

EASILY SECURED A JURY

Rapid Work in the Case of One of Akeson's Murderers.

DAMAGING TESTIMONY AGAINST BENWELL

Indications that the Death Penalty Will be Inflicted as in the Case of His Companion, Harry Hill.

PLATTSMOUTH, Neb., Dec. 19.—(Special Telegram to THE BEE.)—The proceedings in the Benwell murder trial took an unexpected turn this morning. After seventy-six talesmen had been called and examined, and while the defense had twelve remaining pre-emptory challenges and the state four, the counsel for the defense offered to accept the jury as it stood and County Attorney Travis accepted for the state.

The jurors selected, together with their places of residence and occupations, are as follows: J. Z. Bower, farmer, Greenwood precinct; Paul Kralich, hotel keeper, Union precinct; John Robbins, sr., contractor, Plattsmouth; I. L. Turner, farmer, Stone Creek precinct; Charles Martin, ironman, Wabasha; Ezra Murphy, farmer, Liberty precinct; Joseph Cunningham, farmer, Elmwood precinct; C. D. Chummins, lumber dealer, Plattsmouth; John Gatsche, foreman B. & M. brass foundry, Plattsmouth; William Laubridgo, blacksmith, Murray; Frank Kauff, farmer, Plattsmouth precinct; Richard Hovely, farmer, Plattsmouth precinct.

County Attorney Travis made the opening statement for the state, setting forth that the state would be able to show that the prisoner was a participant in the murder of the old farmer, Matt Akeson, and on that showing convictions would be asked.

Mr. Gering on behalf of Benwell, waived his statement and Judge Chapman then adjourned court until the afternoon at 1 o'clock, when the state commenced the introduction of its testimony.

First Witness Against Benwell. Charles Tighe, a young man about 18 years of age, was the first witness called. He testified that he lived about three and one-half miles from Weeping Water. On the day of the tragedy he had gone to Weeping Water to get the mail and on the road near Weeping Water he met Hill and Benwell. Returning he overtook the two men and had a short conversation with them concerning cross-cutting. He then positively identified Benwell as one of the two men. The witness was vigorously cross-examined by the defense, but his testimony was not shaken in the least.

He testified that he arrived at Akeson's at 8 o'clock on the morning after the tragedy and found the body lying in the north room. He examined the corpse and described the wounds and the course of the bullet through the body. He stated that the wound would cause instant death.

P. S. Barnes of Weeping Water testified that he saw Hill and Benwell at Weeping Water two or three days before the day of the tragedy. On Saturday, October 28, the two men called at his feed store about 6 o'clock in the evening and he changed \$1 for Hill. Coroner J. L. Urruh related how he had visited the Akeson home on the night of the murder, how he had found the bullet and produced the fatal bullet which blotted out the life of Matthew Akeson. The bullet was found in the folds of the undershirt on the body.

Mrs. Ida Gentry testified that she was a daughter-in-law of the deceased and that she had lived in the vicinity of Akeson's for fifteen years. On the evening of November, she was at Akeson's and took supper with the family. Immediately after supper she departed for home and on the way her footsteps, apparently coming from the direction of the barn, she had proceeded a short distance homeward when she was fired upon. She went home, a distance of a quarter of a mile, and immediately returned. She described the surroundings inside the house and told of the firing of three bullets which she identified. She identified Benwell as one of the men who had worked for Akeson and stated that she had heard him twice his name called by Benwell at Akeson's the night he arrived from Weeping Water.

Maintained Her Position. The witness was vigorously cross-examined by Attorney Gering regarding her testimony as to Benwell, but she maintained her first position.

E. Ratnour, an undertaker of Weeping Water, testified that he prepared the body of the murdered farmer for burial and that when he removed the clothing he found the bullet in a fold in the undershirt.

Dr. Hungeat of Weeping Water testified that he examined the body the morning following the tragedy and described the wounds and the course taken by the bullet. The doctor explained fully the nature of the wound and said that the revolver must have been held from eight to twelve inches from Akeson's body when fired. In his opinion it would be impossible for the wound to have been inflicted by a person while engaged in a hand-to-hand struggle.

A part of the doctor's testimony is supposed to be favorable to Benwell, because at the time Akeson was killed he and Benwell were having a picnic party. The doctor testified to having examined the wounds on the body of Akeson thirty-seven days after death.

Frank Sackett, a Weeping Water hardware merchant, testified to the selling of a .38-caliber revolver to Benwell on the morning of the murder, but could not identify the revolver taken from Hill at Liberty. He also said that Benwell purchased twenty cartridges to fit the revolver and paid \$3 for the outfit.

