

ISH MURDER TRIAL BEGINS

Difficulty in Getting a Jury Not So Great as Expected. Peremptory Challenges Are Being Freely Exercised—Names of Witnesses Endorsed on State's Complaint Under Protest.

BOX FILLED YESTERDAY AFTERNOON

Judge Keyser's court room was filled yesterday morning with men who had business with the court and spectators were barred. The trial of James Ish, charged with the murder of William H. Chapple, was taken up and the members of the regular jury panel and about 100 of the men summoned on the special venire of 150 were present.

After announcing that only members of the bar and those interested in the trial of the case would be allowed within the railing and requesting those in the room to keep perfect order during the trial, Judge Keyser asked if the attorneys were ready to proceed. An affirmative answer was received and the state asked to have the names of Patrick Mostyn, Detective Donohue and Mrs. Caroline M. Cummings endorsed as witnesses on the complaint. The defendant's attorneys objected and after some argument the court overruled the objection and an exception was taken.

Assistant County Attorney Slabaugh took upon himself the active part of the work for the prosecution and County Attorney Baldwin assigned to the defense was flanked by five attorneys, W. F. Gurley, Frank Ransom, L. H. Bradley, C. W. De Lamare and A. A. Hall. The mother of the prisoner also occupied a seat near the court and closely followed the work of empanelling the jury.

The roll call of the jurors called on the special venire of 150 was completed. An opportunity was given for those having excuses to present them, and about twenty men told their excuses to the court. In all, 150 jurors were called, and about twenty men told their excuses to the court. In all, 150 jurors were called, and about twenty men told their excuses to the court.

When it came time for the defense to use its sixth challenge the attorneys consulted briefly with Mr. Ish. It was their first time to have taken any part in the selection of the jurors. After a consultation with him the attorneys excused F. J. Persons and W. H. Anderson, members of the Board of Education, who called on Mr. Anderson had read about all that had been published about the case and had an opinion that it would be better to excuse them.

The state's second peremptory challenge was directed at J. J. Gillin, and David C. Peterson, a farmer from Chicago precinct, was excused for cause. R. E. Livezey, 2815 California, had reasons which would influence him to give a verdict in favor of the state. In the case and give the prisoner a fair and impartial trial. He was challenged for cause and excused.

John Marks, another of the Morgan jurors, had a proper excuse for his ineligibility and an impartial verdict in the case. Excused for cause. John A. Seber and Sam Sibley, both of South Omaha, father and son, were excused, but John Hockstra of 906 Hickory street was excused. He had an opinion so deep-rooted that evidence wouldn't touch it.

Charles A. Gregg, a salesman for the Hammond Packing company, had known Ish for three years and had a fixed opinion as to the truth or falsity of the charges against him. Excused for cause. Mr. Gregg was one of the jurors in the Morgan case.

John A. Repp, a barber who lives at the house formerly occupied by Chapple, 2612 Seward street, and had known Chapple and had some business relations with him. He had talked with Chapple and had an absolute and fixed opinion as to the guilt or innocence of the accused. Excused for cause. J. Eller, a retail grocer of South Omaha, knew Chapple slightly, but had no business dealings with him. He had an opinion that would require evidence to remove. Excused for cause.

Charles E. Krogh, 1408 North Twenty-fourth street, had known Ish for fourteen years, and advised the court that he would move the opinion he had formed of the case. He was excused for cause. Frank Small, hostler at 324 South Twenty-eighth street, answered the state's questions satisfactorily and was passed for cause. Augustus C. Woodley, 835 South Twenty-eighth street, was called on by the Morgan jury, answered the prosecutor's questions, and was passed for cause.

THE OMAHA DAILY BEE: THURSDAY, DECEMBER 12, 1935.

W. Morton Smith Indicted for Attempting to Impede Justice. REPORT OF GRAND JURY YESTERDAY. Charges Based on Publication Containing Strictures on the Federal Court—Fined for Contempt of Court.

W. Morton Smith, a writer for the Lincoln Courier, who came under the austere attention of the federal court two weeks ago on account of articles which appeared in that paper severely criticizing the court, was yesterday indicted by the grand jury. The charge against him is attempting to impede justice, and the indictment is based on the matter published.

The matter was taken up by the grand jury and he was called into the courtroom for him was construed as a contempt of court, and he was fined \$50 and sentenced to a term of fifteen days in jail. His case was the last one on which the grand jury had to report, and when the indictment was returned the jury was discharged.

Mr. Smith's strictures on the court were with reference to the service of Tom Benton as a juror in the Outcall case. How Benton came to be called into the courtroom to remain there after the district court had made a hard fight to get him out for cause, and later to remove him by peremptory challenge, has been a story told in The Bee. Mr. Smith, in his article in the Courier, denounced the proceeding as an outrage, charged that it was a consummation of a conspiracy in which the court itself was a party, and predicted that the end sought by it would be surely attained.

The publication was at once called to the attention of Judge Dundy, who mentioned the facts in general terms to the bench while the trial of the case was in progress, and then directed the district attorney to lay the matter before the grand jury for a most searching investigation. The grand jury on the subject, stating that if there was no foundation in fact for the article its publication was a contempt of court and the proper party should be put in the way to be punished.

