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NO. 43

COUNTY ATTORNEY COLE HAS CASE DECIDED FOR HIM

JUDGE F. W. BUTTON OF FREMONT PRESIDING AT PRELIMINARY HEARING.

DEFENDANTS RAISE OBJECTION

Plea in Abatement For the Trial of Issues by Jury on Right of the Special Prosecutor.

From Wednesday's Daily.

This morning the old district court room, which has not for many a day been the scene of more than the usual drab proceedings of a court of law, was filled to its capacity by a crowd that came from varied parts of the county expecting to hear the preliminary of the men indicted by the grand jury of Cass county last week, but who instead were treated to a series of long arguments on the demurrer and motion of abatement filed by counsel for the indicted men which to the novice and layman was decidedly uninteresting but which on the cases will have an important bearing when the final ruling of Judge F. W. Button of Fremont, the presiding judge, is made.

The array of talent on the side of the various defendants was quite noticeable, Fred Wright and H. H. Kuppinger of Omaha and C. A. Rawls of this city appearing for C. C. Parmele, indicted on two charges—forgery and embezzlement; William A. Robertson of this city and D. W. Livingston of Nebraska City for J. W. O'Connell, charged with obtaining money under false pretenses. Mr. Rawls also appeared for County Attorney A. G. Cole, who is charged with malfeasance in office. A. L. Tidd also appearing for Mr. Cole, and as well, William Grebe and Fred A. Holmes, charged with malfeasance in office on one count with Mr. Cole, and Grebe on two charges of assault and battery and Holmes for usurping the duties of deputy state sheriff. Mr. Tidd also appeared for Sheriff C. D. Quinton, charged with protecting violators of the liquor law and false statements and Chief of Police Alvin Jones, charged with violation of the liquor law and perjury. D. O. Dwyer, special prosecutor, and W. T. Thompson were present for the state of Nebraska.

At the opening of the court Judge Begley requested Judge Button to take the bench and assume charge of the hearing of the arguments on the plea of abatement made by the various parties as well as the demurrer offered.

Mr. C. A. Rawls, representing County Attorney Cole, indicted together with Fred Holmes and William Grebe on a charge of malfeasance in office based on the alleged taking of fifteen gallons of grape juice from one John Lenz, presented a demurrer to the charge against Mr. Cole, attacking the wording of the indictment, which did not charge a wilful or corrupt act on the part of the defendant and that the alleged act had been performed in his official position as county attorney of Cass county and this demurrer was also argued by A. L. Tidd, one of the counsel for the defendant. This demurrer was taken under advisement by Judge Button until a later time.

When the case of the State of Nebraska vs. J. W. Chilton was called County Attorney Cole stated that D. O. Dwyer had not been appointed special prosecuting attorney and had no right to appear in the case. Mr. Dwyer stated that he had not had time to examine the pleading of this defendant and would take it up later. Judge Button ruled as to the objection to Mr. Dwyer that for the present at least in this case he would allow him to represent the state.

The case of C. G. Fricke was also passed until a later time as the answer of the defendant and plea of abatement had not been examined by the prosecution.

The plea of abatement filed on Saturday by A. L. Tidd for the defendants, Grebe and Holmes was then read and in this plea the defendants attacked the right of Mr. Dwyer to appear in the case as special prosecutor at this time and before the grand jury for the reason that at the time of the calling and the sitting of the grand jury, G. Cole, elected county attorney of Cass county, had been ready and willing to carry on the prosecution of cases before the jury and that the law had stated that the only prosecutor to appear before the grand jury was the duly elected and qualified county attorney of the county.

For this reason and on a charge of prejudice made against Mr. Dwyer by the defendants Mr. Tidd asked that the issues in the

plea of abatement be heard by a jury rather than the court.

Judge Button stated that on the question of Mr. Dwyer having been appointed to appear as prosecutor before the grand jury was rather for the court of law to determine than a jury. Mr. Tidd also contended that the appointment of Mr. Dwyer as the prosecutor was not made in the manner as prescribed by law. The defendants also charged that the special prosecutor had made statements relative to securing charges against the parties indicted.

