VERDIGT OF MANSLAUGHTER IN BOCHE CASE THE JURY DELIBERATES SIXTEEN HOURS

JURYMEN WERE GIVEN THE CASE AT 9 O'CLOCK MONDAY NIGHT.

DECISION REACHED AT 2 O'CLOCK

PENALTY IS FROM ONE TO TEN YEARS IMPRISONMENT.

After a Long Battle in the Jury Box Twelve Men Became of One Mind and Decided That Herman Boche Was Guilty of Manslaughter.

Madison, Neb., March 3 .- From staff correspondent: "We find the defendant, Herman Boche, guilty of manslaughter." The jury of the Boche murder trial returned a verdict shortly after 2 o'clock this afternoon finding Herman Boche guilty of manslaughter in the killing of Frank Jarmer in front of a Norfolk resort last May. The verdict carries a sentence of from one to ten years in the state penitentiary.

The jury was out sixteen hours. Save when they went to a down town restaurant for meals and when they took a short walk for exercise they were locked in the jury room.

During the morning and early afternoon Judge Welch and the attorneys waited in Madison for the result of the impeach the testimony of Lee Vroman, jury's decision. During the day a dis- cab driver and star witness for the agreement was the common predic-

H. F. Helme, a farmer living in the lost his life. the jury, had been elected foreman of

The verdict was read aloud by District Clerk Fields. It was asked if it

without apparently being affected.

The usual motion for a new trial

Judge Welch will return to Madison on Monday, March 16. At that time Senator Allen's examination. he will pass on the formal motion for a new trial, always asked for and usually denied. The defense has intimated that it will appeal the case to dragging of the body had obliterated Mapes, attorney for the defense. He the supreme court for alleged error. Judge Welch on the sixteenth will pass on the appeal bond and any other details that may arise.

Sentence will not be pronounced by Judge Welch until the usual preliminary motions have been made and

The jury has been discharged.

County Attorney Jack Koenigstein said that he was well satisfied with the verdict. The court room was nearly empty

when word came that the Boche jury had agreed. The people began to flock to the court house,

Judge Welch and the attorneys will take this evening's train back to Nor

A peculiar feature of the Boche murder trial was that no witnesses were called to testify that the defendant was a man of good character.

During the long trial the Ives killing of nineteen years ago was not hinted at, nor did the trial of eighteen years ago when Boche was acquitted of the charge of murdering George Ives get before the jury.

To have tried to give Herman Boche the character of a peaceful citizen would have invited some reference to the affair of many years ago.

The Boche murder case went to the jury a little after 9 o'clock last even ing. When Judge Jackson finished his argument and analysis of the case Judge Welch instructed the jury on various technical points of the law. Under the instructions of the court the jury could return a verdict of second degree murder carrying a sentence of from ten years to life imprisonment in the penitentiary, a verdict of manslaughter carrying from one to ten years in the penitentiary or a verdict of acquittal.

The jury then retired to their jury room and were locked in by themselves. Herman Boche's fate was with

Yesterday afternoon the jury heard Jack Koenigstein, county attorney, and Senator Allen, chief counsel for Herman Boche. In the evening they listened to Judge Jackson.

DETAILS OF THE TRIAL.

Testimony Introduced, Arguments Used, and Result. Madison, Neb., Feb. 28.-From

charged with the murder of Frank Jarmer, the day when the defense places its best witnesses on the stand and draws the threads of evidence already presented into the story upon which the attorneys of Herman Boche will make the final plea for his acquittal. The testimony of the witnesses placed on the stand yesterday afternoon after the state had given way

today. Seven witnesses, Dr. A. B. Tashjean, MOTION FOR NEW TRIAL MADE John P. Classen, Emil Koehn, Edna Ingham, Jack Koenigstein, Julius Hulff and William D. Uecker, were called to testify for the defense yesterday between 3:30 p. m. when the defense started to forge the first link in its chain of evidence and 6 o'clock when a recess was taken until 9 this morn- over to Koehn and asked him to

to the defense was to pave the way

By the testimony of the county atbankrupt at the time of the tragedy Koehn said he told Boche that he must last May. It was an unusual incident have \$100, but the latter said he did in the trial when the prosecuting at not have that much. torney was asked to step into the to give testimony on a rather import-

The most important testimony of the afternoon was the declaration of money before?" Dr. A. B. Tashjean of Norfolk, called to the scene of the tragedy as a phyfront of the resort showed that a struggle had taken place.

