

ROE CONVICTED OF MURDER IN SECOND DEGREE

(Continued From First Page.)

door of the car, to discover Roe astride Richardson, with the knife with which he had apparently inflicted the wounds found on the body.

This morning the court was opened by the state calling to the witness stand the surgeons at St. Joseph's hospital in Omaha, who had conducted the operation performed upon Richardson there.

Dr. J. H. Heston testified that he was a surgeon at the hospital and had met the patient, Richardson, at the Union station, where he was in charge of the county attorney and William Ash, and the man had been conveyed direct to the hospital, where the operation was performed by Dr. Hollister, assisted by the witness and Dr. Kline. He stated that apparently one lung had been punctured and a large wound in the abdomen penetrating the intestines and that peritonitis had set in on the man. The patient became worse while on the operating table and all the known methods of artificial respiration had been used to bring him to, but without success. The witness, assisted by Dr. Newell, had performed the autopsy on the body on the Monday following his death and found a large wound in the abdomen some three-quarters of an inch wide, which penetrated into the intestine. As to the cause of death he thought either the wound in the lung or the one in the intestines could have caused death, as the chances of the patient were very slight for recovery. On cross-examination he was asked if the patient had died on the operating table and stated he had.

Dr. H. Hollister was next called to the stand to offer his testimony in the case. He stated he was a graduate of the Harvard Medical school and had practiced a number of years in the hospital in Omaha. The patient, when placed on the operating table, was suffering from a very severe case of peritonitis, and as it was a case of last resort the wound in the abdomen had been enlarged and exploration made of the intestines for the wound inflicted by the knife, but without success, but they had found a considerable amount of puss and blood throughout the interior of the bowels, but went as far as they could without disemboweling the man, Richardson, and then sewed him up, when he collapsed and died. Mr. Tidd asked him if the man died on the operating table and he stated he did.

Dr. Edward Kline, one of the home doctors at the hospital, stated he did not know any of the points of the operation, as he merely administered the ether to the patient before the operation was started. He said Richardson took the ether in good shape, and to the question of Mr. Tidd replied that Richardson had died on the operating table.

Dr. J. B. Hungate was recalled to the witness stand by the defense for cross-examination and was questioned as to what he found on the beds in the bunk cars. He stated he found Richardson lying on the west bed and on the east bed there was the impression as if the head of someone had been lying there, and quite a large amount of blood. He had taken the clothing of Richardson. The attorney for the defense then asked the witness as to any conversation he had with Richardson, but the county attorney's objection was sustained by the court, as the question was not put in the proper manner. The witness was then asked what he had said when told by the doctor of his condition, and he asked Roe why he had stuck the knife into his abdomen, and Roe had replied, "Why did you beat me up?" The patient was in a state of shock when the doctor arrived and he thought he had been in a state of intoxication; these questions were objected to by the state, but the court overruled them. In reply to the question as to whether he thought Richardson was addicted to the use of narcotics of any kind, he stated he thought he was. On re-direct examination he was asked by Mr. Taylor if he had not made the

conclusion as to Richardson having been in a state of intoxication, and he stated he had.

William Ash of Weeping Water was called to the stand and identified a knife shown in exhibit by the state as the one that he had in his charge, as the instrument that caused the wounds on Richardson's body. He had first saw Richardson in the office of Dr. Hungate and had accompanied the injured man to Omaha to the hospital.

Dr. J. B. Hungate was recalled to the stand by the defense in an effort to get the conversation held by the injured man with the doctor, both before and after the injuries had been dressed, but the matter was ruled out by the court on the objection of counsel.

The prisoner, Joseph Roe, took the stand in his own behalf and made a very good witness, telling a straight story of the trouble as far as he could recollect the details. He and Richardson had spent some time in drinking and singing after Olander had gone to bed, and just how the trouble started he could not recall, but Richardson had jumped onto him and given him a severe beating, striking him several times in the face and on the head. After he had gotten up from the bed where he fell he saw Richardson across the room and started over there, when Richardson came over to the stove and secured the lid off of the stove and started for him with it upraised in his hand, and they were both cursing at each other. As Richardson advanced on him he parried the blow and struck him with the knife, which he had picked up from the table as Richardson advanced on him, and they had then clinched and fell to the floor in the northwest corner of the bunk car, but he had no recollection of stabbing Richardson in the back, but thought he struck him in the abdomen as they hit the floor in the fall. As they both had been drinking he did not have a clear idea of the time the trouble occurred.

