

Barker Pays the Penalty

Governor Sheldon Having Refused to Commute His Sentence to Life Imprisonment, Frank Barker Is Hung at 2:57 O'Clock To-Day.

LINCOLN, NEBR., Jan. 17—After a lapse of nearly four years, Frank Barker has at last paid the death penalty for murdering his brother and sister-in-law.

After listening to lengthy arguments and giving the matter due consideration, Gov. Sheldon declined to interfere and the execution was set for between the hours of 2 and 3 o'clock.

The drop fell at 2:57 and Barker was pronounced dead a few moments later.

The crime for which Frank Barker was hanged today was one of the most deliberately planned and brutally executed murders in the history of the state of Nebraska.

Sometime during the night of January 31, 1904, after spending the evening with his sweetheart and later going to the home of his parents, where he donned his working clothes, Frank Barker went to the home of his brother, Dan Barker, and rapped for admission. Dan arose and opened the door. As he did so, Frank fired a pointblank shot at him with a .22-caliber revolver, inflicting a wound which shortly afterward proved fatal. The noise of the shot awakened Dan's wife and she jumped out of bed and fell to the floor upon her knees. While she was in this position, with hands before her face, Frank rushed in from the adjoining room and, paying no attention to the piteous appeals of the frantic woman for mercy, grabbed her by the hair and throwing her head back deliberately fired a shot into her face, killing her instantly. The murderer then, with a coolness

and deliberation that was remarkable under the circumstances, went to the cow shed a few rods south of the house, where, after digging a hole scarcely 4 feet long, 3 feet wide and 2 feet deep, carried the bodies of his brother and sister-in-law to the shed and buried them. He then proceeded to remove all traces of the crime from the house.

HOW THE CRIME WAS DISCOVERED. For several days prior to the murder Frank Barker had gone quietly among his acquaintances spreading a story to the effect that his brother Dan and



FRANK BARKER.

wife intended to go to Denver to live, but they did not want anyone to know it until they were gone.

Early in the first week of February, 1904, neighbors missed Dan and Alice Barker from their home, and, upon inquiry being made, the story told by Frank Barker as to his brother and sister-in-law having gone to Denver to live, without even notifying their parents or friends, sounded so improbable that a suspicion of foul play was aroused and an investigation started. The farther the investigation proceeded the blacker became the appearance of the affair, and finally, on Thursday, February 4, Frank was arrested in Red Cloud and lodged in jail upon the charge of having murdered his brother and his brother's wife.

Frank maintained his innocence and boldly stuck to the story that he had bought his brother's interests in the live stock, farm implements and products, which they owned jointly, and that Dan and his wife had gone to Denver to live.

When the arrest became generally known, people began to flock to the Barker home, a mile west of Inavale, and search was begun for the remains of the missing couple, who had been last seen alive on the preceding Sunday. In the house it was found that the carpet of the bedroom had been removed and the floor scrubbed. In the heating stove were found traces of burned articles of clothing and bedding. The pictures had been removed from the walls. The blood-stained carpet, some of the bedding and the pictures were later found in the loft of the barn.

It was not until about noon of Friday, however, that Cloyd Cummings and another party, while examining the ground in the cowshed, discovered traces of loose earth among the cornstalks with which the ground was covered. Upon raking away the cornstalks, signs of fresh digging were discovered and upon the removal of a few inches of a loose earth the knee of a human being was exposed. Corner Raines was immediately notified, and when the earth was removed the body of Dan Barker was exposed to view, clothed only in his underclothing. Immediately beneath the body of Dan was found that of his wife, lying face downward in a terribly cramped position. The bodies were removed to the house and an inquest held, which resulted in a verdict of death from pistol shots, presumably at the hands of Frank Barker.

The preliminary hearing was held before Judge A. H. Keeney, County Attorney E. U. Overman conducting the prosecution and J. M. Chaffin appearing for the accused. Barker was held to the district court, without bail.

THE TRIAL.

The case was set for hearing at the

April term of the district court, but a continuance was granted until May.

At the trial Barker was ably defended by the late J. R. Mercer of this city, Thomas Matters of Harvard and John F. Stevens of Alma. County Attorney E. U. Overman and Louis H. Blackledge of this city were in charge of the prosecution, and so strong a chain of evidence did they weave that it was seen almost from the first that Barker's case was hopeless, yet neither at that time nor any time afterward did his attorneys suggest the plea of insanity as a defense.

Barker was finally convicted after a trial lasting nearly two weeks, and was taken to the penitentiary May 16 to await the execution of the death sentence.

Shortly after his conviction Barker made a full and complete confession, which substantially corroborated the evidence introduced by the prosecution. However, his case was appealed to the supreme court on a writ of error, which was finally overruled by the supreme court, and another date set for the execution.

At about this time Judge Hamer of Kearney became interested in Barker's case and began exerting himself to save Frank's neck from the gallows, and so well did he succeed that the execution was postponed until June 16, 1905.

GOV. MICKLEY'S COWARDICE.

Just when everyone thought that Barker's time had come, Judge Hamer appealed to Governor Mickey for a reprieve in order that Barker's sanity might be investigated. Mickey, with characteristic weakness, shouldered the responsibility on to his successor

by granting Barker a two years' reprieve—until June 16, 1907. Nothing more was heard of the insanity plea until the day for the execution drew near, when Judge Hamer appealed to the supreme court for and secured another stay of execution, that the plea might be heard. The first hearing resulted in a hung jury. At the second hearing, however, the jury rendered a verdict that the murderer was sane, and Judge Frost of the Lancaster county district court sentenced Frank to be hanged on January 17, 1908.