Mr. Dwyer stated that he had been appointed by the presiding judge as prosecutor before the grand jury and had been asked to continue to represent the prosecution in the preliminary hearings of the cases. The plea of abatement of the defendants did not attack the jury making the indictments or the findings but rather was personal on himself on the parties of the parties and did not attack the parties drawing the indictments. He attacked the plea on the grounds that the parties had waited until after the judgment of the jury to base their attacks. Under this process, Mr. Dwyer stated, it would be impossible to secure any criminal prosecutions if the advance findings and the issues involved had to be tried before a jury and which would tie up all prosecution until the law would be made ineffective.

Judge Button took the matter under advisement until after the noon recess of the court.

TO ESTABLISH FARMERS' PROTECTIVE BUREAU

Jas. Buel of Omaha to Start Branch Here to Care For Protection of Farms From Thieves.

From Wednesday's Daily.

Yesterday afternoon James Buel of Omaha, head of the Buel National Detective Agency, was in the city making arrangements for the opening of a branch of his company here that would extend the protection of the agency to the farmers of this locality.

In conversation with a representative of the Journal, Mr. Buel stated that the new system that he is extending over the eastern part of Nebraska will be known as the Farmers' Protective Bureau and that the scope of the new branch that is affiliated with the Buel agency in Omaha is for the purpose of protecting the farmers of the community from the inroads of thieves that have in the past invaded their places and stolen chickens and other articles from the farms and that have usually escaped without being caught and caused a loss of no small amount to the farmers of Cass county as well as the adjoining territory as the result of the depredations. It is the plan of Mr. Buel, he stated, to have the agency established in southeastern Nebraska and western Iowa and in this manner check the visitations of the petty thieves around the farms of the community.

Mr. Buel has very successfully maintained an agency located in Omaha and has been successful in recovering goods stolen from Cass county mercantile establishments and has been the only one who has succeeded in running down the unwelcome visitors over this part of the state when the authorities have failed to locate the robbers.

The office of the Farmers' Protective Bureau will be established in the frame building just west of the building of Edward Donat and Mr. Buel is expecting to have Alvin Jones, the present chief of police, as the head of the bureau here and from the office here all of the cases will be handled and when a robbery occurs the agency will be on the job to secure the arrest of the parties and the return of the stolen property.

This is a new proposition and looks very good to the farmers as a means of protecting them from the depredations of persons on their farms.

LADIES URGE THAT CONTRIBUTIONS COME

Donations For Oak Hill Cemetery Fund Now Needed and Friends are Urged to Contribute.

From Tuesday's Daily.

The special campaign that has been made by the committee of the Woman's club for donations to the cemetery fund and to assist in the paving of the cemetery road and other needed improvements, has now reached its height and the ladies are desirous of having all that can do so to make their contributions.

GOVERNOR TAKES NO ACTION ON GRAND JURY PROBE

GOVERNOR BRYAN STILL AT SEA ON COURSE TO PURSUE, ACCORDING TO REPORTS.

REFERRED TO ATTY. GENERAL

Position Looks as Though Indicted Officials Would Continue to Hold Their Offices.

From Tuesday's Daily.

Governor Bryan has taken no action in the case of Sheriff C. D. Quinton of Cass county and has not yet referred the matter to Attorney General Spillman. He said Monday he will ask for a legal opinion in regard to the powers and duties of the governor under the 1923 amendment to the Sackett law.

The governor finds that the indictment sent to him from the Cass county grand jury does not ask him to remove the sheriff. It was transmitted to him "in the interests of the administration of justice in Cass county."

"An indictment does not justify me in removing an officer for failure to enforce laws," said the governor. "In such a case the governor must furnish proof of the charge of failure to enforce law which he acts under the old Sackett law or under the amended law. Removal from office under the new law must be followed by prosecution in court to sustain charges against an officer. Under the old law the governor has no power to remove or appoint a successor, merely power to direct ouster proceedings against an officer."

The governor finds that two charges in the indictment against Quinton relate to alleged refusal to enforce liquor laws. The other charges relate to failure to enforce other laws. The governor calls attention to the fact that the amendment of 1923 did not go into effect until August 3. One charge relating to liquor laws dates back to the year 1922 and the other to last July, prior to the date of the new law which authorizes the governor to remove officers. It is alleged the governor might act in the Quinton case if he desires to do so under charges which allege the sheriff failed to enforce laws other than liquor laws.

