

Colonel TODHUNTER of Missouri

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CHAPTER XIII. Capture and Trial.

FIVE miles back, on the road along which the fugitives had come, two men on horseback were galloping swiftly in pursuit. One was tall, with cool gray blue eyes under shaggy brows, gray hair, white mustache and an old fashioned imperial. His seat in the saddle was that of a seasoned cavalryman. The other was small, wiry, with a smooth shaven, hardset face, a mouth like a steel trap, cold hazel eyes that kept themselves fixed on the road ahead.

"We oughtn't to be very fur behind 'em now, Jim," spoke the first man. "Th' ain't no way they could ha' dodged from the main road, is there?"

"No, colonel, they ain't," returned the other. "Not till they come to the old dirt road that leads to the cabin I told you about. That's where they're headin' for, Colonel Todhunter, and it's where we're goin' to run upon 'em. We'll be there pretty soon too."

Colonel Todhunter's face was grim. "I hate to think of Lottie-May Doggett!" he spoke. "It's mighty bad, mighty bad, sub. I feel that sorry for poor old Hafe Doggett. Lord, Lord, the shame of it all is a-goin' to kill that good old man!"

The wiry little man to whom he spoke snapped his jaws together in angry scorn.

"That can't be helped now, colonel," he made answer. "I got to do my duty, woman or no woman!"

"I ain't askin' you to do anything less'n your duty, Jim," replied Colonel Todhunter. "And I'm just as responsible as you are. But I'm sorry, and I'm afraid too. If there's any serious trouble I hope there'll be some way o' seein' that the girl don't get hurt."

"She won't if she behaves herself," said the other. "But she's got to do that, for there ain't goin' to be no time for foolishness. You've got to forget the girl part of this business if you want to come out on top, Colonel Todhunter."

Colonel Todhunter sighed. "I reckon that's straight, Jim," he agreed.

The two rode on abreast without further words until they reached the cross-road.

"Here we are, colonel," spoke the little man, his voice low. "It's a safe bet they're layin' up till dark in that old shanty."

The two riders checked their horses to a walk.

Suddenly a woman's shriek broke the stillness. "For God's sake, Jesse!" the cry sounded. "You ain't a-goin' to kill me like a dog, are you?"

Instantly, hearing the cry, Colonel Todhunter pressed his horse to a full gallop. His companion did the same. They threw themselves from the saddle in front of the cabin. Colonel Todhunter hurled his weight against the door. It yielded, and he plunged inside.

A girl knelt in the center of the dark little hut. Her hands were uplifted in entreaty. Over her stood a man with a knife raised to strike. His face was black with rage.

Colonel Todhunter covered him with a swiftly drawn pistol. "Hands up, Chickasaw! We'll tend to Lottie-May ourselves—and to you. This is the sheriff o' Rails county I got with me."

The man turned. He looked into the muzzles of two revolvers, the sheriff being well nigh as quick to draw as Colonel Todhunter. Their menace did not invite resistance. The man saw this truth instantly. Colonel Todhunter's steady eyes held his. The colonel spoke to the girl without looking at her.

"Git off there to one side, Lottie-May," he said. "Quick!"

The girl sprang from under the knife. "Thank God, you come, Colonel Todhunter!" she cried. "Thank God—oh, thank God!"

And at the girl's cry the man laughed aloud. He threw his knife to the floor.

The trial of Tom Strickland had been relentlessly hurried to the day of its closing by a political prosecution working through a complaisant judge servile to machine influence.

From that early moment of the selection of a jury the truth of a merciless haste was in evidence. It was explained by the court that there was imperative need for as little delay as might be possible, the docket being crowded and many cases remaining to be disposed of during the present term. The grim fact was that Colonel Strickland's enemies felt sure of a conviction and were determined that the verdict should be rendered in time to remove whatever peril of his nomination might still remain.

The evidence scored heavily against Tom from the start.

There was plainly sounded a note of somewhat insolent confidence, almost like jubilation, in the swift announcement of the state's readiness for trial. Colonel Bill Strickland, gray and plucked of face, recognized its instant men-



ace. His closely shut lips broadened their rigid lines piteously, precisely as they had done when Tom was brought into court and took his seat confronting the jury.

