

The Plattsmouth Journal.

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NO. 84

QUINTON LOSES IN APPEAL TO SUPREME COURT

DECISION MADE PUBLIC YESTERDAY AFFIRMS ACTION OF DISTRICT COURT.

SUSTAINED ON ALL POINTS

Plea in Abatement, One of the Chief Points, in All Cases Overruled in Court Decision.

From Friday's Daily.— Almost a year to the day when the grand jury returned its indictments in Cass county, the state supreme court passed on the case in which former Sheriff C. D. Quinton had appealed to the court from his conviction in the district court of Cass county, which followed his indictment by the grand jury, sustaining the conviction of the former law officer and the sentence passed upon him by Judge Alexander C. Troup, of Omaha, which was a fine of \$200 and costs of the prosecution and removal from the office of sheriff of Cass county.

The decision of the court was in an opinion by Judge William H. Thompson and concurred in by the three associate justices and sustains on every point the result of the trial in the local district court.

The decision of the court brings approval of the long standing litigation that originated in the returning of an indictment by the grand jury on November 26, 1923, against the sheriff, charging him with six counts of failure to report fees earned and collected and also two counts of violation of the prohibition law.

Acting on the recommendation of the grand jury and also as the request of Mr. Quinton, Governor Bryan on December 10, 1923, relieved Mr. Quinton of the office of sheriff and appointed in his place, E. P. Stewart, the present sheriff, who was just recently elected by the people of the county to the office and the plea was granted by the removal of Mr. Quinton.

At the time of the calling of the grand jury on November 13, 1923, Judge James T. Begley, district judge, entered an order in open court removing A. G. Cole, then county attorney, from appearing in the grand jury investigations on the ground that he has been unduly active against the calling of the grand jury and the court appointed as the special prosecutor before the jury D. O. Dwyer of this city who conducted the hearings and the securing of the testimony before the jury.

The grand jury in its indictments returned two against Mr. Quinton, one charging failure to report fees collected and earned and violation of the prohibition law and also one in which he was charged with not being true and which has not yet been tried.

The former sheriff entered a plea of not guilty when arraigned for pleading and the trial of the case was started before Judge Begley in the district court and the plea which present a plea in abatement which was heard by Judge F. W. Burton of Fremont, who ordered the trial to be continued and overruled the motion of the defense. The trial had just started when it was halted on the alleged misconduct of one of the jurors, Henry Brockman, and a mistrial ordered by the court. Judge Begley presiding, and the case set for trial at a later date. This action formed one of the pleas of the defense for setting aside of the action of the lower court and in which the state supreme court sustained the action of the district court and did not place the defendant twice in jeopardy as was contended in their appeal.

In the trial of the case in January, 1924, the state was represented by W. R. Patrick as chief counsel and D. O. Dwyer, and the defense by Paul Jensen and D. W. Livingston of Nebraska City and A. L. Tidd of this city and the case was one that attracted more attention than any held in the county in many years and every session of the court was attended by hundreds who filled the court room to its capacity.

The jury in the case returned a verdict acquitting Mr. Quinton of the two counts against him on the violation of the prohibition law and finding him guilty of the six counts charging him with failure to report fees collected and earned. Judge Alexander C. Troup, who presided at the trial, placed a fine of \$200 on the defendant and also removed him from office.

The points raised in the appeal to the supreme court were largely of a technical nature, as the defendant had admitted that there were fees that he had not reported, but claimed that he was not required to do so, there was no dispute to the main points.

The state court holds that the rights of the defendant were not substantially violated by any of the errors that counsel claimed in their appeal and that the appointment of

counsel in the case was purely a matter in the discretion of the court. Since the conviction of the defendant there has been more or less litigation over the right of E. P. Stewart to the office of sheriff but which was decided in favor of Mr. Stewart by Judge C. O. Stauffer of Omaha, who ordered the county jail occupied by Mr. Quinton, turned over to the active sheriff, Mr. Stewart. Since the action on these cases the election has given Mr. Stewart a clear title to the office that the supreme court decision will settle.

JURY STARTS GRINDING

From Friday's Daily.— This morning the case of the Bank of Pleasanton, Iowa, vs. Fred W. Ethredge of Greenwood was called for trial in the district court and the jury was selected and the trial set over until after the taking of testimony was well under way by the noon hour. The case is arising out of the collection of a note claimed to be due by the bank against the defendant.