Judge Hamer twice more appealed to the supreme court, but his efforts were in vain, and as a last resort he appealed to Governor Sheldon for a commutation of sentence on the ground of insanity.

Real Estate Transfers.

For the week ending Tuesday, Jan. 14, furnished by the Fort Abstract Co., L. H. Fort, Manager.
Louis Hartman to Thomas Malen, set 10 3-10, wd. \$2500
Joseph R Killough to Thomas D Killough, net nw 4 26-3-9, wd. 1600
Joseph Westlake to Geo B McCull, lot 3 blk 5, Guide R, wd 575
Chas H Kaley to Chas R Besse, part sw 4 1-1-11, wd. 1000
William Roats to Harry A Roats, lots 1 to 8 and east 50 ft 9 and east 144 ft lot 16, all in block 4 Fairview add to Red Cloud, wd 3500
Jennie S Ewalt et al to Adeline Wilson, undiv 5-6 of the n 2 27-1-12, wd. 1000

Total \$9175
Mortgages filed, \$8050.
Mortgages released, \$15,742.80.

PANHANDLE, TEXAS,

Excursion Dates are the 1st and 3rd Tuesdays of Each Month

We have made arrangements to handle lands through one of the largest and best land companies in the United States and we can sell you as fine land as the sun ever shone on at \$15 per acre; \$4 per acre cash, and the balance on 10 years' time at 6 per cent interest.

With \$4 per acre down you and your neighbors who are renting a farm may just as well buy one of their own on long time and a low rate of interest.

Our company has sold 800,000 acres of this choice land on these favorable terms to parties, in many instances, who could not purchase land in any other way, and are thus enabled to secure a home.

Don't wait until you get a little more money, as the land is liable to advance as fast as your pile of money will grow, but get in on the ground floor and get the advance yourself.

Our Next Excursion Will Be Tuesday, January 21, 1908.

Our next excursion date is Tuesday, January 21, 1908, and we stand ready to show you a good thing at a moderate cost and we extend an invitation to you to come to our office and talk it over with us and make arrangements to take advantage of this rare opportunity to secure a farm in a land of great opportunities.

Pecos Valley, New Mexico.

We have choice land in the Pecos Valley in the irrigated district for any one who desires to purchase that kind of land, and we can show you some of the best bargains in irrigated land that you can find under any water service.

Yours for Business,

Red Cloud Investment Co.
I. E. HOLMES, President. D. J. MYERS, Vice-President.
A. B. SELLERS, Secretary and Treasurer.

COMBINATION Public Sale!

The undersigned will sell at Public Sale on the **HOMER BONER FARM** Two miles north and four miles east of Red Cloud and three miles south of Cowles **Tuesday, Jan. 28, '08**

Beginning at 10 o'clock a. m. sharp the following described property, to-wit: **113 Head of Live Stock**

27 Head of Horses and Mules

- 1 grey mare, in foal, 12 years old, weight 1700.
- 1 bay mare, coming 3 years old, weight 1400.
- 1 bay mare, coming 2 years old.
- 1 black horse colt, coming 2 years old.
- 1 black mare, in foal, coming 12 years old.
- 1 span Hambletonians, 7 and 8 years, weight 2300.
- 1 black gelding, coming 5 years old, weight 1370.
- 1 mare mule, coming 2 years old.
- 2 span mules, coming 3 years old, weight 1000 each and broke to work.
- 1 coach colt, coming 6 months old.
- 1 coming year old colt.
- 1 bay gelding, 5 years old, wt 1300.
- 1 bay gelding, 3 years old, wt 1200.
- 1 span brood mares, 8 years old, both in foal, weight 2350.
- 1 span coach colts, coming 2 years old, weight 1750.
- 1 coming yearling colt.
- 1 sorrel horse, 5 years old, weight 1100.
- 1 grey mare 10 years old, weight 950.
- 1 bay mare 5 years old, weight 950.
- 1 sorrel mare 8 years old, weight 900.
- 1 bay mare, 3/4 coach, 5 years old, weight 1200 foal by coach horse.

51 Head of Shoats.

- All weigh from 40 to 100 pounds.
- 1 brood sow with pig.

TERMS OF SALE: A credit of 10 months will be given purchaser giving note with approved security, bearing 10 per cent interest. Ten dollars and under must be cash. No property to be removed until settled for.

J. H. ELLINGER,
Auctioneer.
W. A. SHERWOOD,
Clerk.

37 Head of Cattle.

- 7 cows all young and will be fresh in the spring.
- 9 heifer calves.
- 6 steer calves.
- 1 bull in feed yard.
- 8 two-year-old steers.
- 3 yearling steers.
- 3 yearling heifers.

Farm Machinery.

- 1 Riding Lister.
- 1 Rock Island Tricycle Lister.
- 1 Riding Case Cultivator.
- 2 Steel Harrows.
- 1 one-row Lister Corn Plow.
- 1 Flying Swede double row Cultivator.
- 2 farm wagons, one good as new.
- 1 carriage.
- 1 spring wagon.
- 3 sets work harness, two nearly new
- 1 Meadow Queen Hay Stack.
- 1 Meadow Queen Sweep, all new.
- 1 McCormick Mower.
- 1 Cream Separator.
- 1 Walking Cultivator, good as new.
- 1 Walking Plow, 14 inch, good as new

Miscellaneous.

- 15 bushels pure Ohio Seed Potatoes.
- 3 dozen Plymouth Rock Chickens, and many other articles too numerous to mention.

W. A. Smith,
Geo. C. Mann
Homer Boner
Owners.