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UNION CITY, TENN, FRIDAY, JANUARY 29, 1909. VOL. 18, NO. 45

DRAKE'S GERMAN COUGH, COLD AND CROUP REMEDY

We have recently sampled the city with this well-known and effective remedy. The results are astonishing, as we are realizing an enormous sale on this preparation. We are also headquarters for all other Cough and Cold Remedies. This season is especially inducive to pneumonia—better stop that cough **now** before it's too late.

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THE MARSHALL TRIAL

The Examination of Witnesses By The State and Defense.

Objection was made last Thursday to Juryman Cary and he was deposed, and Sol Ward, of Pleasant Valley, qualified. The panel now stands: Joe L. Rogers, A. H. Briggs, H. Alphin, R. T. Preuett, J. M. Davis, W. D. Hargett, F. P. Campbell, J. B. Akin, R. J. Fielder, John O'Donnell, Sol Ward. Officers, T. J. Bramham, W. T. Matthews, Irve Lippard.

The trial of Ed Marshall, charged with the murder of Capt. Rankin, was begun Thursday afternoon, the State introducing the first three witnesses.

The defendant, Ed Marshall, is accompanied during the hours of the trial by his wife and several relatives and friends and appears to be confident of acquittal.

Attorney W. M. Miles was sworn in as attorney general pro tem.

T. C. Gordon, of Dyersburg, has been retained to assist the defense.

Lee Cary, juror in the Marshall case, was removed upon the testimony of his relatives, Dr. W. A. Nailling and Ed McAlister, who testified that they had heard him express opinion concerning the case. Counsel for the State agreed to make no contention. He was replaced by Sol Ward.

The first witness examined was Hon. Seid Waddell, a wealthy member of the West Tennessee Land Company, who arranged with J. F. Carpenter for Capt. Rankin and Col. R. Z. Taylor to go to Walnut Log where the murder occurred. He testified that Arthur Cloar, sentenced to hang, was standing near and overheard the arrangements made. The theory of the State is that Cloar carried the news to the Clayton crowd of Nightriders. J. W. Carpenter, lawyer and lumberman, corroborated Waddell, also relating his trip to Walnut Log, where he was to lease land to the company on Grassy Island. Carpenter was arrested soon after the murder, charged with decoying Rankin and Taylor to their death, but was honorably released.

Ed Powell testified to the mob arousing him to wake Ward, proprietor of the hotel, in order to get Rankin and Taylor, describing the trip in detail. Among the mob he recognized Frank Fehringer, Roy Ransom, Tom Wilson, and Garrett Johnson, the latter compelling him to take the Nightrider oath.

Major Holmes is conducting the examination of witnesses.

Marshall is surrounded in court by many lady relatives and friends from some of the best families in the county.

According to Frank Fehringer, self-confessed Nightrider, who testified in the trial of Ed Marshall, Marshall was with the band at Walnut Log when the lynching occurred and tried to dissuade others from killing Rankin.

Fehringer was one of the most important of the State's witnesses during the previous trials, and frankly admitted the part he played in the killing of Rankin and other raids of the band.

He declared he had frequently seen Marshall on these occasions.

The testimony of the other witnesses was merely to show that a band of Nightriders existed and that they killed Rankin because of his connection with the West Tennessee Land Company.

Ransom Slinkard and G. Russell did not respond when their names were called.

Ed Powell, who was on the stand when court adjourned Thursday, was recalled and subjected to a severe cross-examination, but he maintained his original story.

Col. Taylor Testifies.

Col. R. Z. Taylor, the survivor of the tragedy, positively identified Frank Fehringer as a member of the band who killed Capt. Rankin. This statement of Col. Taylor corroborates Fehringer's version of the murder.

When describing the murder of his friend, the aged witness showed considerable emotion, but recovered himself in a few minutes and proceeded with his story, which, in substance, is as related in the first trial. He narrated the hardships that he underwent during the two days wandering through the dense woods in making his escape and telling of the brutal murder of Capt. Rankin.