Deputy Sheriff Tighe was called, but Mr. Gering objected to the introduction of his testimony for the reason that his name was not entered on the information at the time of the trial by the state as a witness, and the court sustained the objection.

Peter Simon, one of Akeson's hired men, testified that he went to the farm on the afternoon of the day previous to the murder; that he saw Hill and Benwell that night when they came in from the field where they had been picking corn; how they were discharged and paid off the next morning; how Tom Akeson departed for Louisville to market two loads of hogs, and how the old man instructed Tom to bring the money home on his return and not deposit it in the bank; how the two men were seen after supper and entered the house and ordered "hands up"; how he received a bullet in the knee; how the old man and Tom struggled with the murderers, and how Akeson received his death wound.

Knew Who Fired the Shot. The witness could not state who fired the fatal shot, because the lamp was partially extinguished when the first shot was fired, but swore positively that both men were armed with revolvers and that eight shots were fired. He identified Benwell as one of the men. Theodore Bennett, deputy sheriff and judge of Douglas county, testified concerning the confession made by Benwell while confined in the Douglas county jail, and stated that the confession was made voluntarily.

The defense objected vigorously to the admission of the confession, but the court held it admissible, and the witness identified the confession as having been written by him and signed by Benwell. Ed Fitzgerald, deputy sheriff, corroborated Bennett's testimony as being present at the time of the confession, and stated that Benwell stated further that when he and Hill reached Weeping Water on the morning of the murder, Hill suggested that they return to the Akeson farm and get the money that Tom Akeson would bring home from Louisville the proceeds of the sale of the hogs.

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Sented the Walls About Midnight Without Disturbing the Officers—Interesting Allegations Against the Missouri Pacific at Lincoln.

Lincoln, Dec. 19.—(Special to THE BEE.)—Another convict fell out of the Nebraska penitentiary last night in a sudden and altogether surprising manner. His name was Charles Johnson and he had been sent up from Dodge county for two years on the charge of forgery. He had but a few months of his time to serve and was looked upon as a trusty by the prison officials. He was employed as the night watchman in the penitentiary and has always performed his duties with as much fidelity as if he had been employed by the state for the work. Johnson went to work last night as usual and was at his post every time the guards made the rounds until 10:30. When the guard visited the boiler room at 11 o'clock Johnson was absent and he was permanently absent, for the most careful search of the grounds and prison enclosure failed to reveal his presence. It is believed that he left his work immediately after the guards made the rounds at 10:30 and making his way to the walls surrounding the prison yards, scaled them and made his way across the country. He was dressed in the regulation prison garb and unless he succeeded in finding citizen's clothing on the outside before morning his capture sometime during today ought to have been reasonably certain.

Nearly Burned to Death. Chief Malone of the Lincoln fire department is authority for the statement that during the past year twelve persons have been burned to death in this city by the explosion of gasoline stores. The fire on T street nearly supplanted the thirteen victims. Miss Gertrude Kogner, a domestic in the family of J. M. Camp, living at 302 1/2 T street, lighted a fire in a lamp on last night. Then she discovered that the reservoir needed filling and extinguished the light, as she thought. She was completely extinguish the light, however, and left a small flame burning indistinctly around the burner. As soon as she went to the tank the fluid caught fire and an instant her clothing was in flames. She ran screaming out of doors, but fortunately the people in the house were able to follow her and tear the burning clothes from her before she had been fatally injured. As it was she was badly burned about the waist and hips. One arm was also badly burned, and the physicians who were called in were of the opinion that nothing but the fact that the girl wore a corset prevented her death.

Burglars at Elkhorn. Elkhorn, Neb., Dec. 19.—(Special to THE BEE.)—Burglars last night, or early this morning, cracked the safe in E. Lamboefer's general merchandise store here. Four dollars was the amount of the haul. The opinion prevails here that the "trick" was turned by local talent. The suspected parties are under surveillance, and two or three arrests are likely to follow.

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Interest in the case of Coberly and Mowbray against the Missouri Pacific, in which the company was sued for damages to the death of the two young boys killed by a switch engine in the yards in this city was revived again today by the filing of an application for a new trial with the clerk of the district court. The plaintiffs allege that they have discovered another witness who can testify that the accident occurred the two boys who were killed were in plain sight of the engineer, Freeman and switchmen. They claim that the negligence of the railroad company was exerted to prevent this testimony from coming to light.

