

Clark Confesses

Admits Firing the Shots that Killed Lee Warner and Wounded A. C. Brechtel—Claims Brakemen Were Attacking His Partner and He Thought His Turn Would Be Next—Full Confession at Preliminary Hearing Friday.

The preliminary hearing of Henry Clark and Chesley Hubbard was held before Mayor Rollins at the court house Friday afternoon. Although held an hour earlier than had been announced the court room was filled with people when the sensational confessions were made and Henry Clark admitted that he fired the fatal shots. Clark at first waived examination, then Hubbard made his statement and this so aroused Clark that he arose and made a full breast of it, telling in detail the story of the crime. The railroad detectives, the sheriff, officer Buffinton and County Attorney Klinker are entitled to great praise for the able manner in which this whole affair has been conducted. The guilty man has been discovered preadvantage and this of itself will save the county a large expense. Further, the confession was secured without resorting to any unfair means or any "third degree" business. This is a brief of the testimony given before Mayor Rollins:

Statement of Chesley Hubbard at Preliminary examination before W. C. Rollins, Justice of the Peace, in Denison, Iowa, June 25th, 1909.

My name is Chesley Hubbard. I am twenty-six years old. When it started it commenced in Omaha. We were paid off and I gave this man here (indicating prisoner, Henry Clark) \$2.00 and we goes to the pawn shop and he pays for the gun and I puts it in my pocket and he takes the shells. I goes and sets three of them up to a drink and then we go up to Jimmie Adams saloon and we plays some cards in there for the drinks. After doing that we goes to two or three pawn shops looking for thirty-two longs and could not find any thirty-two longs. Then we comes to a pawn broker's shop and he has some shorts and he (indicating Clark) buys some shorts for twenty cents and I pays the car fare across to Council Bluffs. We goes down by the brick-yard and sits down there for a few minutes and talks and then go to a store and buy some cake. He buys the cake and I buys five cents worth of bananas. He asks for the gun and I gave it to him and he loaded it. We then gets on the train and the brakeman comes to us and asks us where we were going and he says to the brakeman I am going to Missouri Valley. The brakeman asks him how much he had and he said I have not got anything. We rides on to the next stop. When we gets to the next stop he gets off and then gets on the oil tank again. At the same time the two white men were on the train and another got on, which made three. When the shooting occurred we had just started out of Vail. The brakeman came to me and said I thought I told you to get off this train and I told him it was the other fellow he told. He came at me and handed the other fellow the lantern and Henry shoots down. I was trying to get out of the way of the brakeman when the shooting occurred. The brakeman was after me trying to put me off the train. When he did this shooting he starts off and he said to me to get off. One fell near my legs and the other fell near the end of the car. Henry got off and ran up to where I was and told me to come along with him. We then went to this other town. When we gets over here we started out over a wheat field and goes to sleep under some trees. He had the gun. When we gets inside of this little town he says to me, "Hold the gun until I get my clothes fixed, they are coming off," and I takes the gun and we goes to town and goes to the depot and buys a ticket for Omaha. We goes out and gets on a pile of ties. The officer came up to us and said good morning and we says good morning and he says, "Come with me." Henry says to the officer that we came from Marshalltown. I had the gun in my pocket when he arrested me and I threw the gun

down and someone saw me throw the gun down. Henry says to me we were in jail, "You be with me and I will be with you." He says they could not tell who did the shooting because it was in the night. Then we talked there in the jail for a while and he says that he thought that I was not going to stick up for him and he commenced to pray and he said that all we could do was to pray and try to keep them from hanging us. I said that if he had not done the shooting we would not be here now. When we were over here leaving this town he saw something and he stopped and pulled the gun and started to shoot. It was a bush or something. This was between Vail and Manilla. If I did it I would own up to it just at once.

HENRY CLARK,

being first duly sworn on oath, testified somewhat as follows:

After a brief preliminary which was intended to bring out the fact that any statement he might make was made of his own free will and without either threats or promises, Clark said:

He foresaid a while ago that I bought the gun and that I paid four dollars for the gun. Well we was in the store and in the meantime while we was fixing to buy the gun he said "I don't think this gun is worth four dollars." He says, "Can't you come a little cheaper?" The fellow says he can't come down and he says, "Well I would be willing to pay four dollars for it if you would throw in a couple of rounds of cartridges." Fellow says, "Well sure I will." The man gave him two rounds of cartridges. I won't say whether he put it in the gun. He wanted to see where they put the gun. I says, put it in your belt. The officer might come here and arrest you.