What appears to be the next chapter in the long fought contest between Bishop Bonaccini and Father Fitzgerald and Murphy, pastors of the South Omaha and Tecumseh missions respectively, is in the form of a printed circular letter, a copy of which was handed The Bee by a clergyman. It is as follows:

ISHOP'S HOUSE, LINCOLN, Neb., Dec. 11, 1935.—Rev. John C. Caraher, Tecumseh; Rev. and Dear Sir:—You will call the attention of the faithful to the following letter, which I have received from his eminence, the most reverend apostolic delegate, the most reverend archbishop of Lincoln, Nebraska, dated November 27, 1935. I would say that I have written to the most reverend archbishop and Fitzgerald have been commended in commendation the right of appeal has been exercised by the pastor and he is obliged to obey implicitly the sentence pronounced against them. No action which is in violation of the sentence I am glad to see that the people of the diocese have shown themselves obedient to episcopal authority and have received the pastor whom you have sent to the diocese.

By holding communion in things spiritual is the most important duty of a priest. He is obliged to assist at any act of divine worship, or listening to any discourse on moral or doctrinal subjects which those who are in the state of grace are permitted in any church edifice, public or private, or in any place where the sacraments are administered. He is obliged to assist at any act of divine worship, or listening to any discourse on moral or doctrinal subjects which those who are in the state of grace are permitted in any church edifice, public or private, or in any place where the sacraments are administered.

When a case of diphtheria is reported the whole town is in an uproar. It is asked that the suits be dismissed because the plaintiff fails to set out the specific damages incurred by the publication. A general denial is made that the article was a libel, and an affidavit is sworn to that the article was a libel, and an affidavit is sworn to that the article was a libel.

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THE GREAT ESTIMATE APPROACHING... THE GREATEST OF ALL Bankrupt Sales IS DRAWING TO A CLOSE

THE STOCK OF THE S. P. MORSE DRY GOODS CO. Is being Slaughtered right and left. Prices are being annihilated and values totally sacrificed. Everything must and will be Closed Out regardless of Cost, Importation or Manufacturers' Price.

MORSE'S OLD STAND S. E. OLSON CO. 16th and Farnam Sts. SAFE, FIXTURES, SHOW CASES, ETC. FOR SALE.

SILKS—A great chance to get Silks at a Bargain—Nothing better for a Holiday Present than a Silk Dress or Waist. BLACK SATIN D'ESSE—All pure silk, 2 1/2 inches wide, Morse's price \$1.00—Closing Out Price \$0.75. BLACK SATIN D'ESSE—All pure silk, 2 1/2 inches wide, Morse's price \$1.50—Closing Out Price \$1.10.

THURSDAY :::: SPECIAL AFTERNOON SALE Commencing at 2:30 P. M. A Grand Afternoon in CLOAKS. CHOICE CLOTH CAPES, FUR CAPES, CLOTH JACKETS, FUR JACKETS, AND CHILDREN'S GARMENTS.

10-4 Marselles Pattern Bed Spreads Morse's price \$6.00, SELLING OUT PRICE \$5.00. 10-4 Crochet Spread—Ass't Pattern Morse's price \$1.25, SELLING OUT PRICE \$0.95.

11-4 Dautless Bed Spreads (Hemmed at both ends) Morse's price \$1.75, SELLING OUT PRICE \$1.09. 11-4 Three Ply Thread Bed Spreads Morse's price \$2.00, SELLING OUT PRICE \$1.14.

12-4 Marselles Bed Spreads Handsome assorted patterns, 35-40 inch wide, SELLING OUT PRICE \$1.39. Ladies' Underwear Now is the time for these goods, they are both seasonable and cheap.

Ladies' Ribbed Vests and Pants White or gray, all sizes, warm and durable, Morse's price \$1.00, SELLING OUT PRICE \$0.75. Ladies' Heavy Fleece Lined Vests and Pants Egyptian goods, nicely made, all sizes, Morse's price \$1.00, SELLING OUT PRICE \$0.75.

Ladies' Camel's Hair Underwear Vests and pants, all sizes, made of fine and soft, nicely made and durable, Morse's price \$1.00, SELLING OUT PRICE \$0.75. Ladies' Black Cashmere Hose Very heavy, regular made goods, double toe and heel, all sizes, Morse's price \$1.00, SELLING OUT PRICE \$0.75.

REPORTS ON THE CHURCH WORK. Yearly Business Meeting at First Christian Last Evening. A reception was tendered Rev. T. B. Cranblet last night at the First Christian church. It was in celebration of the 15th anniversary of his pastorate.

LABOR WILL HAVE A TEMPLE. Fourth and Fifth Floors of Barker Block Are Leased. WILL BE REARRANGED FOR THE PURPOSE. Designed to Be Headquarters for All Labor Bodies Connected with Central Labor Union—Brewery Boycott Matter.

Denies That Injury Was Done. Bee Publishing Company's Answer in Damages Suits. The Bee Publishing company yesterday afternoon filed answers in the district court in the two suits for damages brought against it by the alleged newspaper which is issued on lower Farnam street.

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SOUTH OMAHA NEWS

The literary department of the Epworth league will give an entertainment on Thursday evening at the First Methodist church for the benefit of the league. A musical and literary program has been arranged for the occasion.