At the same moment a swift flash of anticipated triumph leaped into the eyes of old Ephraim Tucker, sitting with the state's counsel. Tom's father saw this, and his jaws set hard at the sight.

"They're feeling pretty sure of a conviction," he whispered to Major Gentry Dryden. "Is it likely they've obtained evidence against Tom that we don't know anything about?"

The lawyer shook his head. "I hardly think so," he replied. "We've got a line on all their witnesses, I believe. I can't figure out how they'll be able to spring a surprise on us."

But one sinister sentence in the prosecuting attorney's opening statement to the jury undecieved him.

"We shall prove, gentlemen, beyond a reasonable doubt, that the state's counsel said, 'the motive which, we claim, led Thomas W. Strickland to slay Stamford Tucker, and then'—moving a step nearer to the jury and lifting one hand impressively—'having proved this, we shall establish by the testimony of an eyewitness the fact of Thomas W. Strickland's presence at the scene of

the murder at the time of its commission."

Major Gentry Dryden, in spite of himself, started at hearing this crushing announcement. Something of fierce resentment, pathetic in its impotency, showed in Colonel Strickland's grizzled countenance. Tom's face, a helpless perplexity in his eyes, went deadly white.

The atmosphere became tense with the sudden dramatic grip of the situation thus created.

And the hearing of testimony for the state began.

It went forward with merciless precision and dispatch, a certainty and rapidity so well ordered as to be overwhelming in moral effect.

The evidence was cruelly against Tom Strickland. Two witnesses, a farmer and his son, testified to finding the dead body of Stam Tucker by the roadside, at a point midway between the Tucker home and the town of Nineveh, at daybreak on the morning of the 27th day of July just past. They were on their way into town to sell garden produce. The dead man lay on his back just at the edge of the road. There was a bullet hole in his forehead. A pistol, with one chamber empty lay an inch or two distant from his right hand. The witnesses had hurried into Nineveh and notified the authorities.

Simeon Birdsong testified that had feeling had existed between Thomas W. Strickland and Stamford Tucker since the night of the clash between

the Strickland and Yancey factions at the opening rally of the Strickland campaign. The witness stated that the accused at that time made threats to "get even" with Tucker for attempting to break up the Strickland meeting. On the following day the accused had openly insulted Tucker in the barroom of the Nineveh hotel and had knocked him down a short time later when they again met in the same place. It was generally believed that there would be a bloody encounter between them before the campaign closed. Other associates of the dead man and the accused testified to the same facts.

Mrs. Todhunter, whose appearance as a witness for the state was a dramatic surprise and who was pitifully agitated, testified to the fact of the accusation made against Thomas W. Strickland by Lottie-May Doggett at the reception and hop given by the Nineveh Light Infantry, and her testimony was supported by that of several other ladies who heard the accusation.

Nicholas Bledsoe, the bartender in the saloon frequented by the Yancey-Tucker faction, testified to the facts of the two visits to his place made by the accused on the forenoon and evening of the 26th day of July just past. On the occasion of the latter visit the accused had told him that Stamford Tucker was the man whom Lottie-May Doggett should rightfully have charged with her ruin; that the girl had told him, the accused, of Tucker's meeting her secretly, and that he meant to make Tucker acknowledge the truth publicly or else kill him.

This witness' testimony established the hour of 8:30 on that night as the exact time at which Tom Strickland had left the barroom to go out to the Tucker home for the purpose of compelling Stamford Tucker to agree to make such an acknowledgment or of forcing a hostile meeting in the event of his refusal.

White-haired Mrs. Tucker, the dead man's mother; Katherine Tucker, his sister, and Ellen Barry, domestic in the Tucker home, testified that Stamford Tucker had left the house at or about 8:30 o'clock on the night of the 26th of July past, saying that he might be late in returning. He had not told them where he was going. They had believed he was going into the town of Nineveh.

Dr. Longford, the county coroner, testified to the established facts of the inquest that had resulted in a verdict holding Thomas W. Strickland for the killing of Stamford Tucker.