Q. What kind of cartridges?

A. 32 longs.

Q. How many?

A. Ten. So we goes out and he puts the gun in his pocket. Puts the shells in his pocket. We come on down to the saloon and gets three drinks. He takes a beer, the other boy takes a beer and I takes a soda. Then we goes on up to Jimmie Adams'. I says I am going down to King Eggers. He says I will go with you. I says first I'm going to get my laundry. So we goes on to this fellow's house. He was going up to Dakota with us. I come back and I asked him if he was going and he come back up to where we was and says no, I ain't going. Then I says, "Come and go for my laundry." He said all right. So we goes down to the Chinese laundry and gets the laundry. Then we goes down to the other house and gets my clothes. He says, I got some too. I wonder if I could leave them with him? I says you can ask him. I had packed my stuff and so we takes it over to King Eggers. It is there now. He puts his good suit on and then puts this suit over it. At five o'clock we catches the car for Council Bluffs and we buys this cake on the right side of the Northwestern tracks, the last store going north. Then we goes up on the side of this fence along the track and eats the cake. He says to me, "Here, you take the gun and carry it. Your pants has got a belt." I says all-right. The gun was loaded. I takes the gun and shoves it in this pocket right here. (Indicating.) Belt was in about this here place. Fixed it up and gets on the train about seven thirty. Somewhere between Council Bluffs and Missouri Valley the brakeman comes along and asks me—he come over the train and said, "Where are you going?" I said, "Missouri Valley." He asks me what have I got and I says not anything. He says, "Well, you want to get off at the Valley and stay off or I will —" what I told you in that other statement. I said, "All right." He stood about over me. I thought he was going to hit me. When we gets to the Valley I gets off and goes up and stands behind a signal post until the train pulled out and I gets on. I gets on the oil car and had no undertakings with these brakemen until we come to Vail. When I see the brakemen coming around the end of the tank I was sitting down on the side of the flat car. When I see them coming I gets up. This is the truth. I gets up and gets on the box car. I see the brakemen coming and I see the white fellows here. They seen the men and walks to them. Then they seen Hubbard and they says something to him. They began cursing him and this short fellow he run his hand back to the other brakeman this way. One says, "I thought I told you not to get on." And that way. Then the other says, "You black son of

a — I'll throw you off the train as soon as she starts running good and fast." In the meantime when one raised after him like he was going to throw him off. Perhaps he was and perhaps he wasn't. I couldn't say. But I thought he was. And I thought if he throw him under the train and me being the only other colored fellow on the train and witnessing it, they would do the same for me. So when he raised after him I began shooting and when I got through I comes down the ladder. I jumps, I think, it was on the inside track. He said to me, "Where is the gun?" I says, "Here it is." He said let me have it." I hands it to him and he takes the gun and gets off and I gets off and pretty soon I heard him whistling up the track. When he come down he broke the gun and he also reloaded it. He says, "We will have to hike." I says, "All right." We goes down and climbs over fences and it was kind of muddy like at the fence. So we comes out at the depot. Dodges so nobody see us and we goes back to the track. We keeps the track until we gets to this county road where we goes down. We walked down the road until we comes to I think it was a bush kind of like that it seemed it was a man. I speaks to him and I says "Chesley, what is that?" He says, "I will go and see." He come up and he has his gun that way and he looks around. He says, "I won't let nobody kill us." He goes up and comes back and says it wasn't nothing but a bush and we goes on until day began to dawn. I said to him, "I am tired and sleepy." He says, "Well find a good hiding place and lay down and go to sleep." In the night-time I seen these trees in the road and hanging down low and I says, "You's a hay stack. Looks like a good place to sleep." We goes on through the pasture. It was wet and I didn't see any place to lie down. It looks like a pond up in under the trees. It was wet and we goes up under the trees and it was kind of high in there. I lays down and goes to sleep. When I woke it was morning. I says to him— he never told me about a man being killed by the shooting—I says I am going to this town. I ain't going to stay here. He says we will get a ticket for Omaha. So we goes down to this town and seen a fellow cleaning spittoons on the platform out there. I goes up and I asks what is the fare to Omaha. He says \$1.20, I says all right and I asks the depot agent. He said \$1.46. I says give me a ticket. The depot agent says, "Two?" He says, "Yes sir, give us two." He wanted to sit down in the waiting room and I says, "No, we better go out by the cross-ties. Some ladies might come in here and perhaps some white people say something to you." So we go down and sits down on the cross-ties and waits about five minutes I think it was. He says let's go up to the depot. Just as he says that at the same time I seen this marshal or policeman coming toward us. "Here take this gun." This boy says and pulls the gun out of his left hand pocket and says, "Hell, I don't want it." He says, "Put it on the cross-tie." I says put it on the cross-tie yourself." The officer walks up and I think he says, "Where are you boys from?" I am most sure it was that. He says "Sioux City." The marshal says, "All right, but I have got orders from the sheriff to arrest every colored man coming along. There was two brakemen murdered last night and I will have to put you boys in." All right, we says The marshal ask him if you come in here horse-back, automobile or railroad. "He says, "We come down the railroad track and those people put us off up there. And we goes up and slept under the trees and come down here." I asked the marshal to leave us go back and get the money for the ticket. He says you got a ticket already? I showed him mine, and he said all right I will see that you get your money back. So on the way going back to get my money he still carries the gun in his left hand. He was walking on the right hand side of the marshal, like here was the marshal and I was walking here and that was him. He dropped the gun on the left hand side of him. I think some men at the depot seen him. As soon as we come up in the depot,—no I am most sure he dropped the cartridges down there. We come in the depot and the agent gave us the money back for the tickets. The marshal takes us up and puts us in. Pretty soon the marshal comes back down and had a white fellow. This white fellow was put in and the marshal goes on back. This fellow says, "Anyone of you have a gun on?" He says no and I says "No, I didn't." Well he says the marshal says one of