LITTLE CHILD DIES LAST EVENING AS RESULT OF BURNS

Donald, Seven Months Old Son of Mr. and Mrs. Julius Kasek, Passes Away Last Night.

Last evening after several hours of terrible suffering caused from burns received in being scalded by the contents of an overturned coffee pot, Donald, the little seven months old son of Mr. and Mrs. Julius Kasek, passed away at the home in the west part of the city. The accident that resulted in the death of the little one occurred yesterday morning at the home on West Locust street.

The mother had been looking after the house work and the little babe was in his buggy near the kitchen stove and while the mother was not looking the child wiggled to the edge of the buggy and reaching out, grasped the coffee pot setting on the stove and in an instant had pulled it over and the hot coffee splashed over the body of the babe. The shoulder, breast and the left leg of the little boy were badly burned and since the accident he has suffered a great deal of pain as the result of the accident. Medical aid was summoned at once by the frantic mother and all possible done for the relief of the little one, but owing to the extreme serious nature of the burns the child gradually grew weaker until death came to his relief.

ANOTHER SAD SACRIFICE

From Thursday's Daily.— This morning the summer like breezes that were whistled about in the business section of the city carried a strange and not unpleasant odor that attracted some attention especially in the vicinity of Fourth and Main street. One of the old residents who has lived in the days before 1917 identified the odor as that of dry gin, one of the beverages that used to be used in the preparation of many strange mixtures and decoctions but which has not been noticeable in this locality for some years past.

A closer investigation showed that the source of the odor was at the opening of the sewer at Fourth and Main street in front of the court house where Sheriff E. P. Stewart and Attorney W. C. Kieck were engaged in destroying sundry and divers containers of beverages of a greater degree of alcoholic content than was permitted by the well known A. J. Volstead, the Minnesota congressman who took the nearness out of beer and the popularity out of the pretzel.

There were several gallons of the gin and home made whiskey that had been accumulated in a room and which no longer being needed as evidence was consigned to the sewer and thence to trickle out to the great Muddy.

This is the third public emptying in the last few months and gives the public a chance to see what becomes of the sewerage taken in prohibition law violations.

ENTERTAINS FRIENDS

From Thursday's Daily.— Last evening the home of Mr. and Mrs. Jess F. Warga on North 11th street was the scene of a very pleasant "stag" dinner given by Mr. Warga in honor of a number of friends from Omaha who were here for the afternoon and evening. The members of the party enjoyed to the utmost the fine time arranged for them and the delicious repast and after the dinner the jolly party visited the Elks carnival to complete the very fine occasion. Those attending were Harkness Kountze, W. W. Drummy, Henry Ricks, A. L. Timms and Mr. Kirkpatrick of the Lee-Kountze hardware company of Omaha, R. W. Knorr, H. A. Schneider, J. P. Sattler, W. K. Krecklow and John Sattler, Jr.

Mr. John Hiber was in Omaha today, attending to some matters of business, going to that city on the early morning Burlington train.

METHODIST CHURCH HONORS AGED MEMBERS WITH SUPPER

Harvest Home Dinner Especially Arranged For Members of Many Years Standing.

From Friday's Daily.— Last evening at 6 o'clock there was held at the parlors of the First Methodist church a harvest home dinner that paid special tribute to the gray-haired and veteran members of the faith who have been members of the church here in the years in the past and on whose brow the touch of time has left its mark.

The decorations of the parlors were in a color scheme of pink and white, the flowers and candles carrying out the color scheme and making a very pretty setting for the scene of pleasure and interest.

There was present at the gathering one of the original members of the church in this city, Hon. Burwell Spurlock, who came here in pioneer days and assisted in carrying the message of its faith to this portion of the state. Mr. Spurlock is at this time a resident of York, Nebraska, and came here with his son, Hon. George M. Spurlock and wife to be present at the supper and there was also present from York, Rev. and Mrs. John Calvert, formerly in charge of the church here, who are now at the Mother's Jewels Home at York.

The head table was occupied by the members of the church and congregation over seventy years of age and made a most interesting sight as the aged members joined in the observance of the evening.

There were 125 present and who enjoyed to the utmost the supper arranged and served by the Social Workers of the church and which was all that could be asked in the way of a feast of the utmost enjoyment. Mrs. J. E. Wiles is president of this organization.

During the evening the choir, under the direction of Mrs. E. H. West, which was from York, Nebraska, tabled a number of the old songs that was very much enjoyed by all of the large party.

