

MOTION FOR NEW TRIAL IN THE CLARENCE CASE OVERRULED

Clarence Receives Sentence of Ten Years in the Penitentiary—Case of Jesse Blunt vs. Burlington Relief on Trial.

From Saturday's Daily.

The motion for a new trial in the case of the State vs. John Clarence was submitted this morning to Judge Travis, on affidavits for defendants, W. H. Rainey and A. C. Tulene, and counter affidavit of Fred Clugey, one of the jurors in the case.

The affidavit of Rainey stated in substance that he had had a conversation with Mr. Clugey about December 16, 1909, in which Mr. Clugey had said he could not sit as a juror in the case as he thought Clarence should be convicted. And that after the family of the deceased, Mr. Thacker, had moved to Union, defendant, John Clarence, had ridden around the dwelling in Union on his pony with a revolver strapped on him making threats.

A. C. Tulene's affidavit was in substance, that he had talked with Mr. Clugey in September, 1909, and the juror had told him that he thought Clarence should be convicted, and that affiant had been informed that Mr. Clugey was a relative of John P. Thacker by marriage. Mr. Clugey's affidavit was directed to the statements in Rainey's affidavit, which Mr. Clugey denied that he had made any such statements as alleged in the affidavit of Rainey, and denied also that he was related to John P. Thacker in any manner.

After submitting the affidavits no argument was made on the part of the defendant's counsel, and Judge Travis immediately pronounced sentence upon defendant, Clarence, giving

him the maximum of ten years in the penitentiary, holidays and Sundays excepted.

Sheriff Quinton departed for Lincoln with Clarence immediately after sentence was pronounced. It is probable that the supreme court will fix his bail and that pending the appeal, Clarence will be at liberty.

In the district court the case of Jesse Blunt against the Burlington relief, which the attorneys thought would last but a couple of hours, took up the time of the court and jury for the entire day. Counsel for both sides complained that the other was unnecessarily taking up the time of the court with objections to evidence and long arguments to the court concerning the materiality of the testimony. The case is a very interesting one and the defendant claims that plaintiff used fraudulent methods in procuring the certificate of membership in the relief department, and also introduced evidence to show that before the injury was received for which this suit was brought plaintiff made application to the pension department of the government for a pension, setting up as one of his causes, a lame left knee, which he had had twice injured while in the army, once by accidentally cutting with a foot adz while on fatigue duty, and once a horse fell on the knee while plaintiff was on cavalry drill.

The defendant was subjected to a searching cross-examination by Mr. Clark, and stated that he had been in

the hospital five or six different times with his knee while in the army, named by the injury received with the foot adz being again hurt by the cavalry horses rubbing the wound open when riding in rank. The first injury received while in the service of the railway company was March 21, 1908, for which the relief department paid him benefits for nearly a year, when he went to work for the company and was re-injured, March, 1909. At the time the last injury was received, plaintiff testified that he was standing on the boiler of a locomotive at the round house at McCook, in the act of adjusting the sand spout, when the engine was moved slightly and the wind blowing strong, he lost his footing and fell to the ground, striking his left knee on a piece of coal.

The relief department declined to pay the loss of time, claiming that plaintiff had gotten on the list the last time by giving his name as "Jesse Blunt" and stated in his application that he was a new employee. That his former application had been received from Plattsmouth, and one from Havelock, and if the company had known that he was the same individual as Jesse Blunt, whom they had paid for the former injury, he would not have been received. At the close of the testimony last evening the court and jury showed weariness from the close attention to business for the week and counsel mentioned that argument would be waived, the court adjourned to 9 o'clock this morning when the instructions and arguments, if any, would be presented to the jury.

Since the above was put in type, a 'phone message from Col. John C. Watson, of Nebraska City, counsel for the defendant, says that Mr. Watson has just received a message from the clerk of the supreme court, informing him that the bond offered by defendant for \$15,000 had been approved and the defendant turned loose.