Luther Bradfield, proprietor of a hardware store in Nineveh, testified that Thomas W. Strickland had purchased a revolver from him on the morning after the opening of the Strickland campaign in the Nineveh town hall. He identified the weapon taken from the accused at the time of his arrest as the one thus purchased, and stated that the bullet found in Stamford Tucker's brain was fired from a pistol of the same caliber.

Colonel Thurston T. Todhunter and Miss Lottie-May Doggett had not answered to their names when called as witnesses for the prosecution. The deputy sheriff sent to bring them into court had returned later and announced that he had been unable to find them. This had occasioned much surprise; but, as both the state and the defense felt assured of their appearance at almost any moment, the examination of other witnesses proceeded.

The case against Tom Strickland began to assume its most ominous aspect immediately following the testimony of Bradfield, the hardware dealer.

The prosecuting attorney turned, smiling, from a whispered consultation with old Ephraim Tucker.

"Call Abraham L. Tolliver," he said. A negro man about forty years of age took the stand in answer to the sheriff's cry. He seemed frightened and reluctant to testify.

"What is your name?"

"My name is Abram Lincoln Tolliver, sub—dass my name."

"What is your occupation, Abram—what do you do to make a living?"

"Mostly I ketches fish, sub. I hunts some, too, and I sets traps for coon and mink down yander in de Black Bottom swamps, sub."

"Where were you, Abe, on the night of July 26 just past?"

"Part de time I was right hyar in dis leah town o' Nineveh, and attar dat I went on my way to whar I done got my camp in de bottom lands, sub."

"What time did you leave the town of Nineveh to go to your camp in the Black Bottoms?"

"I lef' duss a li' while attar half attar 8, sub."

"How do you know this?"

"Case I done at Ben Dalton, de culud man whar I been visitin', what was de time duss as I was a-tellin' him goodby, sub."

"What road did you take to go to your camp in the Black Bottoms?"

"Why, sub, 'cose I took'n de Black Bottoms road, sub—less ways 'twell I comes to a li' hog path what leads down into de big swamps off'n dat-ar road, sub."

"How far is it from town before you come to that hog path, Abe?"

"Dess 'bout'n a mile, sub, ter de bes' o' my knowledge and speakin' sorter offhand lak, sub."

"Do you know where the Tucker place is on the Black Bottoms road?"

"Yass, sub."

(To Be Continued.)

Has Fine New Sign.

Frank Gobelman, the artist, has just finished one of the finest signs in the city for the Journal office. The sign is of plate glass and is finished in a very artistic manner and makes a very handsome addition to the finishing of the windows.

IN PLATTSMOUTH FORTY YEARS AGO

Items of Interest to Old and New Residents of City Which Were New Forty Years Ago.

"Lou" Cunningham has gained 20 pounds of somebody's meat up on the Loup.

Capt. Butts of the transfer boat caught his arm in the windlass of the apron, and it was reported broken.

Billy Shyroek says he don't want any more "Loup County" in his; it's worse than playing "devil" in a printing office on a hot day in August.

Tipton precinct sends greetings to the Herald and says they are the banner precinct in Cass county, having commenced harvesting on the first of July.

The camp meeting grounds are being rapidly fixed up, southwest of John Barnes' place and in near the Canada's. Tents are on the grounds, but not put up yet.

John Simpson, an old resident of Plattsmouth, late of Wyoming, has returned to his ancient corner and good old-fashioned Cass county fodder, no more to wonder after strange Gods abroad.

Mr. Thomas of Four Mile Creek drives the colts to town mit a new harness on and they look gay as a peach; that's right, give our boys a chance to dress your horses out.

Mrs. Garrison, our well known dressmaker, has left us for a season and removed to Ashland. We are sorry to lose Mrs. G. and as she was doing a good business, only a better prospect ahead induced her to change residence.

The thermometer stood at 108 in the shade, the place in Plattsmouth on Saturday, July 25. It was the hottest day we ever saw. The wind blew a perfect sirocco and the thermometer would have run up to 130 in the wind anywhere.

The horse attached to Frank White's delivery wagon took another little run round the corner on Tuesday and turned the wagon a complete summersault, leaving the box bottom upward on the ground and the wheels standing on top of it.

Mr. Melteer has opened a new hardware shop at his old place of business on the southwest corner of Main and Sixth streets. He will keep shelf hardware, nails, horseshoes and horse-nails; also sewing machine depot in the same building. Josephus! what a man.