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Mattie Shepherd and Hannah Rhyneauer were today given divorces from their respective husbands, the former on the grounds of drunkenness, cruelty and non-support and the latter on the grounds of extreme cruelty.

STROMSBURG'S NEW ENTERPRISE

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Dr. Mercer of Omaha Chosen to Preside—Plan for a State Association Adopted—Letter of Encouragement Read—and Able Addresses Heard.

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The convention was opened by prayer by Rev. J. C. Irwin, pastor of the Episcopal church. North Platte welcomed the convention in a fitting address to this charming little city, which has thrown open its homes to this convention with a hospitality unexcelled.

Dr. Mercer Presides. Dr. S. D. Mercer of Omaha was selected as temporary chairman and J. G. P. Hildebrand of Lincoln, secretary, with Ed M. Scott of Omaha as assistant. This organization was later made permanent.

A letter was read from Hon. J. C. Sterling, State Auditor, endorsing the movement, pledging his support in securing the aid and cooperation of the government, but warning the convention against expecting to accomplish too much. For the reason that water supply was not sufficient to do what was demanded. Letters of an encouraging nature were also read from Senator Mansfield, Governor Furnas, Judge Broody and Colonel Alex. Hogeland, while a congratulatory telegram was read from William E. Smyth, Chicago, chairman of the national committee.

State Organization Formed. The committee on organization, R. B. Howell of Omaha, chairman, reported in favor of a permanent association being formed to cooperate with those of other states, to meet in December of each year, the officers of which for the ensuing year shall be: J. A. Fort, Lincoln county, president; J. G. P. Hildebrand, Lancaster county, secretary; P. Montensen, Valley county, treasurer; and an executive committee, consisting of J. C. Sterling, Martin Gering of Scotts Bluff, R. B. Howell of Douglas, J. Zimmerman of Dundey, D. H. Cronin of Holt, E. M. Scaries of Keith, together with a vice president from each county. This report was unanimously adopted.

Among the prominent persons present were Governor Crouse, E. H. Moses, president and J. L. Bristow, secretary of the Kansas State Irrigation association; Martin Mohler, secretary of the Kansas State Board of Irrigation; Judge J. S. Emory, Topeka, lecturer for the National Irrigation association and Donald W. Campbell, the well known irrigation engineering authority of Colorado.

Listened to Able Addresses. Judge Emory, D. W. Campbell and J. L. Bristow delivered the addresses of the afternoon, all of which were practical, enthusiastic and yet fair statements of the problems involved. Government aid was favored for surveying and laying out districts, which shall properly combine water sheds and basins, give an intelligent idea of available water on and under the ground, in general, demonstrate the practicability of irrigation. Also aid for the establishment of experimental stations was advocated, storm water storage, pumping water by electric or wind power, small farms, collection of farmers of irrigation districts into villages, and the advantages of the whole system of irrigation were eloquently set forth in these addresses.

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Continental Clothing House.

Smoking Jackets, \$5 to \$9.

On Wednesday morning our stock of Smoking Jackets will be divided into two lots at \$5.00 and \$9.00.

Silk Umbrellas, \$3.50.

Great special clearing sale of high grade silk Umbrellas at \$3.50.

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Diamonds MUSICAL GOODS. Glasses. Of any size, mounted or unmounted; prices fit any purse. MANDOLINS \$5 up. GUITARS \$5 up. VIOLINS \$5 up. CORNETS \$5 up. Band instruments for boys and men. Sheet music, books, music rolls, accordeons, zithers, music boxes. Fitted by scientific optician. Satisfaction guaranteed. GOLD GLASSES \$3 up. Spectacles, opera glasses, lorgnettes, field glasses, binoculars, thermometers, all at greatly reduced prices.

SILVER NOVELTIES. Set of 6 sterling silver spoons of the latest Gorham pattern.....\$350. Sterling silver novelties of all kinds. Every article known to the jewelry trade at low prices. The Multitude Invited to Come. See Our Stock and Prices, whether buying or not.

Pocket Books, Cigar Cases, Watches. Latest novelties with silver mountings or plain. From \$2.50 up. All warranted. Everything imaginable in optical line. ALL ARE WELCOME.

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Write Us at Once If You Wish to Know What Cuticura Has done for Us. In Speedily Curing Torturing, Disfiguring, Humiliating Humors After All Else Failed. Cuticura Has Worked Wonders in Our Cases And Has Proved Itself Entitled to All Praise.