Struggle Took Place. Dr. Tashjean was the first witness on the regular program of the defense, though at the time the state rested its case J. H. Conley and William Stokes were called to the stand to

state. Dr. Tashjean, who has been a practicing physician in Norfolk since 1884, About 2 o'clock the jury announced was called to care for Jarmer after that they had arrived at a verdict, the shooting, arriving about 5:30, The twelve men were again conducted half an hour or so after the shooting. into the court room and their names Dr. Tashjean was brought at once to an investigation that he had made of photographs being examined by the the spot in the roadway where Jarmer

southwest part of the county, and The sandy and easily impressible counted as one of the strong men on soil, Dr. Tashjean testified, showed the Koenigstein, county attorney to step the jury. He handed the written ver- own curiosity. Fresh blood easily es- that at the time of Jarmer's death he dict signed with his name to Judge tablished the spot where Jarmer fell, held a loan on the furniture in the meter of six or seven feet, was mark- was secured by a mortgage. ed with heavy footsteps, the condition of the ground indicating the struggle. erated by the dragging of Jarmer's Herman Boche heard the verdict body towards the porch of the Ingham were paid." place. On the spot where Jarmer was partly covered by the dirt Dr. Tashjean found a bunch of keys and a seventeen per cent." dime. All this was brought out by

Dr. Tashjean's testimony was not greatly altered by a rigid examination by Judge Jackson for the state. Dr. Tashjean made the point that the by men. The soil also held the tracks cords to Madison. of the women who went barefooted to Jarmer's assistance.

Photographs Identified.

Defense Not Strengthened.

was called as a man who had been in license matter would come up before the saloon of Jarmer the night of the May 6, and was, as a result doubly tragedy. His testimony as far as concerned the immediate events of the evening and Herman Boche's condition did not strengthen the cause of the defense.

Herman Boche, Koehn testified, treated the crowd and it cost him geography. ninety cents. Boche had Jarmer take Koehn could see.

been in for about two years. Boche ed about it in especial detail. belonged to the Eagles while Jarmer

belonged but was in arrears. quired Senator Allen, Boche's attor- pen unconscious.

"And the members take an obliga-

"Yes." "You never knew any cause for ill eeling between Jarmer and Boche?"

chummy order?" "Yes, sometimes."

Koehn testified that Jarmer was go- material to the case. ng to sell out to him at one time but he understood was in a rented build- met. As a member of the firm of

Judge Jackson of Neligh, assisting the prosecuting attorney, took up the cross examination of Koehn. "Is it the jury but the court ruled out all rue," he asked, "that a member of questions and the county attorney was afflicted Herman?" one of these orders is under obliga- not required to answer. tion to render financial assistance to another member just because he is

"Not under obligations." "Not in either order?"

"I guess you can't make them do

"If a member of the order is in business do other members have to trade with him?"

"They have their own free will." "Yes. Now was Boche intoxicated

that evening when you saw him?" "I didn't think so." "Was Boche intoxicated when he

left the saloon?" "I didn't think so." Koehn also testified that he didn't think that Boche staggered when he

went down the street with Jarmer. The cross examination further de veloped from Koehn's testimony that Boche in treating the crowd had come drink. Koehn making the plea that he had just had something. Boche insist torney himself it was established ed, saying that he had plenty of money that Frank Jarmer was virtually a and to prove it drew out a small purse.

"Now you don't know that he had stand by the attorney for the defense no other money?" said Senator Allen. taking up the examination again.

> "No, I don't," the witness said. "Did Boche ever show you any

"And couldn't Boche have come insician, that the soil of the street in to the saloon before 10:30? Might he not have come in at 10?"

