister, Mrs. Will Hayes. Mr. Young is the R. F. D. carrier out of Murray, and he said that he had taken notice that the corn cribs up this way had more corn in than around Murray. Harmond didn't like to say "yes" to that item, but we are still wondering if the little "Richmond" plowed its way through the snow and landed them safe home.—Elmwood Leader-Echo.

## W. BROOKS REED LOSES LEG

### Blood Poison Makes Amputation Necessary.

W. Brook Reed, a prominent citizen of this city and at present member of the school board, was operated upon at Mercy hospital Saturday, the right leg being amputated below the knee, as the result of a persistent case of blood poisoning. Drs. Jennings and Cole of this city and Dr. Dodge of Omaha performed the operation. Mr. Reed rallied fairly well from the amputation and was last evening reported as resting well, although extremely weak.

Mr. Reed's trouble dates back about two weeks when he sustained a slight scratch on the ankle, which developed a severe case of blood poisoning. He was given prompt attention, but the injury failed to yield to treatment and surgery was resorted to as a last hope.

Mr. Reed has been a resident of this city for over thirty years and has held many positions of trust, among them county treasurer and secretary of the commercial club. At the last election he was the democratic candidate for clerk of the district court.—Council Bluffs Department, World-Herald.

Mr. Reed is a brother-in-law of P. E. Ruffner, of this city and E. A. Kirkpatrick, of Nehawka. Mrs. Reed was reared in Plattsmouth where the unfortunate gentleman has many friends, who regret to learn of his serious condition. While the operation was a serious one, the Journal together with his friends and relatives in Cass county trust that he will survive the great shock, and will soon recover.

### Not Intended Locally.

It seems that some of our local meat dealers took exception to several editorial squibs that recently appeared in the Journal. Now our remarks were not intended for home dealers at all, and we cannot see wherein they can construe it as such. We are satisfied that home dealers are setting meat just as low as they possibly can. Where the trouble comes from is higher up. We have said that the prices of meats on foot is low enough, but it is too high at the packing houses. Of course, the local dealers cannot help themselves as to the wholesale prices of the packers—they are compelled to pay just what they ask, and of course their prices here are made in accordance with these prices, the same as goods bought from wholesale merchants by the retailers. The home meat dealers must have a living price for their meats, and this is all they are getting.

### Entertains Old Friends.

Wednesday was a red-letter day for Mrs. Kirkpatrick and friends. Six of her old neighbors from Murdock came down on the morning train and renewed old friendships, and talked over the old days when Murdock was a howling prairie wilderness; when there was no vine and fig tree to sit under; when there was no big house with its furnace and other modern comforts and when land was \$7 per acre, corn ten cents per bushel and—in fact, they talked about everything in and under the sun. And did they eat? Well, if you had been the dining room clock you would know. The ladies returned home in the evening feeling that it was quite a rest to get away from their hubby's for one whole day. The ladies were Mesdames Vanderberg, Buell, Lake, Cox, Pickwell and Kiser.—Nehawka News.

Miss Olive Gass went to Glenwood this morning to meet her music class.

## FUNERAL OF MRS. JOHN F. CLOIDT

### Large Attendance of Friends to Pay Last Tribute.

From Tuesday's Daily

The funeral of Mrs. John F. Cloidt occurred this morning at 10 o'clock, from St. John's Catholic church, of which church, she had so long been a devoted member. Rev. Father M. A. Shine had charge of the services and the solemn requiem mass was celebrated. The altar and casket were banked with beautiful floral tributes, quietly attesting the esteem of this good woman and of her earnest christian life. Nearer My God To Thee, Close To Thee, Flee As a Bird and The Tears of Christ, favorite hymns of the deceased, were beautifully rendered by Miss Opal Fitzgerald and Miss Helen Cline. Following the services at the church the remains were taken to the Catholic cemetery where interment was made. The pall bearers were: C. C. Neff, August Bach, Sr., Con Gillespie, Joe Droegge, W. J. Hartwick and Peter Claus, old friends and neighbors of Mrs. Cloidt.