P. C. Ward, proprietor of the hotel at Walnut Log, told of seeing Capt. Rankin and Col. Taylor taken from his hotel by the Nightriders, and later sitting up with the body of Rankin until daylight, when it was conveyed back to the hotel.

John White, a banker from Hornbeak, where it is believed the first band of Nightriders was organized, told of going to the "big woods" last summer and making a speech to a large number of masked men, urging them to disband. He could not recognize any one at the meeting and could not even say whether or not they were "real" Nightriders.

The testimony of the witnesses examined Saturday showed positively that Ed Marshall, now on trial for complicity in the murder of Capt. Rankin, was a Nightrider for several months previous to the murder, and that he was present at Walnut Log and used his influence to keep them from killing Rankin.

The strongest witness introduced by the State was Will Johnson. He did not know as many of the band as did Fehringer, but knew more of Marshall's connection, as they were both members of the Clayton band. In telling of the murder, he said that he and Marshall and three other Nightriders waited at the rendezvous for an hour before Garrett Johnson and his men arrived. It was the original agreement that Taylor and Rankin were to be whipped and made to walk to Hickman, and when Marshall saw they were going to kill them, he pleaded for their lives, and was so insistent that Garrett Johnson started to strike him. Witness gave the password, which he said was the same as that of all Nightriders. He was subjected to a severe cross-examination, but adhered to his original story.

Will Hamlin was the only other witness of importance. He had seen Marshall at several meetings, but knew nothing of the Walnut Log murder.

Many Ladies In Court.

Quite a number of ladies were present. Marshall was surrounded by a half dozen lady friends of his wife, and a large delegation of ladies from Trenton sat near Col. Taylor.

The prosecution sprang quite a surprise by the introduction of Will Hamlin, a confessed Nightrider, on the witness stand. Hamlin had not been arrested, but becoming frightened at the conviction of his associates, he sought out Maj. Holmes and turned State's evidence. He lived at Clayton, near the defendant, and had frequently seen him at meetings of the band. The witness was not at Walnut Log, having given up his mask several days before the murder.

That the Reelfoot Nightriders had the same passwords and signs that those of the black patch had, was the statement made by Will Johnson.

Johnson joined the Nightriders in July and was present at several meetings when Ed Marshall was there. On the night Capt. Rankin was murdered, he, Ed Marshall and three other members of the Clayton band waited for an hour at the rendezvous before the lower band came.

MONDAY'S TESTIMONY.

Warren Morris, who by his confession was the official poet of the Nightriders, was the first witness Monday morning. He had not seen the defendant at any of the meetings of the band, but had heard he was a member. When Rankin was killed he heard one of the Nightriders interceding for him, but did not know who it was.

Mose Barkis, probably the only member of his race who has taken the Nightrider oath, was the second witness this morning. Barkis is an Assyrian, living at Hickman, Ky., where he is engaged in business.

In his indifferent English he told the jury how he, for fear his property would be destroyed, had joined the outlaws and of two of the meetings he had attened, but he knew nothing of Ed Marshall's connection with them. He was badly frightened while on the stand and seemed greatly relieved when told that he could go back home.

According to the testimony of Ethelbert Rogers, who was called next, there there were thirty-five men who participated in the murder of Capt. Rankin. He and Marshall live within a short distance of each other, and frequently went together to the rendezvous of the band. At Walnut Log "Marshall and I did everything we could to keep them from killing Rankin, and I asked Garrett Johnson to let me take them to Hickman in my buggy, but he did not answer me," said the witness. On cross-examination he said that he and Marshall both objected to the killing of the Walker negroes, at Hickman, and were ridiculed by Fehringer because they tried to prevent it.

Tom Cloar, another confessed rider, said that the day after the murder he was riding with Marshall in a buggy and the latter told him of the killing, saying he begged for their lives, and declared that he would go on no more raids. At this time it was generally supposed that Colonel Taylor had also been murdered. Cloar said that when Marshall was asked to come to Union City to hang Judge Harris, who was a guest here at the time, he refused, saying: "Boys, you are going up against a bad thing."