> "I don't think so. It was after the council meeting." "Now wasn't it a rather unusual thing for Herman to be up town in a

saloon at that hour?" "No, I don't know that it was so

inusual for him." Edna Ingham was called on the stand as the next witness for the dedid. One photograph in particular showed a chair placed out in the road to represent the spot where the shoot ing occured. Some of the pictures were ruled out as immaterial, the other

County Attorney on Stand.

Senator Allen then asked Jack signs of a struggle. The doctor had into the witness chair. After the usmade the investigation to satisfy his ual preliminary questions he testified An irregular circular place, of a dia- Jarmer saloon for about \$178. This

"After closing out the estate and satisfying this mortgage how did the was the jury's verdict and no juror Part of the foot prints had been oblit- creditors fare?" inquired the senator. "Seventeen per cent of their claims

killed, in the dirt of the road and cial condition of Jarmer on May 1?" "Well, his unsecured creditors got

"And some creditors filed no claims "Yes, sir.'

Jarmer's City License.

Julius Hulff, city clerk of Norfolk was called and examined by Burt only part of the tracks and that from brought Jarmer's old license papers, their size the tracks had been made his 1907 application and the city re-

Last year's license tangle was found to have a possible bearing on the case. In 1906 through error the city clerk John P. Classen, a Madison photo- had drawn up the saloon licenses of grapher, was called to the stand to the city to expire April 30, 1907, inidentify the photographs which have stead of the end of the municipal year, been used extensively during the trial. May 6. At the time there was some He testified that he had taken the talk of the old council holding an empictures last November at Senator ergency meeting and issuing licenses Allen's request. The pictures includ- for the coming year before the arrival in the afternoon." ed exterior and interior views of the of the new municipal year with its

new administration. The defense sought to Emil Koehn, Norfolk saloonkeeper, whether or not Jarmer supposed the anxious to get his license money could not give definite testimony.

> Pig Pen Information. William D. Ueckeh, night watchman

in Norfolk at the time of the shooting, came into the Jarmer saloon about was called not in his former official tained. 10:30 p. m. Ten or fifteen men were capacity but because as a resident of in the saloon and about five or six East Norfolk he was supposed to be were there when the saloon closed and familiar with the vicinity just east Jarmer and Boche walked down Nor- of the river. He was examined close- afflicted with a severe sickness?" folk avenue together. Herman Boche ly by Senator Allen on East Norfolk

Uecker's principal testimony was a a drink on the dime left. There was dissertation on the pig pens south of no quarrel between the men that the resort and on the route that Uecker thought Boche would naturaly take Koehn testified that he belonged to in getting home. Uecker testified both the Sons of Herman and the that a pig pen eighteen feet square Eagles, fraternal organizations. Jar- was on Joe Trulock's property south of Herman Boche before and after him, what would you call his condi- the defense for yesterday afternoon mental condition. He went over to mer, he said, was a charter member of the resorts on May 1, but that it that sickness?" "Yes. He was not as of the Sons of Herman and Boche had was later removed. He was question-

Uecker was vigorously cross-examined by Judge Jackson, who too sought "Now isn't it true that a cardinal pig pen information. It is claimed that loctrine of these organizations is Boche spent the morning and afterprotherly love and mutual aid?" in noon of the tragedy in a nearby pig

Uecker left the stand at 6 p. m., when court took a recess until this morning at 9.

But This Was While He Was Sick. When court was called this morning the defense turned its guns on the character of Frank Jarmer, the man Boche killed. Up to a late hour this seing things was when he was sick, mind?" morning they had not been able to get "Were they on what you would call their essential questions answered. The court sustained the objections of since he got well?" "Not that I know said." the state that this testimony was not of."

County Attorney Jack Koenigstein that they could not agree. Jarmer, was called to the stand when court since 1871?" "Yes." ing and he thought that Jack Koenig- Barnhart & Koenigstein he had been the Braasch settlement?" "Yes." a the fixtures | an attorney for Grace Cole, one of the | "Do you remember Herman being

whom the defense has sought to con- something of it." nect with Lee Vroman, cabman. The "Did you notice any difference in ter.) defense made an effort to get the di- Herman before and after his sickvorce proceedings and petition before ness?" "Yes."