Gertrude Biene was born in Fromhausen, Kreis Warburg, Westfalen, Germany, May 20, 1850, and married in her native country to Mr. John F. Cloidt in the year of 1872. Spending the early days of their married life in the fatherland, the young people decided to seek fortune and happiness in the land beyond the seas and in the year 1881, emigrated to the United States, first locating at Cincinnati, O., where they resided for one year and then removed to Plattsmouth, where they have resided ever since. To this union thirteen children were born, seven sons and six daughters, eight of whom have preceded the mother to the Better Land. The husband, John Cloidt, and two daughters, Mrs. John Bajel and Mrs. Emmons Ptak, and three sons, Frank, John and August Cloidt survive her. She leaves, also, a half-brother, Frank Biene, who resides at Veger, South Dakota.

The life of Mrs. Cloidt was full of beautiful examples of christianity the care and devotion that she has shown for her invalid husband in all the years that he has been confined to his room and at the same time rearing her family, shows the courage and strength of her character. Until the last her constant thought was for their welfare, until at last she received the final reward for her devotion, in being taken to her eternal reward.

### Endorses Congressman Maguire

At the regular meeting of McConahie Post, G. A. R., last Saturday night, the following officers were elected: J. H. Tharsher, Post Commander; W. S. Barnhart, Senior Vice Commander; Thomas Carter, Junior Vice Commander; George Poissall, Chaplain; W. S. Porter, Officer of the Day; John Renner, Guard; J. W. Johnson appointed mustering officer. Comrade Thomas Carter, of the committee on resolutions, presented the following resolution, which was unanimously adopted:

BE IT RESOLVED, That the sincere thanks of McConahie Post, No. 45, G. A. R., of Plattsmouth, Nebraska, hereby tenders its thanks to the Honorable John A. Maguire, our member of congress, for so ably pleading the cause and defending the rights of the men who bore their breasts to receive the deadly missiles hurled at the life and institutions of our beloved republic.

On motion the above resolution was ordered spread upon the records of the post, and a copy be sent to Mr. Maguire.

### Collided With Hand Car.

From Tuesday's Daily  
The morning train north-bound on the Missouri Pacific, last Saturday collided with the hand car of part of the rip-rap gang at a point between the Plattsmouth station and the Platte river, completely demolishing the car. There were several men on the car when it left the station, among them being Ed. Pollin and W. Miller. The car pulled out as usual, ahead of the morning passenger, but on that morning the passenger engineer had a good head of steam and overtook the hand car before it got to the point of leaving the track. The men on the car escaped injury by leaving the car before it was struck.

### Happily Wedded.

Mr. Thomas W. Hawkins and Miss Hazel D. Campbell were united in marriage at the home of the bride's brother at Stamford, Neb., Tuesday evening, December 6th, at 6 o'clock p. m., after which a sumptuous wedding supper was served. Only a few immediate friends and relatives were present. The young couple left on the 7:30 train on their wedding trip.

Mr. Hawkins who is well known to our readers, is a prosperous young farmer living south of town. The bride is an attractive young lady of College View, Neb. The Beacon joins their friends in extending to them congratulations and we bespeak for them much happiness.—Eagle Beacon.

## A LITTLE CHILD IS BADLY BURNED ON STOVE

From Monday's Daily.

A most distressing accident occurred at the home of Mrs. Canfle Supernant, on Gold street, between Eighth and Ninth yesterday, which resulted in the six month old daughter having its face and arm badly burned on a red hot stove. Mrs. Supernant lost her husband last June by an accident in the Burlington yards, the unfortunate man having stepped in front of a moving freight car and was cut to pieces. Since that time his widow and three children have had quite a serious time in trying to make both ends meet. For some time past the family has been quarantined for chicken-pox. The family consists of the widow and three children, one a boy about fourteen years of age, and a little girl about twelve, and the baby, which was so severely burned yesterday. The little girl has just recovered from a seige of illness and was holding the infant by the side of the stove, while the mother lay down for a short rest, and in some way, not explained, the infant was allowed to fall against the stove and its face and arm frightfully burned. Some of the neighbors went to the assistance and helped to dress the little one's wounds.

### County Option.

The Plattsmouth Journal wisely comments on the activity of Rev. Poulson, the imported agent for the Anti-Saloon league who is trying to stir up dissention among the republican and democratic members of the lower house in the legislature. Mr. Poulson is very busy at this time scattering his seeds of dissatisfaction among the members, trying to organize the house to suit his own personal needs.

Nebraskans are reminded that a county option bill, if passed, should be made by men belonging to the state, not by imported gentlemen who know nothing about our needs and desires and whose only purpose is to "make good" with the head office.