Ben McMurtrie, who testified before the grand jury that on the night Capt. Rankin was killed he awoke Marshall and John Ratliff to get some medicine for his sick baby, was introduced by the State to correct that testimony. He said that some time after the killing Marshall and Ratliff called at his house one night after he had retired and called him to the gate. They told him they wanted him to help them fix up an alibi for the night Rankin was murdered, as men were being arrested for the crime, and they wanted to be in a position to prove that they were not there. They asked him if he did not think he could remember his baby was sick that night, and that he called both of them to get some medicine. On cross-examination McMurtrie said that he had become convinced that it would be better to tell the truth, even if he hung for it.

"Then you swore to a lie before the grand jury, did you?" said Mr. Pierce.

"Yes I did," shouted McMurtrie; "but I'll tell the truth now if my neck is broken."

McMurtrie is in custody at the barracks, and is under indictment for nightriding and conspiracy. The State rested at two o'clock, and after a conference lasting forty minutes the defense placed the defendant Marshall on the stand.

Ed Marshall, forty years of age, was born and reared in the Third District of Obion County, near Reelfoot Lake, and lives at Clayton, the headquarters of the hill or upper Nightriders. He testified that the first time that he saw the Nightriders they came to his house early in June one night at midnight. They covered him with guns and had come after him, and ordered him to give them a note held against old man Baugus. They stayed about thirty minutes and, after searching the room thoroughly, told him they proposed to make him reduce the rent on his land and mules, and that if he disobeyed their orders they would kill his wife and baby and burn his property. They then took his pistol and departed.

Later they returned his pistol by placing it in the mail box. Marshall said that he had received several letters from the Nightriders, but, under orders from the band, he had destroyed them. Several times he met Frank Fehringer, who told him he had better obey all orders given him by the Nightriders.

Fred Pinion, now under sentence of death for the murder of Rankin, came to him and told him that if he did not join the band he would be in great danger, and that he had been sent to tell him to go to Baugus Hollow that night. John Ratliff, who was boarding with him and had a store at Clayton, had also received several orders, and they were afraid not to go. They went according to orders and were sworn in by about twenty masked men. He said he met with them several times, because he was trying to keep in their good graces, and several times he stayed away because he was a lawabiding man. The Nightriders gave him a mask and told him never to come into that bunch without hiding his face. He said the only part he took in the raids was to keep in touch with the Nightriders to save his life. He had failed to attend meetings when ordered and was accused of being a traitor and warned not to fail any more on pain of death. The day of the murder Marshall said he was working on his farm all day, and on his return home after dark Ratliff told him that strict orders had come for them to meet the band at Powell's field, and that if they did not go they would certainly be waited on. When they got to the field they found Ethelbert Rogers and Bill Johnson, but none of them knew what they were there for.

Marshall swore that he did not know any West Tennessee Land Company, and had never heard of either Taylor or Rankin. He said that while Garrett Johnson was talking to Col. Taylor and began to get rough he stepped up and said: "Don't harm these men. They are nice, honorable gentlemen, and you ought not to harm them. Let them go home." One of the Nightriders struck him two or three times in the side with a gun and forced him to desist.

Witness swore that he offered his own life in exchange for the lives of Rankin and Taylor. He said he begged two or three times, and pointing at Col. Taylor, who was seated in the court room near him, he exclaimed dramatically: "If that gentleman knew the circumstances as I do, he would embrace me in his arms."

He said he begged Colonel Taylor to promise the band anything to get out of their hands.

Marshall declared that he knows nothing of the West Tennessee Land Company, nor who owns Reelfoot Lake; that he is not interested in the lake; said that he had never had any talk with McMurtrie, and that immediately after the killing some soldiers came to his house and invited him to visit Gov. Patterson at Camp Nemo, and that when he got there they would not let him go away again.

On cross-examination, Marshall admitted that he has a telephone in his house; that he had ample time to inform the sheriff of the meeting of the Nightriders in the hollow the night he was sworn in, but was afraid. He did not know who was sheriff. He went to the meetings armed and masked. He said that Fred Pinion and Frank Fehringer usually notified him of the meetings, and became somewhat confused as to which notified him the night Thurman was whipped. He admitted carrying a pistol to the meeting, but didn't know who he was carrying it for, and finally said he carried it just because he wanted to.