The cross-examination by County Attorney Taylor failed to shake the testimony of the prisoner to any degree. He retold the story of having been hit by Richardson and having fallen on the bed, and thought perhaps he had been there for a minute or two, when he got up, but did not recollect having heard Olander get up from the bed on which he was lying. As he arose he saw Richardson across the room on the west side of the car facing him, and he got up and started across the car toward him, and as he did so Richardson crossed in the direction of the stove and picked up a lid off of the stove and advanced on the prisoner with it upraised as though to hit him, and when within a foot of him he had parried the blow he thought was aimed at him and then struck him a blow with the knife in his hand, and he identified the weapon shown by the state as that with which he had struck Richardson. As they clinched and fell to the floor he struck Richardson in the abdomen. They had been good friends prior to the time of the trouble in the car. As they fell to the floor the stove lid flew from the hands of Richardson and rolled to the side of the car where the stove was located. As the prisoner was still under cross-examination by the county attorney at the noon hour, a recess was taken until 1 o'clock.

The morning session was attended by the senior class of the High school, who spent some time in the court room listening to the testimony of the different witnesses.

The prisoner has, since his confinement in the county jail, grown a beard of considerable size of a dark reddish hue, and this, with his long hair, makes his appearance much older than he really is. He has appeared unemotional during the course of the trial and has not betrayed by a sign any feeling as the story of the affair as has been told on the witness stand.

From Wednesday's Daily.

The Joseph Roe murder trial was resumed yesterday afternoon at 1:30, with the defendant still on the stand and undergoing a cross-examination from the county attorney, but there was not a great deal of additional light shed on his previous testimony.

He was followed by Dr. J. S. Livingston, who was called by the defense to testify as to the effect of the amount of whisky alleged to have been consumed by the men on their action. The question was thoroughly argued by the counsel and the witness answered by stating that he would have to presume that each man had drunk an equal share

and that it would, if the amount claimed had been drunk, put them in a state or condition where they would not know just what they were doing. He was cross-examined by the county attorney as to whether or not the amount of liquor drunk would interfere with the formation of a deliberate intention, and he stated it would not.

A. L. Tidd, the attorney for the defense, then took the stand and testified as to the finding of the bottle that had contained part of the liquor, and identified it before the jury.

He was followed by Herman Stoll, who resides near the scene of the trouble, and who was questioned by the state. He stated he was at the bunk car on the morning of the 29th of November and he identified the prisoner as one of the parties present at that time, and that Richardson was also there; that Roe, addressing Richardson, said: "Don't say nothing; you will be all right." The defense moved to have this stricken from the testimony, but was overruled by Judge Begley.

Sheriff Quinton was then called to the stand and asked if he had used any threats or promises to secure the prisoner to make any statements in regard to the matter from the time he was placed under arrest until on trial, and he stated he had not. He was also asked as to the appearance of the prisoner at the time he was brought here and whether the wounds from which he was suffering on his face and head were severe or not, and he replied that he noticed the eye of the prisoner was opened, though there seemed to be a clot of blood formed on the eyelid of the prisoner from what seemed to be a small scratch or ragged gash over the left eye. He stated the prisoner had not washed off the blood until the wound was entirely healed up. The attorney for the defense brought the prisoner before the witness and jury to show them the scar made, it is claimed, by the injury he received in his fight with Richardson. Mr. Tidd asked the sheriff if he had washed the wound out or looked after it in any way, and he replied he had not, as there was plenty of water in the jail where Roe could have washed the injury.

Deputy Sheriff Manspeaker was called to the stand and bore out the statement of the sheriff as to the condition of the man's eye.

Following the close of the testimony the state and defense both rested and an adjournment of a few minutes was taken before the closing arguments of the attorneys were made to the jury.