As the supper closed, the Rev. Frank Emory Pfoutz, pastor of the church, took charge of the program and read the list of older members of the church past the seventeenth of October, some of them being: Mrs. P. W. Glenn, 77; Mrs. Sarah Kerr, 75; Daniel Meade, 71; Mrs. Menzeremith, Mrs. Laura Peterson, Mrs. Mary Spencer, 71; Mrs. T. A. Sullivan, 84; Mrs. C. E. Wescott, 74; Mrs. Sarah Wilkinson, 75; Hon. R. B. Lindholm, 78; William H. Newell, 80; Mrs. Catherine Perry, 77; Burwell Spurlock, 89. The names of others read were: Mrs. Frankfarther, Mrs. M. A. Street, Mrs. Mary Woodrow, Mrs. Henry Spangler and Mrs. Bennett Christwiser.

A number were called upon for brief remarks and chief among these was Burwell Spurlock, a charter member of the church here in Plattsmouth. Mr. Spurlock related the incident of the establishing of the first Sunday school in the city, which was made in the pioneer days, when he started out to interest the early settlers in the religious work and the first persons that he approached was the late Conrad Schlatter, a member of the Roman Catholic church, and also a young man who was a member of the Presbyterian faith and these three had launched the first Sunday school for the promotion of the Christian faith. Later he had the pleasure of seeing the Methodist church started here and of being a member for many years until he removed to York to make his home.

Hon. R. B. Windham also related many incidents of the early church life and told of his having in an early day had charge of the choir work of the church and recalled the many old friends now gone who had participated in this line of church work.

Rev. John Calvert spoke of his work here and of the many pleasant associations that had been the good fortune of himself and family while residents of Plattsmouth and engaged in the church work.

George M. Spurlock spoke of the erecting of the present church building when he, with C. E. Wescott, R. B. Windham and C. S. Polk, were members of the building committee and assisted in completing the work that gave the church a new home.

After the supper, which closed at 8 o'clock, the members present joined in an informal reception to the York visitors and the old friends.

NEW SON ARRIVES

From Friday's Daily.— Last evening the stork visited the home of Mr. and Mrs. Judd Ankrum and left in their care a fine seven pound son and heir who with the mother is doing very nicely and the occasion has brought to the proud father a great deal of happiness.

CARS HAVE COLLISION

From Thursday's Daily.— Last evening as the theatre going crowd were wending their way toward the Parmele they were given an added thrill when the cars of John Hinz and Attorney D. O. Dwyer had a collision at the well known corner of Sixth and Main streets where in the past there has been many a smashup. The large Overland touring car of Mr. Hinz, containing himself and wife was coming from the south on Sixth street while the Essex coach of Mr. Dwyer was coming from the east on Main street. The car of Mr. Dwyer struck the front right wheel of the Overland and bent the fender to some extent but otherwise the car was not much damaged, as both of the cars at the time were going at a very reasonable rate of speed.

ODD FELLOWS LAY CLAIM TO LADY'S ESTATE

Will of Aged Lady Drawn That Way But Nurse and Doctor Present Different Will.

From Thursday's Daily.— The Grand Lodge of the Odd Fellows filed a brief in the supreme court Wednesday in support of a judgement in its favor entered in the Thayer county district court in an estate matter. The document bristles with adjectives used to describe the proponents of a will in which the estate of Miss Nancy Jane McCabe was divided between Ida C. Jones, the woman who nursed her in her last illness, and Dr. Armstrong, who attended her.

Mrs. McCabe had been for more than twenty years a member of the Rebekahs, the woman's auxiliary of the Odd Fellows, and is reported to have been much attached to it. She made a will leaving all of her estate to the Odd Fellows home, which she expected to enter as aged and feeble and dependent on the care of her nurse, "Aunt Jennie" was an active worker in the lodge, and when partial paralysis laid her low, fellow Rebekahs were frequent visitors.

As the story is told in the brief the old lady died, and her old nurse was called home. When she returned to the McCabe house she says she was met by Mrs. Jones, formerly a milliner in Hebron, who told her that she was boss and that her services were not desired. Jones took her to her home and a comparative newcomer in charge.

The brief recites bits of testimony given by fellow Rebekahs who said that "Aunt Jennie" was very susceptible to flattery, and that they noted that the doctor and Mrs. Jones had a conference and that the doctor's testimony being cited in support of the claim of undue influence.