Governor Bryan has been informed by an attorney that the 1923 amendment to the Sackett law has switched that law about so that the governor can remove only officers who fail to enforce liquor laws or laws relating to the theft of automobiles.

This information is incorrect, according to other attorneys, who say that the 1923 amendment to the Sackett law merely mentions the liquor laws and automobile laws for the purpose of giving attorneys appointed under those laws equal power with the attorney general when directed by the governor to institute proceedings, that the Sackett law as originally passed relates to failure to enforce any or all laws which it is the duty of an officer to enforce and the governor now has power to summarily suspend an officer for failure to enforce any laws, and has power temporarily to appoint his successor, pending a trial of the suspended officers in the supreme court.

Governor Bryan asked for the passage of the Keck amendment to the Sackett law, which is now in question, but he has not yet found it advisable to enforce his provisions.

DIES IN CALIFORNIA

From Tuesday's Daily.

The old friends of the W. G. Keefe family, former residents of this city, will be very sorry to hear of the death of Charles Bennison, whose wife was formerly Miss Myrtle Keefe of this city. The death of Mr. Bennison occurred at Los Angeles a few days ago, he dropping dead while he was waiting to take a street car to his home in the suburbs of Los Angeles. The cause of his death is given as heart trouble and the reports state that his death was very sudden. The Bennison family are located just a short distance out of the city of Los Angeles on a small fruit acreage and have good prospects there of oil which will make their land very valuable.

HAS WRIST SPRAINED

From Tuesday's Daily.

P. A. McCrary of this city is wearing his right arm in a sling as the result of an accident on Sunday when the family auto refused to respond to the efforts of Mr. McCrary and as he was out cranking the car it kicked back and while it did not break the wrist it was very badly sprained and will require some time before Mr. McCrary will have the use of the arm.

COLE CASE IS DISMISSED

This afternoon after the resumption of the court, Judge Button took up the matter of the demurrer in behalf of County Attorney A. G. Cole, filed by Mr. C. A. Rawls and the court sustained the motion of the defense and the indictment as far as Mr. Cole is concerned was closed and the case dismissed. This is the indictment in which Mr. Cole was charged jointly with Holmes and Grebe of malfeasance in office.

In his decision, Judge Button stated that his sustaining of the demurrer did not relieve Mr. Cole of the disqualification as to the trial of the cases that were coming before the court, and that the county attorney would not at this time be permitted to try the cases that he had not been specifically assigned to by the court.

PLATTSMOUTH WOMAN'S CLUB HAS MEETING

Members Enjoy Interesting Program at Public Library Auditorium.—C. A. Rawls Talks.

From Tuesday's Daily.

A goodly number of club members assembled last evening at the usual time and place. All of the officers being present, reports were given by the secretary, corresponding secretary and treasurer. Additional reports from the civic committee and the committee in charge of the bake sale were financially encouraging and it was decided to hold another bake sale just before Christmas and to postpone the sponsoring of a movie until some time in January.

The program in charge of Mrs. C. A. Rawls, was replete with interest. Mr. H. G. McCuskey, accompanied by Miss Beird, was at his best in the rendition of his solo, "Children of Men." He responded to an encore with another pleasing selection. The cornet solo of Miss Hartley with Miss Pond at the piano was indeed a treat to all music lovers and her encore was equally well received.

The speaker of the evening, C. A. Rawls, was next introduced and for about one-half an hour he explained some laws which he thought would be of interest to the club. He also answered numerous queries of a legal nature and emphatically pointed out the necessity for less criticism and greater assumption of the duties and responsibilities of citizenship.

CASS COUNTY YOUNG MAN WEDDED IN OHIO

Ernest Kropp of Nehawka United in Marriage to Miss Pauline Worley at Portsmouth, O.

From Tuesday's Daily.

The announcement has been received at Nehawka by relatives and friends of the marriage of Mr. Ernest Kropp of that place to Miss Pauline Worley at Portsmouth, Ohio, the happy event occurring on Saturday at the Worley home in that city. The wedding is the outgrowth of a romance of several months standing and following the visit of Mrs. Henry Kropp and her son back to Portsmouth the childhood home of Mrs. Kropp, and while there Mr. Kropp met the young lady that has since become his wife and from their friendship there sprang a closer affection that has culminated in their marriage.

