

MRS. NACK'S LIFE WILL BE SPARED.

Plea of Murder in the Second Degree to Be Accepted in Her Case.

LIFE SENTENCE HER LOT.

Counsel for the Prisoner Will Offer a Plea of Manslaughter in the Second Degree.

PENALTY FOR THAT IS 15 YEARS.

Thorn's Accomplice Dreads Death and Prefers to Expiate Her Crimes in Life Imprisonment.

Mrs. Nack will never sit in the electric chair.

The Journal is able to announce authoritatively that when the unhappy accomplice of Martin Thorn comes to be tried the Court will instruct the jury to bring in a verdict of murder in the second degree.

The penalty prescribed for a conviction of murder in the second degree is imprisonment for life. To the average mind death would seem preferable to such a future, but not so with Mrs. Nack.

She desires to live and expiate the sins of her previous life which bear so heavily upon her conscience. She dreads death as the introduction to more fearful torments than those threatened by any earthly prison. Mrs. Nack clings to life, and it is this which caused her to make a full confession of her share in the crime and become the State's witness.

The District Attorney believes Mrs. Nack should enjoy a degree of immunity for her services to the people in the prosecution of Thorn. More than this, the result of Thorn's trial has demonstrated beyond doubt the truth of Mrs. Nack's story. For these reasons the public prosecutor is inclined to leniency in dealing with this woman accomplice of Thorn.

But even were this tendency in the woman's favor lacking, it would still be extremely doubtful whether any jury could be found which would agree to send a woman to the electric chair. There is a strong prejudice against such action, and even jurors sworn to fulfill their duty to the utmost might forget their oaths in such a crisis.

The Penal Code permits a judge, where all the circumstances of a capital case seem to warrant it, to instruct the jury to find a verdict of murder in the second degree. That this course will be adopted in Mrs. Nack's case there is now little reason to doubt. She will be sentenced to imprisonment for the term of her natural life, but she will be thankful, doubtless, to escape so lightly.

When these considerations were placed last night before Emanuel M. Friend, Mrs. Nack's counsel, he declared that his client would surely escape with a much lighter sentence.

She will offer a plea of manslaughter in the second degree, said he, "and I feel sure that it will be accepted. My client is entitled to every consideration for her services to the State, and in a position to state positively that she will not be placed on trial. District Attorney Youngs has a few minutes to spare in the first degree would ask the Court to impose a lighter sentence on Mrs. Nack, and I have every reason to believe that our plea of murder in the second degree will be accepted."

The penalty prescribed for a conviction of manslaughter in the second degree, should that plea be accepted by the State, is imprisonment for ten years in State prison, and a fine of \$1,000, the additional penalty being within the discretion of the Court.

HE WILL WELCOME THE DEATH CHAIR.

Thorn Resigned to His Fate, but Would Like to Get Even with Mrs. Nack.

Martin Thorn, the convicted murderer of William Guldenuppe, is waiting impatiently for the electric chair. Whatever his counsel may say to the contrary, what ever effort he may make to secure a prolongation of Thorn's life, the latter realizes the hopelessness of it all, and the strain that he has been subjected to is so severe that he will welcome death.

Thorn has one consuming desire, and that is to get his hands on Mrs. Nack, to be left alone with her for five minutes. During that time he would wreak a terrible vengeance, would pay her for spurning his love, which has hurt him more than his conviction. But this wish will never be granted. Every precaution has been taken by Sheriff Dault to prevent anything of the kind. Since Thorn was found guilty, Tuesday evening, he has not been allowed to see his wife, and he has been denied him, and any and every night every move she makes is carefully watched by deputies.

These renewed precautions have not affected Thorn in the least. He awoke yesterday morning with a good night's sleep, as bright and cheerful as he has been at any time since his arrest. The only thing he would say about his case was that he would find that he had been mistaken, and the sooner it was all over the better he would be satisfied. During the morning he was visited by the Rev. Father Heineck, man, of Dutch Church, who has been at the electric chair, he listened respectfully to all he had to say and asked him to visit him again.

That there was at first some doubts in the minds of the jurymen as to the degree of murder with which Mrs. Nack's guilt is proved by the manner in which the ballots were cast. The first two showed eleven votes for manslaughter in the second degree, and the subsequent disposition of the two ballots showed that nine of the jurors were in favor of returning a verdict of murder in the second degree. Two more ballots showed a like result, but at the seventh all became of one mind, and Thorn was convicted.