REBELS DEFEAT MEXICAN TROOPS

Remnant of Federal Forces Surrender at La Junta.

SUSTAIN HEAVY LOSS OF MEN.

Are Allowed to Depart After Giving Up Their Arms—Bandits Kidnap Cornell Student—Madero Appoints Provisional Governor of Chihuahua.

El Paso, Tex., Dec. 17.—Federal troops were completely overthrown in an engagement lasting several hours at La Junta, a small town near Minaca, on the Mexico Northwestern and Orient railroads, according to authoritative information received by railroad officials here.

The remnant of the federal troops, numbering 150, surrendered their arms and ammunition and were allowed to depart in the direction of Chihuahua.

The federal forces were supposed to number over 1,000 men and were in command of Generals Navarro and Merandez.

A special from Chihuahua said that fighting had begun anew at Federales. A train from Minaca, Chihuahua, was surrounded by insurgents upon its arrival, captured and backed to a point near San Antonio, for what purpose is not learned.

Madero Names Governor.

Abraham Gonzales, a wealthy stock broker of Chihuahua, has been appointed provisional governor of the state of Chihuahua by Francisco I. Madero, according to information brought here by Luther T. Ellsworth, American consul at Ciudad Portillo. Diaz, Ellsworth states that Gonzales is in the field near Ojinaga, in a camp with General Perfecto Lamoli, and that the two have command of about 1,000 armed men.

It is reported that Enrique Geroneros, son of a wealthy Chihuahua family and a graduate of Cornell university, and an American friend named L. R. Wohlhin were captured by bandits while on an automobile tour to Santa Clara. It is asserted that the men are being held for a ransom of \$25,000.

SENDS EDITORS TO JAIL

Adjudged in Contempt for Criticizing Superior Court at Seattle.

Seattle, Dec. 17.—For criticizing the superior court in connection with the granting of a temporary injunction to the Puget Sound Electric Railway company, Leroy Sanders, publisher of the Seattle Evening Star, was adjudged in contempt of court and sentenced to four months in the county jail. Hugh Allen, managing editor, was sentenced to thirty days in jail, and the Star Publishing company was fined \$300 in the King county superior court. Judge Gilliam held that the criticism tended to prejudice the public in a case still pending.

Supreme Court Rules Against Editor.

Des Moines, Dec. 17.—Editor E. H. Rockwell of the Farmington Herald can get no damages from his fellow townsmen for the coat of tar and feathers which was applied to him in January, 1908. This is the ruling of the supreme court in a suit for damages brought by Rockwell.

WHEAT OFFERINGS HEAVY

Argentina's Big Export Surplus Leads to Free Selling.

Chicago, Dec. 16.—An estimated highest yield on the Argentina export surplus of 115,000,000 bushels led to much selling of wheat here today. Largely in consequence the close was at a net decline of $\frac{1}{8}$ ¢ to $\frac{1}{4}$ ¢. Corn finished $\frac{1}{8}$ ¢ to $\frac{1}{4}$ ¢ down, oats off a shade to $\frac{1}{4}$ ¢ and provisions unchanged to 17¢ greater cost. Close: Wheat—Dec., 91 $\frac{1}{2}$ ¢; May, 95 $\frac{1}{2}$ ¢. Corn—Dec., 45 $\frac{1}{2}$ ¢ to 45 $\frac{3}{4}$ ¢; May, 47 $\frac{1}{2}$ ¢. Oats—Dec., 31 $\frac{1}{2}$ ¢ to 31 $\frac{3}{4}$ ¢; May, 34 $\frac{1}{2}$ ¢ to 34 $\frac{3}{4}$ ¢. July, 34¢. Pork—Jan., \$19.37 $\frac{1}{2}$ ¢; May, \$18.15. Lard—Jan., \$10.25; May, \$10.02 $\frac{1}{2}$ ¢. Ribs—Jan., \$10.17 $\frac{1}{2}$ ¢; May, \$9.60. Chicago Cash Prices—No. 2 hard wheat, 94¢ to 96¢; No. 2 corn, 47¢ to 48¢; No. 2 oats, 31¢ to 31 $\frac{1}{2}$ ¢.