The groom has grown to manhood in Nehawka and vicinity and is a son of the late Henry Kropp, one of the well known residents of the southern portion of Cass county and is a young man held in the highest esteem by a large circle of warm friends.

The bride is a member of one of the prominent families of Portsmouth, her father, Charles E. Worley, being a member of the board of commissioners of Scioto county, Ohio, and well known over the southern portion of Ohio.

The young people are expected to return home to Nehawka by the last of the week and will reside with the mother on the farm of the Kropp family.

ASKS FOR DIVORCE

A petition has been filed in the office of the clerk of the district court by Della Bourne vs. Joseph H. Bourne in which the plaintiff asks that he be granted a decree of divorce.

Buy your ink and pencils at the Bates Corner Book and Stationery Store.

FRADY GARAGE ROBBED OF \$135 SATURDAY EVENING

135 IRON MEN TAKEN FROM THE CASH REGISTER SHORTLY AFTER 5 O'CLOCK.

PERPETRATOR OF CRIME LOOSE

Clues May Lead to Revealing Person Who So Skillfully Looted the Garage Office.

From Monday's Daily.

Saturday evening shortly after 5 o'clock, John Frady, the proprietor of the garage at the corner of 7th and Vine streets, visited the office of the garage building to check up and on opening the McCaskey cash register was started to find that \$135 that he had placed there a few hours earlier in the day was missing.

The office of the garage is located in the southwest corner of the building, the door opening off of Vine street and the register is located about the center of the office and is also used as a desk for the telephone.

Frady states that he and his brother were engaged a part of the time in the repair shop, located at the north end of the building, which is some distance from the office, but that they endeavored to keep an eye on the office as much as possible and cannot figure out how the party or parties could get in and loot the register without being seen by someone either in the building or who might be passing along the street, just a few feet away and from which a clear view can be secured of the office.

The police are working on the case and hope to run down the party who was so successful in getting away with the hard earned "roll" of Mr. Frady.

CHIEF OF POLICE DENIES ALLEGED STATEMENTS

Mr. Jones Claims He Did Not Make Remarks Credited to Him in Interview With Bee.

From Monday's Daily.

The Omaha Bee of yesterday had an article dealing with the recent indictments that have been made by the grand jury and particularly concerning those which were made against Alvin Jones, who has been chief of police during the last year.

Mr. Jones was a caller at the Journal office and requested that he be given an opportunity of making a denial of a statement alleged to have been made by him on the investigation of the grand jury. The statement alleged to have been made by Mr. Jones was as follows:

"They say I haven't enforced the law while in office," the chief said. "I'll show 'em. If these farmers think they can come in here to talk over my alleged shortcomings, I'll make them think again."

This, Mr. Jones denies, and stated to the Journal that he had been a farmer himself and did not have the least idea of how this statement had come to be printed.

J. W. CHILTON MAKES HIS APPEARANCE

Charged With Indictment of Obtaining Money Under False Pretense and Files Bond.

From Monday's Daily.

This morning, J. W. Chilton of North Platte, Nebraska, who was indicted by the grand jury last week, with obtaining money under false pretenses, made his voluntary appearance at the office of the clerk of the district court and filed a bond for \$1,000 for his appearance at the trial, the bond being accepted by Judge Begley and Mr. Chilton was allowed to go until the trial of his case.

Saturday afternoon at 4:30 p. m., Carl G. Fricke arrived from Nelson, Nebraska, with Sheriff Quinton and made his appearance in the office of the clerk of the district court and was released on a bond of \$2,500 for appearance for trial.

NEW GIRL ARRIVES

From Monday's Daily.

Yesterday afternoon the home of Mr. and Mrs. Louis Taylor was made much happier when a fine little daughter arrived to gladden with her presence the household. The mother and little one are doing nicely and it is needless to say that Louis is feeling very proud over the fact of the new arrival.