That Thorn's case will be appealed seems a certainty. His lawyer, William F. Howe, stated yesterday that an appeal would be taken. Mr. Howe said he had taken more than a hundred exceptions during the trial and that he was confident enough of them to be upheld. He also stated that he would appeal to the Supreme Court, and as to the fate of Mrs. Nack, none of those in a position to speak authoritatively do so. District Attorney Youngs refused to say whether he would accept a plea of guilty of murder in less than the first degree or not. Lawyer Friend, Mrs. Nack's attorney, was equally reticent.

Mrs. Nack herself seems to dread the chair and carefully refrains from mentioning it herself or allowing anyone else to do so in her presence.

That the fame of Thorn's "evil eye" has travelled over the country is proved by the following letter which District Attorney Youngs received yesterday:

Dear Sir: I read to-day an article in the press, stating that you have taken the necessary precaution against Thorn's "evil eye." I don't blame you, and I give you a great credit for that belief, as we Egyptians have full confidence and trust in the effect of the "Evil Eye." I suppose you have heard about the judges, the prosecutors and the jurors who convicted the great murderer, Holmes. Even the priest who sang when Holmes was taken to the gallows met his fate later.

To prevent such cases we make a charm, containing some precious pieces from the Koran. Please find enclosed one which I prepared especially for that purpose.

Hang it over your neck on the right side, pass your right hand through the ring and let it remain there. It should be placed between your fingers and thumb. As long as you carry the charm you are not in any danger from "Evil Eye," but from any kind of danger. A great blessing will be yours for a very short time.

A word from you will be highly appreciated by Yours truly, R. MATOOK.

Accompanying this letter was a triangular shaped amulet, made of green silk on which was printed in yellow characters from the Koran. The edges were bound with heavy red silk and a twisted red cord was affixed for hanging it around the neck. Mr. Youngs says he will not wear the amulet, because he is not afraid of the "Evil Eye."

There was a general buzz of interested comment when Slosson gathered a pretty cluster of thirty-two buttons in the twenty-third inning, and again tied the score. Slosson again got to the front in the twenty-fifth inning, and at the close of the twenty-eighth, when he put thirty-four but-

ton together, was forty-two in the lead, his average then being 11.23.

The afternoon game. The surprise of the tournament was the close and exciting struggle yesterday afternoon between Schaefer and Sutton. The bulky Chicagoan not only pursued the Wizard closely from the start, but overhauled him in the stretch, and but for some inexcusable carelessness would have won. It cannot be denied that Schaefer played poorly and without his usual confidence, but it is also a fact that Sutton's play is of a character to make the best of the experts feel apprehensive. While Sutton's open play was of the boldest, freest character, he also accomplished some close nurse work that called for admiring comment.

Sutton attacks the most difficult shots with absolute fearlessness and seldom misses. It is when in the midst of a run that he becomes careless and falls down on some trivial play. When Sutton corrects this fault he will be a truly dangerous factor in the championship race.

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Slosson made 24 in his third inning, but failed to get the balls out of the bank. Daly continued his good work in the sixth, eighth and ninth innings, when he ran 17, 16 and 45, which brought his total up to 164 to Slosson's 74.

Daly was playing in championship form as his average of 15 for eleven innings showed. Slosson was game, however, and with runs of 18, 15 and 40 in the next few innings he drew up on his opponent, who, for six innings, scored one.

In the ninth inning Slosson fell down after a run of 4, through losing to achieve the balls out of the bank, which a fortunate kiss gave him 18 in the tenth inning. Slosson followed up his run of 40 with 32 in the next inning, which he slipped up on a misse.

This made the score a tie at the end of the eighteenth inning, each having scored 175, or an average of about ten for each.

It was not long before the players who stayed away thinking it would be a poor game to watch will find out to-day that it was one of the best games of the tournament.

Daly now did a little playing on his own account, and in the nineteenth inning a run of 20 put him away in the lead again. The star play of this run was on the thirty-sixth shot, a half mass the whole length of the table.

Slosson, nothing daunted, responded with 21, and then took the lead for the first time in the game with a run of 22 in the twenty-second inning. In the third shot of this break he made a beautiful shot, the table shot which electrified the house.