Chicago Live Stock.

Chicago, Dec. 16.—Cattle—Receipts, 15,000; 10¢ higher; beef steers, \$5.00 to \$5.50; cows and heifers, \$3.00 to \$5.50; stockers and feeders, \$3.75 to \$5.50; calves, \$3.65 to \$8.00. Hogs—Receipts, 4,900; 5¢ to 10¢ lower; heavy sold largely at \$7.40 to \$7.50, with the lighter and medium weights at \$7.50 to \$7.60, while a sprinkling of right good or choice light and butcher weights reached \$7.65. Sheep—Receipts, 1,200; slow; a few yearlings brought \$4.75, with a little bunch of native ewes at \$3.60 and a few lambs at \$5.60.

South Omaha Live Stock.

South Omaha, Dec. 16.—Cattle—Receipts, 2,200; 10¢ lower; beef steers, \$5.00 to \$5.50; cows and heifers, \$3.00 to \$5.50; stockers and feeders, \$3.75 to \$5.50; calves, \$3.65 to \$8.00. Hogs—Receipts, 4,900; 5¢ to 10¢ lower; heavy sold largely at \$7.40 to \$7.50, with the lighter and medium weights at \$7.50 to \$7.60, while a sprinkling of right good or choice light and butcher weights reached \$7.65. Sheep—Receipts, 1,200; slow; a few yearlings brought \$4.75, with a little bunch of native ewes at \$3.60 and a few lambs at \$5.60.

CONFER ON TARIFF PLAN

Representatives Reach Partial Agreement on Powers of Commission.

Washington, Dec. 17.—As a result of the conference over the tariff commission plan in the house Representative Longworth, a member of the ways and means committee, will introduce a measure which he believes will best meet the views of the committee. Mr. Longworth and Representative Lenroot (Wis.) and Good (Ia.), both of which have introduced measures for a committee, have been conferring for some days, and succeeded in harmonizing some of the differences.

Whatever measure is finally worked out will provide that the commission which is to supplant the present tariff board with enlarged powers shall collate and assimilate data, but will not be empowered to make recommendations.

There are various points yet to be settled, the most vital being the question of the right of the committee to require the production of papers and files by any corporation it may see fit to call on for such information.

An agreement in a subcommittee of the senate has been reached on the measure declaring for popular election of United States senators.

CANADIAN FARMERS MUCH DISAPPOINTED

Demand for Immediate Tariff Revision Denied by Premier.

Ottawa, Ont., Dec. 17.—The delegation of 1,000 Canadian farmers presented their demands to the Canadian government and received their answer. As a result there are a thousand rather disappointed strangers in the Canadian capital. The reply of the government made by the premier, Sir Wilfrid Laurier, did not come up to the expectations of the delegation. He referred only to the tariff, the Hudson Bay railroad and the elevator proposals. Of the tariff, the premier said it would not be wise to make the extensive revision asked for until the reciprocity negotiations now in progress with the United States were concluded. The goal of the government was in the direction in which farmers were moving, he added.

Of the elevator proposal, the prime minister said the remedy proposed would not be effective, for if Canada owned the elevators on the Great Lakes there would still be transshipments at Port Colborne and at Montreal, where mixing frauds could be perpetrated. Of the Hudson Bay railroad, he said:

"The government is prepared to go on with the construction of the road at this moment. I am not a supporter of government ownership, but to that I may be persuaded, to government operation I may be persuaded also, but with greater difficulty."

FLOODS IN GREAT BRITAIN

Many Villages Are Under Water and Sea Walls Broken Down.