We were much pleased with a call from Eddie Wiley, son of Dr. Wiley, of Three Groves. He has been for a long time a great sufferer from an abscess in the side, but at last he is better and up and about. He is trying to canvass for a very interesting book and we wish him all success.

A lamp exploded in Miskella's grocery store on Tuesday evening during Mr. Miskella's absence at supper. Some passers-by broke open the door and extinguished the flames before much damage was done. This is the third attempt at a fire in this block within six months.

M. B. Cutler has gone out of the grain business and Frank E. White and Wm. Darrah have formed a co-partnership under the name of White & Darrah. They will buy all kinds of grain as heretofore by Cutler & White, and are No. 1 reliable young men. We recommend them heartily to the farmers and public generally.

We are informed that a Mr. Nelson, who resides, or was, near the junction of the C. B. & Q. on the B. & M. R. R., had an attack of sunstroke on the 7th which resulted fatally. This is warm weather, with the thermometer at 105 in the shade, and we would advise all to be careful of their coverings.

Cass county has gained, by the late census, 2,257 people since the U. S. census of 1870. We are set down now at 10,397, but there is no doubt that many families were overlooked and not enumerated by the assessors, who

often found the men away from home, got their assessment returns and forgot the census part.

A meeting of the committee appointed to wait on the common council, and others interested in city taxation took place at Dr. Black's office on Monday evening. The report of Dr. Black, as chairman of the committee, was received and the meeting adjourned until next Monday evening at 8:30 in the court house, when a report from the council may be expected.

A large party from Plattsmouth went up to Omaha on Sunday to visit Mrs. Van Gott. A special train was chartered and the good people flocked away to hear the energetic woman preach, leaving our own churches almost empty. Not much more so than usual, however.

The principal men of the B. & M. R. R. have lately been over the road on an inspecting tour. The party consisted of J. W. Brooks, Boston, president; C. E. Perkins, vice president; Col. C. F. Morse, general superintendent, and others connected with the road. The country has settled up wonderfully since their last visit here no doubt. That is the last visit of the Boston folks anyway.

By mutual consent the firm of Drs. Scheldknecht and Butler have this day dissolved partnership; Dr. Butler goes to Weeping Water Falls to locate permanently. Dr. Butler desires to return thanks to the people of Plattsmouth and vicinity for their kind patronage during his short stay among them, and hereby expresses his own regret at leaving, the same being undertaken solely on business grounds.

Samuel Waugh has returned to his place—we were almost on the point of saying his native home—anyway, after much roaming. Mr. W. intends to adopt this as his native place, and Plattsmouth will gladly welcome him. Mr. Waugh brought his brother, Mr. James Waugh, along to look at Nebraska. They are both from Virginia, and if not F. F. V.'s, are certainly R. F. F.'s—fine funny fellows.

C. A. Holcomb of Lincoln visited our place last Tuesday in behalf of Wilcox & Holcomb, proprietors of the new tanning process invented and patented by Mr. Wilcox. The tanning principle is derived from a weed growing plentifully on the prairie, and commonly known as heart weed (Polygonum Amphibium). Some of our smart people ought to take hold of this thing and start a tannery at Plattsmouth. We ship hides east, pay freight on them, ship the leather and boots back and pay freight on these, while all the time we ought and might make our leather and our boots and shoes at home.

The festival given by the members of the Catholic church on Tuesday evening was, as usual, a success. The net receipts, we understand, being in the neighborhood of \$140. Ice cream and good things in abundance, and plenty of pretty girls to dispense them, were the order of the evening, and a pleasant dance to wind up with, under the skillful management of Mr. Grace. A large cake brought in over \$16; we did not learn who was the happy finder of the mystic circle of gold, which should bring the possessor a never-ending round of prosperity, and perhaps enable him to circle more successfully in the misty mazes of the round dances with some of Plattsmouth's fair daughters, but have no doubt he deserved Fortune's fickle ruling. We congratulate the getters-up of the affair, upon the happy result of their labors.