WILL HOLD DEMONSTRATION

The Nebraska Gas and Electric company is announcing a very fine demonstration for Wednesday of all kinds of electrical appliances and at which time Mr. Hall, one of the salesmen of great experience, will be present to take charge of the work and give everyone a clear idea of the usefulness of the many modern devices that make housekeeping electrically one of the most labor and time saving steps of this day and age. Mr. Hall will have everything that is handled by the company in the way of home comforts in electrical appliances and every lady of the city is urged by Mr. C. Theisen, the local manager, to call at the offices and sales rooms of the Nebraska Gas and Electric company and enjoy the demonstration.

In addition there will be a special prize given the lady holding the lucky number and which will consist of a waffle iron and all those who attend will be given a chance on the useful gift.

CITY SCHOOLS PREPARING TO HOLD A FINE EXHIBIT

Industrial Art Exhibit to Show Work of All Departments From C Classes to High School.

From Wednesday's Daily.

Preparations are now under way for the holding of an industrial art exhibit at the Plattsmouth high school gym on Wednesday, December 12, and which will be one of the most complete of its kind that has ever been attempted by the school. The exhibit will be very thorough and includes the work of the younger children in the primary and lower grades of the school up to the more advanced art and pen work in the seventh and eighth grades and the high school and also the work of the department of manual training in the high school. In this line of work the young people have made great strides in the last few years and the exhibit will be a real treat to the general public as showing a part of what the young people are doing.

The admission to the exhibit will be free and the public should come and look it over and the different articles will be offered for sale to those who might care to purchase them.

In addition to the art exhibit the school will offer a musical program that will be up to the usual high standard of their offerings and should be enjoyed by the general public to the utmost.

Show your interest in the city schools by your attendance at the exhibit and entertainment.

SHERIFF SELLS LAND

From Tuesday's Daily.

Yesterday morning, Sheriff Quinton conducted the sale of the land in the case of William L. Seybold vs. W. O. Baker et al. involving a number of lots in the village of Avoca and as a result of the sale the property was sold to Mr. Seybold for the sum of \$1,181 and deed executed by the sheriff to the purchaser.

JOHNSON IS REJECTED BY CONVENTION

CALIFORNIAN BEATEN BY COOLIDGE IN SOUTH DAKOTA PROPOSING MEET.

McMASTER IS ALSO ENDORSED

Senator Capper of Kansas Unanimously Endorsed For the Vice Presidency by Convention.

Pierre, S. D., Dec. 4.—President Calvin Coolidge tonight was given the majority nomination for the presidential primary by the South Dakota proposal convention, winning over Senator Hiram Johnson of California by a vote of 50,379 to 27,340.

Later, on a rising vote, the endorsement was made unanimous for Coolidge, Coolidge and Johnson were the only names before the convention.

Senator Arthur A. Capper of Kansas was unanimously endorsed for vice president.

A tumult of applause and prolonged cheering greeted the announcement of the vote on the presidential poll.

McMaster for Senate

Gov. William H. McMaster won the majority senatorial endorsement by a vote of 49,207 against 37,827 given Senator Thomas Sterling, incumbent.

Prior to the vote, the republican convention had approved a platform plank endorsing Governor McMaster's state administration and approving his gasoline price war.

The McMaster endorsement, after the Coolidge selection, came as a great surprise to political observers. McMaster, in declaring for the senatorial race, had publicly endorsed the candidacy of Hiram Johnson for the presidency and was generally regarded as the leader of the Johnson forces in the convention. While Senator Sterling had never declared his presidential choice, he was in all quarters regarded as a Coolidge supporter.

Charles A. Christopherson was renominated for republican congressman from the First district and Royal C. Johnson was renominated for congressman from the Second district.

Representative William Williamson of Custer county was renominated from the Third district. All three congressmen are incumbents and were renominated without contest.

A platform framed by supporters of William G. Madoo was unanimously approved today by the democrats of the state.

Senator Robert LaFollette of Wisconsin was given the farmer-labor presidential endorsement by a vote of 31,899 against 7,247 for Henry Ford. Tom Ayres, chairman of the state central committee, won the senatorial place by a large majority over Mark Bates, former leader in the nonpartisan league.

Who's Kathleen? Watch!

Advertisement for The First National Bank, featuring the text 'Under Government Supervision' and 'United for Better Service!'. It includes details about the bank's membership in the Federal Reserve System and its commitment to serving the community.