London, Dec. 17.—It is thirty years since England has known such floods as are now devastating immense stretches of the country. The deluge practically has been incessant since Dec. 1, only two days of the sixteen being without rain. The farmers have suffered heavy losses. Large areas of territory are inundated and the water in some parts of the country is twelve feet deep.

In many villages houses have been flooded and the residents are living in the upper stories.

A severe gale swept the coast, causing havoc at sea and at towns like Worthing, Hastings, Cowes and Dover where sea walls washed away and thousands of tons of sand were deposited in the streets.

Off Sherness a British naval tender, occupied by 100 sailors, who were going ashore on liberty time, was capsized and five of the men drowned.

WINNIPEG CARS TIED UP

College Students Volunteer Themselves as Strikebreakers.

Winnipeg, Man., Dec. 17.—The street car system here is tied up by a strike. After a session lasting from midnight to 6 a. m., the employees decided to strike, the company having refused to reinstate prominent union officers, who have been disciplined for drinking in a barroom. The students of three city colleges offered their services to the street railway company to take the places of the strikers. Their offer was accepted. The city is quiet and no cars are running.

Two Banks in Texas Closed.

Washington, Dec. 17.—The Farmers' and Merchants' National bank of Anson, Tex., has been closed by its directors and a national bank examiner placed in charge. This is the second national bank to fall into difficulty in the last week because of the drought and had crops which have been prevalent in the Panhandle section of Texas. The Quanah National bank was closed for the same reason.

Express Companies' Turn Comes Next.

Baltimore, Dec. 17.—A letter received by a well known Baltimore man indicates that within a couple of weeks the interstate commerce commission will begin an investigation of the rates and charges of the express companies operating throughout the United States.

CHARGED WITH MISUSE OF MAILS

Nineteen Persons Are Under Arrest at Philadelphia.

CHAIN SHOE STORES INVOLVED

Four Officials of Syndicate Are Taken Into Custody—Pine Heights Land Company Among the Number—Held in \$1,000 Bail for Trial.

Philadelphia, Dec. 17.—Nineteen arrests were made by postal inspectors in Pennsylvania and New Jersey in the government's crusade against persons accused of using the mails to defraud.

The defendants were given hearings before United States commissioners and held in bail for trial or for further hearings. Seven of the defendants were given hearings in Philadelphia. These include officials of the Chain Shoe stores syndicate, with stores here. Two constitute the Pine Heights company, a New Jersey land improvement concern, with Philadelphia connections, and the seventh is a local physician. The complete list, with the results of their hearings, is:

Chain Shoe Stores syndicate, Louis L. Rice, president, Philadelphia; Andrew C. Patterson, first vice president of the syndicate, also president of the Excelsior Trust company of Philadelphia; Edgar Pohlig, second vice president and treasurer; George H. Brooks, third vice president, Philadelphia.

Each was held in \$1,000 bail for a further hearing.

The Pine Heights company, Robert G. McMorris, Philadelphia, and Harry P. Stanton, Ocean City, N. J., waived hearing and were held in \$500 bail each for trial.

Individual Arrests.

Other individuals arrested were: Dr. J. B. Hornstein, \$800, Philadelphia; Charles B. McKee, Huntington, Pa., \$1,000, for a further hearing; J. S. Lepsch, Ridgway, Pa., \$2,500, for further hearing; John A. Weitzel, Lancaster, Pa., \$1,000, for trial; Abram Stauffer and Oscar A. Stauffer, Palmyra, Pa., \$5,500 each, for court; William S. Leam, Lebanon, Pa., \$500, for court; Abram S. Stauffer, Palmyra, Pa., \$4,500, for court; Ira C. Webster, Newark, N. J., \$1,000, for further hearing; Oscar Gustavson, Jersey City, N. J., \$1,500, for further hearing; S. Joseph Silverman, Pittsburg, \$2,500, for court; Lewis Conrad, Conrad Lotz and William Bingham, officers of the Correspondence Institute of America of Scranton, \$1,000 each, for further hearing. This organization has no connection with the International Correspondence schools.