The defense then called W. H. Field. clerk of the district court to the stand and succeeded in getting before the jury the court docket, showing that was simple minded and shunned by Judge Welch had taken Grace Cole's his companions. He talked to himpetition for a divorce under advise self. ment.

Emil Kleiphorn, just moving from six miles north of Stanton to Hoskins, would do what other boys wouldn't was asked to step into the witness do. stand by the defense.

"Did you know Frank Jarmer?" "Yes."

"Did you know of an instance in This, as hearsay, was ruled out. Frank Jarmer's saloon where Jarmer took a pocketbook from a man's pock-The prosecuting attorneys objected

to this question, holding that it was the strength of Jarmer." "Yes." immaterial. Judge Welch ruled in their favor and the question was not answered. The state asked what relation the

witness was to Herman Boche but the question was ruled out on the grounds that no evidence had been given. Gus Wagner living southeast of Norfolk, was called to the stand. He had

known Boche since 1871. He knew Jarmer. "Do you remember drinking beer in Jarmer's saloon a year or so ago?" the defense asked.

"Yes." The witness had bought a glass of peer. Jarmer treated him to a second glass. The witness asked Jarmer to put some salt in the beer. He saw

him put it in. "Will you tell what happened?" The witness was not permitted to

answer. "Were you taken sick after drinkng the second glass?"

This was also held immaterial. Broder Kettleson of Neligh, formerly of Humphrey, was called.

Bowder Kettleson of Neligh went or he stand. He said he had been in the Jarmer saloon. He went in with \$147 in money and got drunk. "How fense. She was asked to identify the much money did you have when you photographs of her place, which she went home that night?" The question was objected to as immaterial and the objection was sustained. The witness was excused.

> Lawrence Bowers was called. He is fifty-seven years old, lives in Boyd county and formerly lived in Norfolk. He is a laborer. He had seen Jarmer a few times. "Did you ever visit Jarmer's saloon?" "Yes."

"Did you drink some there?" "Yes." What did you drink?" "Whiskey." Do you know whether you became sick in that saloon after drinking the whiskey?" This question was objected to as immaterial and the objection sustained. There was no cross exam-

Frank Lehman an Old Playmate. Frank Lehman, aged forty-one, living southeast of Norfolk, was called.

had on the stand. He testified this He and Herman Boche were boys to-There is seven years differ getner. ence in their ages. Lehman knew the location of the resort where Boche shot Jarmer. he heard Jarmer ask Boche several "If a man were going from these

times to go with him to a resort, but places to the Boche farm what direction would be naturally take?" Jarmer told Freythaler that night that "He would go straight across the country."

"Would he go on the east side of he Northfork river?" Wouldn't Have To Come to Town.

"By way of the William Boche farm?" "Yes. The William Boche farm and Herman's farm are separated by the Elkhorn river. William Boche had a boat, also the witness, in which to cross."

Witness had seen Herman Boche the last day of April. "Did you see him in the Jarmer saloon?" "Yes." 'At what hour?" "Between 5 and 6

Witness said he accompanied Herman Boche as far as the Junction enroute home from the Jarmer saloon. "Did you have a conversation with Boche on the way home?" "Yes."

Refer to Saloon License Money. "Now, Mr. Lehman, you may state ready without delay but the city clerk to the jury if Mr. Boche told you he was going home to get money to pay Jarmer's saloon license.

The question was objected to as two years, and having so much to do immaterial and the objection sus-

Herman Very Sick as a Boy. "Do you remember that Herman, when about fourteen years old, was

"Did this sickness last some time? 'Yes." "Can you tell the jury how long?"