We publish below the role of honor of our High school. We hope the young people will endeavor to make it indeed a roll of honor to themselves, their teachers and their parents. All are interested in their success. The standard of excellence is 100, and the standard necessary to retain a position in grade is 70:

Second Grammar—Sadie E. Valentine, Carrie Porter, Ida B. Conn, Ella M. Billings.

First Grammar—Olive Hornung, Edith B. Lazenby, Lottie Leesley, Carrie L. Bennett.

Second Intermediate—Alice Pollock, Florence Russell, Allie Gass, Lillie Tucker.

First Intermediate—Willie Erhart, Hannah Miller, Hattie Crawford, Mary Murphy.

First Ward—Charles Parmele, Henry Herold, Alma Waterman, Clarence Robine.

Second Ward—George Heisel,

Amelia Heisel, Timmy McKevel, Alison Kree.

Third Ward—Frank J. Morgan, Jessie M. Smith, Walter E. Pailing, Nettie M. Smith.

Fourth Ward—Frank O'Neil, Celia Goos, Eddie Morrison, Willie Edgerton.

The sapient common council of our enlightened town saw fit to make an almost clean sweep of our teachers last Saturday. While about it we would have raked the board and cleaned the coop. One poor woman left, can't leave all the lot. No reasons or excuses yet offered to the Herald has satisfied us that this action was wise or just to the old teachers, who had stood by the council and school board in days of trouble, and who are now without note or warning left out in the hot and burning summer season to hunt for another place at this late day, and with the implied stigma upon them that they are incompetent to teach here. We have not time to treat this matter fully now, and it's too hot to get mad at anything; but the Herald, in common with many of our best citizens, feels hurt at this action of somebody.

The council try to lay the blame on Prof. Wise, and the Prof.—well, he says nothing. We have stood by the Prof. heretofore through thick and thin, but we must hear better reasons for such a wholesale slaughter of the innocents than we have yet heard before being convinced that such a change was necessary. Change is not reform, and this town has had enough of new teachers with long and powerful recommendations. One month's personal knowledge is worth all the sheep-skin flatteries in the U. S.

Mary Pronger, aged ten years, daughter of Mr. and Mrs. George Pronger, died suddenly Tuesday evening.

Cap. Wiles' team ran away on Saturday, and Prof. d'Allemand went spinning after them. The Prof. was caught before damaged, and the team walked into the barn at home when they got hungry.

La Platte, just across the river in Sarpy county is having red-hot times. On Saturday a young woman threw her child in a well, and "Rob" and the sheriff have her and the reputed father of the child in custody; and Sunday a man almost kicked his wife to death, and things are still working.

Wednesday was a day of alarms for the fire department. About 10 o'clock the fire bell suddenly pealed out a startling alarm. All the fire boys made for the engine house, and soon the Babeock's, big and little, were out and on the road. The road was so fearfully and wonderfully rough and half-frozen and muddy that all the men that could get on the ropes could scarcely move the engine faster than a walk. This fire was reported in the Second ward, at F. Kroehler's house, and was caused by the falling of a chimney. No great damage was done, and the fire was out before the engine could possibly have reached there.

George Poisal's team was hooked on to draw her back, and scarcely was the engine backed under cover when an alarm was given down Main street, on Third street south of the cut. Poisal's team was hitched to the engine direct this time, and in fearful grandeur the P. F. D.'s sailed down Main street to the corner of Fourth, only to find the fire so badly seared that it again went out before they could get a squirt at it. Just after high noon and just as the boys had fairly scraped the mud and dirt from their bodies, the bell again rang loud and rapid and the cry was started that James Porter's house was on fire. Poisal's team was yoked to the hook and ladder truck and the grey team from the "bus (Fitzgerald's), to the engine, and up the long hill on South Sixth street the boys steamed and streamed amid the mud and clay, only to find no fire at Porter's house and no symptoms of any. Some boys from the High school gave this alarm and declared they saw flames ten feet high issuing from the roof. One youngster climbed the Methodist church ladder and rang the bell stoutly, averring, as he came down, that he "saw the roof all on fire." The people at Mr. Porter's house, however, indignantly deny any cause for alarm even. Three alarms in one day, and two of them false, tried both the temper and pluck of our fireboys, but we are happy to record they stood the test of both.