Daly continued to play with wonderful nerve and in the twenty-third inning made a run of thirty-seven, which put him thirty-two ahead. Slosson almost immediately gathered the balls on the lower ball and with gentle persuasion ran thirty before the balls separated, and the student finally fell down on a difficult misse, after hitting the score for a second time with a run of 32.

Daly was only able to gather ten in the next four innings, so Slosson, with a run of twenty-two in the twenty-seventh, ran his total up to 234 to Daly's 228. Miraculously, however, did some effective work in the twenty-eighth inning before he came to grief on a rather fine one-cushion shot.

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game, does not seem unusually high for this style of billiards.

It also proves that whatever improvement has been made in close and nurse play very little advance has been made in open table play.

In the afternoon Schaefer and Sutton had a very close game, which the Wizard finally won by a narrow margin of 45 points, scoring 500 to the Canadian's 452.

Both averaged over seven on the table. In the evening Daly and Slosson were pitted against each other. Daly started off well and kept the lead for the greater part of the game, averaging from 20 to 25 a run, and it was midnight before the winning stroke was scored.

In the evening game Daly and Slosson, two of the old timers, faced each other, and it looked like a very even game on paper.

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THE "WIZARD" WON FROM SUTTON AND DALY LOST TO SLOSSON.

In the Afternoon the Newcomer Came Very Near Upsetting Calculations with Schaefer as His Opponent—There Was a Fine and a Close Struggle Between the New Yorkers in the Evening—Interesting Games Scheduled for Friday and Saturday Nights.

By FERD POGGENBURG.

TWO very interesting contests marked the third day of the billiard tournament.

In the afternoon game, Sutton nearly

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LAWYERS' OPINIONS OF MRS. NACK'S CASE.

Some Think Thorn's Accomplice Should Not Be Tried, While Others Insist That She Should.

It would be a travesty on justice to accept the plea of Mrs. Nack as guilty of murder in the second degree. She is a fiend and should be brought to the bar and tried for murder in the first degree. Murder in the first degree means murder with intent and deliberation, and murder in the second degree, means murder with intent but not deliberation. That she is guilty of the crime in the first degree is clear.

She is the victim to the cottage in Woodlawn, knowing that it meant death for him. She knew that Thorn was secreted there to murder him. She is, therefore, guilty of murder in the first degree, and she should not be ten minutes deliberating to come to such a conclusion. Her plea should not be considered in the matter at all.

JOHN F. FENTREY, Former Assistant District Attorney. While I have no desire to intermeddle with what has been decided, I can not say that the case of Mrs. Nack, I will say that there is a moral, if not a legal, obligation on the part of the District Attorney to give some immunity of leniency for her for becoming a witness for the prosecution of Thorn. I cannot see how the obligation of the District Attorney is shed because of the first trial. Personally, I have the utmost objection to Mrs. Nack, but by reverence for the law, written and unwritten, prompts me to urge leniency for the woman to a degree, in view of her testimony. However, the District Attorney, being under a duty to prosecute, he may give her, there can be no legal or moral obligation upon him now in the prosecution of Thorn.

ABRAHAM LEVY. Not knowing what agreement the District Attorney made with Mrs. Nack in consideration of her testimony, I could not say what disposition should be made of her case. I think, however, that she should be tried, and I have every bit as much leniency for the woman to a degree, in view of her testimony. However, the District Attorney, being under a duty to prosecute, he may give her, there can be no legal or moral obligation upon him now in the prosecution of Thorn.

The question as to whether or not Mrs. Nack should be put on trial is one which I think should be left entirely to the discretion of the Court and District Attorney Youngs for as my knowledge of the facts in the case, as equally as Mrs. Nack, at any rate, she has turned a deaf ear to the suggestion that she should be tried, and I have every bit as much leniency for the woman to a degree, in view of her testimony. However, the District Attorney, being under a duty to prosecute, he may give her, there can be no legal or moral obligation upon him now in the prosecution of Thorn.

JOHN F. FENTREY. In my opinion, it is the duty of the District Attorney to prosecute Mrs. Nack on trial. It is she who first conceived the idea of murdering her husband, and she is the one who should be tried for her crime. She is the one who should be tried for her crime. She is the one who should be tried for her crime.

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