County Attorney Taylor summed up the evidence for the state, pointing out the different testimonies as given by the witnesses, both for the state and defense, and he made a strong argument for the finding of a verdict of guilty of murder in the first degree, as charged in the information, and attacked the testimony of the defendant as having been colored to aid his case, as the stakes for which he fought were as great as it were possible to be.

Attorney Tidd, in his opening argument to the jury, pointed out the testimony of Oscar Olander and gave that young man a severe grueling for the statements he had made, and pointed out the fact that all the witnesses, without almost any exceptions, had testified that the murdered man and the prisoner were warm friends up to the time of the quarrel.

The arguments of the attorneys occupied the space of several hours, and the judge then delivered to the jury his instructions as to the law covering the case and the action that should be taken by them.

The case was submitted to the jury last evening at about 8 o'clock, and the members retired to the jury room to weigh the question of the evidence in their mind, and at 11:30 notified the court that they had agreed on a verdict. Judge Begley was notified, as well as the other court officials and the prisoner, Joseph Roe, and they assembled at the court room to hear the verdict read by District Clerk Robertson.

The decision at which the members of the jury had arrived was that the prisoner was guilty of murder in the second degree, which means a sentence in the penitentiary of from ten years to life, and as the verdict was read Roe, for the first time during the trial, seemed to feel the weight of the crime for which he will shortly be compelled to undergo punishment.

The case throughout has been

followed with great interest by the public and the state's interest has been looked after in a very able manner by County Attorney C. H. Taylor, while Attorney Tidd done his utmost for his client to secure his acquittal.

The crime, as shown by the evidence, was a very vicious one, and although the prisoner was under the influence of liquor at the time the crime was committed, it was clearly shown that he was aroused to a murderous rage and stabbed to death his former friend and companion, Glenn Richardson.

The defense will make a motion for a new trial in the case.

ENTERTAIN IN HONOR OF THE SEVENTIETH ANNIVERSARY OF SISTER

From Tuesday's Daily.

Yesterday afternoon Mrs. Fred B. Egenberger entertained in a most charming manner at her home in honor of the seventieth birthday anniversary of her sister, Miss Hermie Rotter, and the occasion was one of much pleasure to the young ladies who assembled at the hospitable Egenberger home to take part in the pleasures of the day, and Miss Hermie was treated to a most complete surprise from her friends. Various amusements served to pass the time most delightfully until an appropriate hour, when a delicious three-course luncheon was served, that added greatly in making the occasion a most pleasant one. Those present for the surprise were: Misses Marie Nestadock, Anna Kopka, Marie Svoboda, Mable Brown, Mammie Speck, Ruth Healyberlin, Laura Weisinger, Hermie Rotter and Mrs. Egenberger and two daughters.

Beautiful Shetland Ponies for sale at all times, for the next 100 years, unless I die in the meantime. I have now an extra fine stallion, the best in the state, for sale. Well broke for both harness and saddle.

Wm. Gilmour, Plattsmouth, Neb. R. F. D. No. 1.

NOTICE!

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Common Sense Counts as Much in Making a Town as Anything Else.

WESTERN MACHINE AND FOUNDRY CO. of Plattsmouth, Nebraska, Fourth and Pearl Streets. (Formerly Chopie Gasoline Engine Co.)

At the solicitation of our friends we have taken over the above works with a view of expanding the business along conservative lines.

We shall continue to manufacture the Patent Gasoline Engine heretofore made in these works, for the reason that in principle it is the best gasoline engine that we know of; the name of this engine will be changed, also the name of the concern as per above.

Our aim shall be to employ only competent men; these we shall introduce as fast as the business warrants, and may from time to time draw on our Omaha shop for such special help as may be required until the volume of work shall justify their permanent residence in Plattsmouth.

The foundry and machine shop will be at the service and accommodation of the community and render any assistance in machinery repairs or equipment that may be wanted. In addition to our regular work we will undertake to overhaul and rebuild automobiles, or attend to repairs pertaining to machinery in general; build special machinery when required from customers' own ideas and plans, and, in general, furnish such service as may be expected from any first-class machine shop.

We also act as purchasing agents for any kind of machinery and supplies, and can furnish same on short notice.