you did. Pretty soon the marshal come back and a crowd of white men. I seen the gun in the marshal's pocket. One man walks up and said I seen those fellows going down this morning on the county road past my house. This fellow says "Not me. We come in on the railroad." I didn't say nothing. Pretty soon a crowd of people began to gather here. I thought they was going to get us and I began to pray. They kept us there until they brought us over here.

CHESLEY HUBBARD,

being first duly sworn on oath, testified as follows:

About not buying this gun, if I had to die right this minute if I didn't pay half on this gun I am not sitting here. I cannot help but say it. This boy he was in the gun store and in this last place he even buys the shells. Where he buys the shorts. After buying the shells I takes him down to the saloon and gets three drinks. One for myself and one for him and one for George. After starting for the depot I has this gun in my pocket, but I didn't have these cartridges. I did not have them. He buys the cartridges. I pays the fare across to Council Bluffs and he buys this cake. Then he says to me, "Give me the gun. I want to load it." That is what he spoke to me. I acknowledge that I had half of the gun, but not all. I acknowledged that for two or three days. I had half of the gun but not all of it. I pays for it and he was to pay half.

Q. Now, Chesley, you heard Mr. Clark say he handed you the gun as he was coming down the ladder from the box car. You was standing on the flat car. Is that right?

A. No sir. He did not. He gets off the train first. Then I gets off. When I got off the train he had run by and I think he come and run toward me. He said, "Come on." We goes over this fence all right true enough. We goes over the fence and comes out right by the depot.

Q. I just wanted to know whether he handed the gun to you on the flat car?

A. No sir.

(Clark) I did. I handed it to him.

Q. Isn't it possible that you can be mistaken? Are you sure you handed that gun to him?

(Clark) I can be mistaken but I ain't.

Q. I guess that is all.

W. M. McCARTHY,

being first duly sworn on oath, testified as follows:

That he was a conductor for the Northwestern, train No. 114 on the evening of June 19. That he knew nothing of the shooting until he reached West Side, and that the shooting must have occurred after leaving Vail, a little after midnight.

Mr. McCarthy said:

When I got to West Side I started for the depot. I saw a light on the end of the oil tank. There was no one around. I called and said, "What's doing over there?" Brechtel called out, "Come over here Mac." I jumped up and found him stretched out. I said, "What is the matter?" He said, "There was some shooting done." I said, "Who was it?" He said, "Those niggers shot me just as I came at the end of the car." I said, "Where is Warner?" He said, "I think back near the end. He was shot too." I started for help. I got the fireman and got one fellow to go for doctors and another for the agent or operator. About this time the marshal came down and I told him what was done and told him to get to a telephone and phone to all the towns as soon as possible. To look out for these colored men that were on this train. He did so.

Q. Where did you find the lanterns?

A. One set right on the end of the car. Perhaps three feet from the brakeman. The other set right near Brechtel. Found it by the oil tank so I didn't see it when I got on the car. Both were burning.

A. Warner was cold when I found him.

Q. Brechtel is in the hospital at Carroll, is he?

A. He is still alive at Carroll.

Q. Did you see the body of Warner when it was laid out?

A. Well just —

Q. Could you see as to whether there was any injury?

A. I didn't see any only the wound.

Q. What kind was that?

A. A little round hole. It was near the collar bone. An inch or an inch and a half from the neck. In the right shoulder.

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