It is very doubtful if county option will make good at this session of the legislature, and it is a sure thing that it will not be along the lines set forth by Frank Harrison and the Anti-Saloon league. If the friends of county option wish to continue in business and hold the friendship of the people they will do well to cut loose from the discredited Harrison and the smug Mr. Poulson.—Nebraska City Daily Press.

### Meeting of Burlington Officials.

Burlington officials, during their sessions in Omaha the past week, considered the budget for 1911 and arranged for a new time card to be made December 18.

Discussing the matter of the budget, Burlington officers at Omaha are quoted as saying that expenditures in Nebraska during the year to come may be rather light. The company's property in this state is in good physical condition. No new lines are to be built in the state. A few cities may get new station buildings, and the usual amount of maintenance work will be required. The budget as yet has not been completed, but most of its provisions have been considered in the meetings of officials.

### Box Social.

Miss Marie H. Jerowshak, 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.

## DAMAGE SUIT ON IN THE DISTRICT COURT

From Monday's Daily.

In the district court today Judge Travis and a jury began the trial of a \$2,000 damage suit brought by Carl Risman against M. W. Moore, both parties reside in the west end of the county.

The suit grew out of a lease contract which plaintiff alleges he and the defendant entered into, leasing to plaintiff three eighths of farm land belonging to the defendant, Mr. Moore, which plaintiff was to hold and enjoy the possession and crops for the season of 1910. The farm was sold by Mr. Moore before the plaintiff got possession of the land. The plaintiff estimates that at the present prices of food stuff he could have realized a net profit out of the farm in the amount for which he prays judgment. Mr. Risman is represented in the case by William Delles Dernir, of Elmwood, and D. O. Dwyer, of this city, while the defendant, Mr. Moore, has retained Messrs. Clark and Robertson to look after his interests in the suit.

The following named gentlemen were chosen as jurors to try the case: George Kaffenberger, J. L. Benz, John Fowler, John Spangler, F. H. Goodfellow, Christ Iske, D. T. Dudley, G. E. Perry, G. R. Sayles, John Albert, H. P. Dehning and Oscar Miller.

### Will Lose One Member.

A special from Washington to the Omaha World-Herald, in speaking of the re-apportionment in Iowa and Nebraska, says: "Nebraska will lose one member of the house of representatives if the house adopts a re-apportionment plan now being considered by the leaders. It has been tentatively agreed among several of the republican leaders that there should not be an increase in the membership of the house, and it is proposed to make the membership in the house on the ratio of one member to each \$225,000 of population. This would make Nebraska's membership five, instead of six. Iowa, also, would lose a member. In this connection Judge Smith, of Iowa, yesterday called attention to the fact that unless the legislatures of Iowa and Nebraska agree upon a plan of redistricting, the congressional delegations of both states, under the law, would have to be elected at large. This would bring about a peculiar state of affairs. District lines would be wiped out, and it probably would result in a political upheaval so far as congressional elections in those states are concerned."

### Telephone Merger Continued.

Mr. Bert Pollock returned from Lincoln Saturday evening where he went to attend the hearing in the Independent telephone case in the supreme court in which Judge Good was appointed referee to take the testimony. The case is one of injunction brought in the name of the state against the Bell Telephone company to prevent the Plattsmouth company and the Nebraska City company from merging with the Bell. Judge Good heard the preliminary statements of the counsel appearing for the parties, and continued the hearing until January 1. Judge Allen W. Field, of Lincoln, and Deputy Attorney General Grant Martin, represented the state and Byron Clark, the Plattsmouth company, Judge Paul Jessen, the Nebraska City company and E. M. Morseman, Jr., the Bell interests, and were present at the preliminaries.

### Adopt Little Girl.

From Tuesday's Daily  
Mr. and Mrs. G. W. Leach, of Weeping Water, arrived in the city this morning with Jessie Wentz, a little child of about two years of age, which they have raised since it was six weeks old. Mr. and Mrs. Leach appeared in the court before Judge Beeson and filed the necessary petition for the adoption of the little one and the court entered such a decree, constituting the little child the heir of Mr. and Mrs. Leach, the same as though born to them. The foster-parents to clothe, educate and care for her the same as their own children.

Mrs. Lawrence, of Salt Lake City, is in the city paying a visit to her parents, Mr. and Mrs. W. S. Askwith. Mrs. Askwith and her daughter spent a few hours in Omaha this afternoon, going on No. 23.