WESTERN MACHINE AND FOUNDRY CO. of Plattsmouth, Neb. Platts, Phone 362. Omaha Phone D-5837.

Public Sale

The undersigned will sell at Public Auction, at his home, 3 1/2 miles northwest of Murray, 3 1/2 miles southwest of Myard, and 7 1/2 miles southwest of Plattsmouth on

WEDNESDAY, JANUARY 14th, commencing promptly at 10 o'clock a. m., the following described property to-wit:

80-Acre Farm.

I am leaving this part of the country, and everything on this bill will positively be sold to the highest bidder—there will be no by-bidding. Even MY FARM OF 80 ACRES will be sold to the highest bidder.

15 Head of Horses.

One stallion, 7 years old, weight 1,500.

One black mare, 9 years old, with foal, weight 1,400, one gelding.

Five good mares, all with foal, weight ranging from 900 to 1,150—one 5 years, two 4 years, one 12 years, one 14 years.

Ten colts, yearlings to coming 3-year-olds.

20 Head of Cattle.

Six registered Berfords—3 bulls, 2 cows and 1 heifer.

Four milk cows—2 fresh, 2 fresh soon.

Ten head of yearlings.

35 Head of Stock Hogs.

19 head of shoats.

14 head of fall pigs and 2 brood sows.

Six dozen Rhode Island Red chickens.

About six tons of prairie hay, and some timothy and clover hay.

Farm Implements and Machinery.

One riding lister.

One walking lister.

One Badger cultivator.

One Zanesville walking cultivator.

One Zanesville corn planter.

One DeLancey sulky plow.

One 8-ft. McCormick binder.

One 5-ft. McCormick mower.

One Peter Shuettler wagon.

Hay rack and wagon combined.

One Smith wagon.

Waterloo Boy gas engine and pump jack.

One Elgin windmill, 60-foot Jumbo tower.

Two steel water stock tanks.

Children Cry for Fletcher's



The Kind You Have Always Bought, and which has been in use for over 30 years, has borne the signature of Dr. J. C. Fletcher, and has been made under his personal supervision since its infancy. All counterfeits, imitations and "Just-as-good" are but experiments that trifle with and endanger the health of Infants and Children—Experience against Experiment.

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One lightning food grinder.

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One 600-bushel shelled corn bin.

One Enterprise sausage grinder.

One kitchen range.

One heating stove.

Two sets farm harness.

One spring wagon harness.

And other articles too numerous to mention.

Terms of Sale:

A Credit of from six to twelve months will be given on all sums of \$10 and over, purchaser giving good bankable paper bearing 7 per cent interest. All sums under \$10, cash. All property must be settled for before being removed.

Sale will commence at 1 o'clock sharp.

I am leaving Cass county, moving to New Mexico for my health, and everything offered at this sale will positively be sold to the highest bidder.

J. E. KRAEGER, WM. DUNN, Auctioneers. H. H. RAGOOS, Clerk.

WIDOW OF THE LATE

W. J. O'BRIEN GETS ONE-THIRD OF ESTATE

From Tuesday's Daily.

The suit of the widow of the late William J. O'Brien for a one-third interest in the estate of her husband, in county court, an outline of which was given in the Journal of Saturday, was argued and submitted to the court last evening by the attorneys, Mr. C. A. Rawls for the widow, and Mr. J. Goring for the estate. The court, after considering the points of law, held that the widow was entitled to a one-third interest in the estate under the law, and this will amount to about \$900, and will leave some \$1,800 to Mrs. William Marley, the heir to the estate named in the will, who has had the care of her uncle for the past few years. The widow and her two sons reside at present at Windsor, Missouri.

For Sale.

A complete Eastman's Photographic outfit for sale cheap; 4x5 camera. J. Asch, Murray, Neb.

You may need an

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- State Live Stock Improvers' Association
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- Nebraska Horse Breeders' Association
- State Dairymen's Association
- State Swine Breeders' Association
- Corn Improvers' Association
- Dairy Cattle Breeders' Association
- Grain and Seedgrowers' Association
- Good Roads Association
- State Florists' Society
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