The Marshall Nightrider trial was resumed Tuesday morning with the defendant on the stand. Marshall was more composed, the nervousness which characterized his action day before having almost entirely disappeared. The prosecution is attempting to show that the confession of Ben McMurtrie who, on the stand Monday, acknowledged he purjured himself in the first trial, when he testified to Marshall's whereabouts on the night of the murder, would have been an alibi, and that witnesses had been summoned for that purpose.

The witness was closely questioned along this line, but he denied any knowledge whatever of what McMurtrie intended testifying.

Later he was asked the question point blank: "When he had decided not to prove an alibi," and answered he did not know. He denied that he had ever thought of turning State's evidence or sent any friends to see Gov. Patterson about giving him a pardon if he would do so. Further cross-examination developed nothing new, and with a smile of satisfaction Marshall left the stand.

The Argument.

Attorneys began speaking on the case Tuesday afternoon. Time allotted for argument was eight hours, which closed Wednesday afternoon, followed by the charge and case went to the jury. The verdict is to be found on another page of this issue.

The Senatorial deadlock at Springfield, Ill., may be broken this week, but the conferences of the last few days have failed to indicate the outcome.

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TEACHERS' MEETING.

At Troy, February 6, 1909.—The Program.

Song by the school.
Invocation, Rev. T. P. Pressly.
Welcome address, J. M. Brice.
Response, J. H. Robey.
Resolved, That Tennessee Needs a Compulsory School Law. Discussion by the teachers. Affirmative, C. S. Austin; Negative, L. D. Williams.
Reports from the schools.

NOON.

Some Specific Difficulties, all teachers.
Ethics of Teachers, Burch Atkins, S. B. Hayes.
The teacher as an example, Miss Clemmie Ivie, Miss Ethel Henderson.

This meeting is not for the south nor the north part of the county, but for both sections. Let every teacher be present. Let this be the largest meeting yet held. I could not get a meeting of the two committees, so I made the program.

Yours very truly,
C. L. RIDINGS.

Wm. Pettus.

Wm. Pettus, an honored and aged citizen of this city, died at his residence on Home street Sunday morning at 10 o'clock, Jan. 24, 1909.

Mr. Pettus was a little more than 84 years of age and was physically and mentally active up to a few days of his death. The immediate cause was heart failure, superinduced by indigestion and accompanying functional decline.

Death occurred while Mr. Pettus was sitting in a chair talking to Dr. D. M. Pearce, and members of the family were present as the soul of the good man passed out. He died without a struggle, and so ends the temporal existence of a life full of years and usefulness.

Mr. Pettus was a man of strong character, blended with a warm and kindly nature. His philosophy was broad and sound. The moral elements in him prevailed, yet he was not an extremist. He was honorable in every way and a good man whose virtues are among the greatest of bequests to the living. His home he loved and guarded carefully and prayerfully, and his memory will be revered long after the pain of separation is forgotten. Following is a biographical sketch by a friend:

William Pettus was born June 16, 1824, in South Carolina, near the North Carolina line, of English parentage. In 1829 he came with his father and mother from Charlotte, N. C., near the place of his birth, to Huntingdon, Tenn., and a year later moved to Gibson County near Yorkville, where he was reared to manhood. He was first married to Miss M. A. McDaniel Dec. 19, 1870. His wife having lived but a short while, on Jan. 1, 1872, he was married to Miss A. E. McDaniel who, with two daughters, Mrs. Edna Ruffin and Miss Pearl, survive him. He moved to the vicinity of Union City just before the Civil War and has lived in [illegible] City since 1884. He, Rev. Liles, Dr [illegible] Pearce and N. K. Moore all mar[illegible] Truck Growe[illegible] while a meeting [illegible] to meet at the office [illegible] ville, and while he [illegible] were conferring the [illegible] the lodge room, h[illegible] He left the hall at [illegible] church where the m[illegible] ress and the whole me[illegible] lodge followed him. [illegible] P. Church thereaf[illegible] member until [illegible] J. F. & [illegible]

The remain[illegible] View, serv[illegible] residence [illegible]