"About ten weeks." Did it Affect Herman's Mind?

bright afterwards." "Instability of nerve structure." "Have you noticed that condition from that time on?" "Yes. I have." gards his general condition of mind?" "How often have you seen Herman "Well, instability of the nerve sys-swung past the 5 o'clock hour. since that time?" "I can't just say." Says Herman Heard and Saw Things "Would you call it unbalanced?" "Do you know of his having heard

is unbalanced." things when there was nothing to hear?" "Yes." The doctor was called upon "And seen things when there was fine hallucinations and delusions. nothing to see?" "Yes." "Did he ever have hallucinations?

Judge Jackson cross-examined the witness. "This defect of hearing and wasn't it?" "Yes." "Has he been troubled this way

Gus Wagner was recalled. "You say you have known Herman Boche "Herman Boche's father belonged to

'Yes, Boche would come up and say I am all unstrung." "You may describe Jarmer."

"What did you call the trouble that

"Oh, I call it daffy."

strength of Jarmer?" "Yes."

after I went there."

with him?" "No."

fun with him."

money?" "No."

Says Jarmer Was Powerful Man.

self?" "I guess that's about all."

"You say Herman could be induced

Here there was a long cross-exam

"Did you ever see him play for

Witness, Himself, Had Gambled.

rooms and that at times he had gam-

Freythaler Effective Witness.

John Freythaler was probably the

most effective witness the defense has

fternoon that he was in the Jarmer

saloon the evening before the murder.

Boche was there and was drunk; Jar-

mer was sober. Mr. Freythaler said

Boche refused and wanted to go home.

day and that he would get money the

Boche's Only Sister Testifies.

Boche's only sister testified this af

next day with which to renew.

horn last week, was mentioned.

Rebuttal, Then Arguments.

was in the courtroom this afternoon.

Dr. Mackay on Stand.

nearly two hours this afternoon. He

testified that he was superintendent

of the Norfolk hospital for insane for

with insane people led him to investi-

"You know Herman Boche?

"You knew Frank Jarmer?"

"Over twenty years."

would call hallucinations."

"Different conversations led me to

"Over ten years."

gate the matter and post himself on

"Did you ever treat Boche as his

"I prescribed for him on several oc

terpreter.

his youthful sickness.

Freythaler's testimony,

the ailment.

physician?"

to engage in quarrels?" "He was argumentive, opinionated,

and easily drawn into dispute." "Did you ever see him in a physical Wagner Called Herman "Daffy. dispute?" "In what way did you notice a dif-

ference in Herman after this?" "He the objection sustained. "What else did you notice?" "He if he could get knock-out drops."

was easily led by his companions-he "Yos."

"Do you know what his ailment was "Very close to the time of the shootat the time he was sick?" "I don't ing, though I did not take him seriousknow-only what his father said." ly or make much note of it." Attorney Jackson for the state "You say you knew Jarmer?" "Yes."

"Did you have occasion to know the ness briefly. "Was this the inquiry from Jarmer? "To the best of my mind he took "You may state if you witnessed me aside."

"Did you give him any information as to the kind of drops that would "From observation what would you say as to Jarmer being a powerful meet his needs?"

man?" "I should say he was very Senator Allen took up the examina-"Repeat the conversation between Judge Jackson cross-examined the

witness. Wagner lived in Norfolk unyou and Jarmer on this occasion." "The conversation was in German. til 1890, helping his father in the hotel, "When was Boche sick?" "Shortly "Repeat it." Dr. Mackay repeated in German what Jarmer said. Allen asked him

Wagner used to hunt on the Boche farm and sometimes stopped at the to interpret it. Dr. Mackay did not Boche house. He only remembered like to interpret for a dead man. Then he interpreted Jarmer's remarks in once when Herman was with him. "How many times a year did you go English. to the Boche place and associate as a

"That fellow has money. I can get playmate with Herman?" "Three or it. You get me some drops." "Who was the man referred to?"

"For how many years?" "Seven or "Herman Boche." "Did he tell you how much money Herman had?" "The only reason you say Boche

was daffy is because he talked to him-"You did not tell him what he need ed, or give him any drops?" "During these years had he trans-"No.

acted his own business?" "I don't "Though he was in the saloon?" "Did you ever transact any business "What time in the day was that?"