The government alleges that the Chain Shoe Stores syndicate sold stock on fraudulent representations.

Dr. Hornstein, the Philadelphia physician, is accused of sending through the mails circulars advertising a remedy and is charged with making fraudulent statements in his literature.

Conrad, Lotz and Bingham are, respectively, the president, secretary and treasurer and manager of the Correspondence Institute of America.

Charge Fraudulent Letters.

The postal inspectors allege that this concern procured lists of high school students and wrote to them saying their names had been recommended as those of persons with artistic talent. On this account the institute offered a \$42 course of art instruction under its faculty of fine artists for \$18.50. It was said there were 60,000 students enrolled in the books of the concern.

McKee, who was arrested in Huntington, traded as the Charles B. McKee Commission company and the Hunting Fruit and Produce company. It is alleged that he bought produce of farmers through the mails and failed to make payments.

PACKERS AGAIN INDICTED

New Set Drawn to Meet Point Raised by Attorneys for Accused Men.

Chicago, Dec. 17.—A new set of indictments charging the National Packing company and its officers with conspiring to restrain trade was returned before Judge Landis in the United States district court. Trial on the indictments will be brought before District Judge Carpenter.

The new indictments were brought to obviate any difficulty arising from the packers' claim of impropriety in Judge Landis hearing the case on the grounds that several years ago, as assistant United States district attorney, he took part in an investigation of the beef packing industry.

CLERKS MUST REPORT AT 8:30

President Taft Decides to Add Half Hour to Workday.

Washington, Dec. 17.—President Taft and his cabinet decided that all government clerks employed in Washington shall work a half hour longer each day. The decision is in line with the policy of the administration to bring about greater efficiency and economy in the government departments.

It was decided to add the extra half hour to the forenoon and the time for reporting each morning was fixed at 8:30 o'clock, instead of 9, as at present.

Get a Man What He Wants; What he Will Have To get For Himself!



We Suggest a Look into Our Show Windows! Many Sensible Gifts You'll See!

THE XMAS STORE FOR MEN!

Sensible, practical gifts are not only more appreciated, but they emphasize the good judgement of the giver. No man's wardrobe is so complete but what he can use something else.

HERE ARE:

Matched Sets, comprising Bengaline Silk 4-in-hands, Handkerchief and Sox, \$1, \$1.50 and \$2, all shades.

Hosiery, pure silk, reinforced cotton soles, five best shades, 50¢ per pair.

Everwear Sox, 6 pairs in a box, guaranteed six months, \$1.50 per box.

Interwoven Sox, 4 pairs in a Xmas box, light weight, linen toes and heels, \$1.00 per box.

Bathrobes, various shades, regular style, some with slippers to match, \$5.50 and \$7.00.

Smoking Jackets, neat and lively pattern combinations, sizes—36 to 42, \$5.00 and \$6.50.

Men's Fancy Vests, wash fabrics, silk, mercerized and French flannels, from \$2.00 to \$5.00.

Parker Laundry Bags, and ideal receptacle for soiled linen; complete set, including ring fixture and two bags, (leather name tag on each bag) \$2.00.

Stick Pins, plain and stone settings, 50¢ to \$1.50; Cuff Links, beautiful designs, priced at 25¢ to \$1.50; combination sets \$1.00 to \$2.00.

Silk Suspenders, separate or with garters and armbands to match in Xmas boxes, 50¢ to \$1.25; garters or armbands separate 25 and 50¢.

Manhattan Shirts in French cloths, English madras and percales \$1.50 to \$2.50.

Mufflers, silk or knitted, all shades and styles. 50¢ to \$3.00; Motar Scarfs, all wool, at \$1.25.

Besides this we have many other useful articles, suitable for men and boys.

The Home of Hart, Schaffner & Marx Clothes
Manhattan Shirts

Stetson Hats

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