"What did you do after that conver to do things others would no do?' sation?" "What did he ever do that others Man, you are crazy, you are drunk." would not do?" "He acted different-Judge Jackson took up the cross ex-

"Some time in the afternoon."

amination of Dr. Mackay. "By instability of nervous system, you mean that his nerves were differ-"Queer-Entered Gambling Houses." Wagner said Boche was different ent sometimes than at other times?" "It varied."

because they could induce him to go into gambling rooms. When the boys treatment for it?" in Norfolk saw him coming they said, "Yes."

"Here comes Herman; let's have "How many times?" 'Several times."

"Did you ever see Boche when he was not capable of transacting ordinary business?" The witness admitted that he, him-"I think I have."

self, had also gone into the gambing "And any other time than when he was drunk?" "I recall one incident."

Judge Jackson examined Dr. Mackay closely as to when and at what date he had disclosed the incident of the had been up town in the afternoon

knock-out drops. taken the matter seriously, but has town again in the evening. Through probably mentioned it to a number of an open door he had seen Herman people in discussing the relations be- Boche, his father, counting out "a big tween the two men at the time when bunch" of paper money on an old Norfolk people were gossipping about trunk. He put this money into a the tragedy and the papers were filled leather pocket book. Herman Boche with it. He said that he had never did not get home that night and the his year's saloon license expired that talked to attorneys Tyler and Mapes next morning they heard of the shootabout it, or to Senator Allen until today. Today Senator Allen asked him about the story, saying that he had examination. ternoon. She is Mrs. Max Manske of Mackay testified that he refused to Wakefield. Her testimony was given tell Senator Allen about the story,

in German and with the aid of an insaying that he did not want to go on the witness stand with it. She said that Herman had always Senator Allen asked Dr. Mackay to been afraid to go places alone after repeat the conversation, but the attorneys for the state conceded that no Mrs. Manske was much affected

improper suggestion had been made. when the name of her brother, William Judge Jackson examined Dr. Mackay Boche, who was drowned in the Elkagain, developing that the witness thought that Jarmer had a bar tender the day he asked about the knock-out A short recess was taken after John drops. This was done to place the date of the conversation if possible. The biggest crowd during the trial

Question by Senator Allen: 'You said you saw Boche once when he was not drunk but was incapable Dr. Mackay was on the stand for of transacting ordinary business?"

> "State his condition." "He was badly excited." "Why was he not capable of transcting business?" "Extreme condition of excitability."

The witness was excused and Harry odor called to the stand. Harry Lodor testified that he went to the Boche farm once and Herman eating supper and the room where declared he could walk across the Herman Boche was counting his

slough. He was prevented from do-

ing it, by the others.

Madison, Neb., Feb. 29.—From staff correspondent: Herman Boche's Boche had married sisters. "From your knowledge of the man "Can you say whether there was and from the result of your examina- testimony in his own murder trial was any difference in the mental condition | tion which you made to prescribe for set down on the informal program of but when the proper time came for Herman's place one afternoon, when, Boche to step into the witness stand "In ordinary language, what as re- the afternoon was so far advanced that did not know him but "shyed off" the clock on the court room wall Boche's story went over till this morning. It was the judgement of "Well, when a thing is unstable it the defense that Herman Boche, nat-delivering beets. He testified that urally under a terrible strain, should have a night's rest to refresh him for the ordeal of the witness stand there to come under the fire of the "I don't think he had what you prosecuting attorneys. The court was side and stepped into the witness asked to adjourn until 9 o'clock this chair. It was virtually the first time

"What was the trouble with his morning. When the final recess was taken yesterday the way had been pretty well believe that he was affected as I have prepared for the story of the man who shot Frank Jarmer last May. His looking now at the floor, now at his "Did you ever prescribe to quiet his wife, his only sister and his son had testified. They followed a long list of witnesses called under the direction of Senator Allen, with M. D. Tyler "Jarmer was over six feet, raw- the defendant

Jarmer had applied for a license for witnesses, who sought a divorce and sick as a boy?" "Yes, I remember heavy-muscled, no fat-a rugged man, had been traced out from his childbow legged and middle aged." (Laugh- hood. Through these men and women who testified during the last two days "Did you know Jarmer's disposition the defense has sought to prove that Herman Boche after a sick spell in his boyhood was not bright, was in the language of one witness rather "daffy," that at four intervals in the experience of his wife he had prolong-This question was objected to and ed spells when he suffered hallucinations, that one of these spells was on "Were you in Jarmer's saloon at him last May, that Jarmer was in about the time of the shooting. Did need of \$750 on April 30 to pay his Jarmer say to get money out of a man saloon license, that Boche went to Norfolk with the money, carrying a revolver to protect the funds, that he "How long before the shooting was became drunk in the Jarmer saloon, that Jarmer coaxed him to the resort. that there was no quarrel between the men but that there was evidence of a struggle in the road way where the tragedy occurred. Other Important asked permission to examine the wit- points are touched but that was the main outline.

> Aside from the testimony of Herman Boche's wife and son the defense yeserday introduced two new lines of evidence, one to show that Herman Boche was a simple minded man, at times "daffy" and a victim of hallucinations, the other an attack on the character of Frank Jarmer, the man Herman Boche shot. This last line of testimony was blocked by the state's attorneys interposing legal objections to its introduction.

> The witnesses who testified late yesterday afternoon, following the testimony of Mrs. Max Henschke of Wakefield, the sister, and who cleared the way for Herman Boche today were Martin Buettner, Walter Boche, Carl Sorg and Mrs. William Boche. Their testimony was offered after the court

> had taken a recess about 4 o'clock. Martin Buettner, sixty-eight years old and a Madison county pioneer, testified as to the sickness of the boy, Herman, thirty odd years ago. He said that young Herman said that he was shaking all over and that every bone in his body was aching. Mr. Buettner was not cross-examined.

The Son a Good Witness.

Walter Boche, the twenty-one year old son of the defendant, was a good witness for the defense. He answered "I passed it off as a joke, I said, quickly and did not become confused. He is a tall youth, moulded something on the lines of his father but with a quicker brain.

er that Herman Boche shot Jarmer. The witness testified that he had bought the revolver from Sears & "He came to you when he needed Roebuck some two months before the tragedy.

It was with Walter Boche's revolv-

"Did your father ever carry that revolver prior to the shooting?" Walter Boche was asked by Senator Allen. "He never carried it."

"Did you have a Sears & Roebuck atalogue?" "Yelp, got three of them now."

"Where was your father the day before Jarmer was killed?" "He was up town and I was with

him." The witness then testified that he with his father, coming home about

Judge Jackson took up the cross

"Did your father know where that revolver was?" "Everybody knew."

"Was that night the first night he had ever carried that revolver?" "Yes." "You are sure he never carried it?"

"You bet." "How do you know?" "Because I know."

"Well, how do you know?" "Because he never carried it." "Which way did you and your father ome home from town?"

"The same way we went." "Well, by what places?" "Oh, you don't know the people, anyhow." The young man was not impertinent

but Judge Jackson had to take another tack to get his information. The questions touching the revolver were important as relating to Boche's motive for the night trip to Norfolk. Young Boche was sent through a detailed examination on the scene that he swore he saw through the open

money. Carl Sorg, forty-one years old, living eight miles northeast of Madison, had known Boche since 1890. He and

door between the room where he was

About three years ago he first noticed something peculiar about Boche's according to his testimony, Herman from him.

Sorg became acquainted with Jarmer when he (Sorg) was yard master at the sugar factory and Jarmer was Jarmer was a big strong man and that he was quarrelsome.

At 4:40 o'clock Mrs. Herman Boche rose from the chair by her husband's he had left Boche. Herman Boche followed his wife's testimony as he followed that of no other witness. He eaned forward, his head in one hand,

Mrs. William Boche told her story through the aid of an interpreter. When it was announced that Mrs. and Burt Mapes, attorney in court for Boche must testify in German the court was asked to name an interpre-

boned, broad-shouldered, heavy-boned, Boche's life through these witnesses ter. From the crowd Rev. H F.