There came a time when none of the Rebekahs were permitted to see the aged woman—she was seventy-two. It was during this period, the claim is made, that Mrs. Jones was extorted which gave the estate to the doctor and the nurse. It is contended that if she was too ill to see old friends she was incompetent to make this second will.

W. R. C. HAS VERY INTERESTING SESSION AT MEETING

Mrs. Felista Troyer of Grand Island, Inspector, Here For the Day With Ladies.

From Thursday's Daily.— Yesterday the ladies of the Woman's Relief Corps of this city had a very interesting session at their rooms in the court house and which was marked by the official visit of Mrs. Felista Troyer of Grand Island, grand inspector of the state staff of the W. R. C. to the city.

The local officers of the post conducted the regular order of business for the benefit of the visiting state officer and held initiatory ceremonies. Mrs. Jessie R. Hill, Mrs. Geo. W. Goodman and Mrs. W. R. Robb being the candidates received into the post with the most appropriate ceremonies.

At the noon hour, Mrs. Troyer was the guest at luncheon of the ladies of the corps and the work of initiation taken up immediately after lunch and continued over the greater part of the afternoon.

HERE FOR A VISIT

From Thursday's Daily.— This morning, Mrs. I. L. Sheldon of Ellenburg, Depot, New York, arrived in this city, being en route to Nehawka, where she will visit with her son, George C. Sheldon and her daughter, Mrs. E. C. Giles and families at that place. Mrs. Sheldon has been in attendance at the national convention of the W. C. T. U. at Chicago for the past week and is expected to take advantage of the opportunity to come on west to enjoy a visit with her children. George C. Sheldon motored up this morning and met his mother at the Burlington station here.

BARGAIN WEDNESDAY AGAIN PROVES TO BE BIG SUCCESS

Large Number of Residents of County are Here and Stores Do a Thriving Business.

With ideal weather conditions prevailing the forty-second Bargain Wednesday sponsored by the Plattsmouth Ad club, proved one of the most successful that has ever been held in the city and from early morning until late at night, the various stores were kept well filled and busy with the hundreds seeking to take advantage of the many fine buying opportunities.

There were many here from all sections of the county, among those present being visitors from Murdock, Alvo, Weeping Water, Avoca, Union, Nehawka and Murray, who were visiting the stores and taking advantage of the fine prices offered by the Plattsmouth merchants.

The visitors came well informed from the well arranged and intelligent advertising matter of the prices and the places where the bargains could be secured and were all ready to make their selections.

These special bargain days originated by the Ad club have proven real trade producers and opened up a channel of very pleasant relationship between the residents all over the county and the Plattsmouth business men and in these days of rapid transportation a few hours will allow persons from any part of the county to reach here and take in the buying festival and return home well satisfied.

If for no other reason than the day has brought in closer touch the residents of the county, it has proven a great success and the advertising that has been featured in the newspapers, has made the buying public well acquainted with what the merchants have and what prices they can expect to find.

ATTACKED BY BULL

On Tuesday, Wm. Schick, Sr., while out in the feed yard at his place west of town was attacked by a bull. He had seemed to be gentle but on this day was in a bad and wrathful mood. He made a lunge at Mr. Schick, who saw that he was a faster runner than he and made an attempt to get into the self feeder. The bull caught him on the hip and Mr. Schick received quite a severe injury. He was able to crawl to the feeder until help came and Mr. Schick was released. The bull was in such a mood that had Mr. Schick not reached the feeder in time he would have been trampled to death. It was a close call and a narrow escape.—Elmwood Leader Echo.

HAS TOUGH LUCK

From Friday's Daily.— Yesterday a stranger arrived in this city who carried with him a large sized roll of the coin of the realm that he had brought, the roll, from the far-off land of California—the first known case of anyone returning from California with money. The roll, the aged man states, contained some 500 snacks which he was treasuring to carry him further on his journey.

After a few hours here he took a short auto trip to Omaha with a acquaintance and after reaching there they prepared to look over the city and the stranger looked for his roll to find it missing.

The last time that the money was seen was when the owner had extracted a few bills from it to pay for his dinner and thought that he placed it back in his pocket, placing the loose change in another pocket. Whether he lost the pocket book then or dropped it later on the street he does not know, but he is surely mourning the loss of the hard earned dollars.

ROBERT CREAMER IMPROVING

From Friday's Daily.— This morning word was received from San Jose, California, by Mrs. A. H. Duxbury, announcing that her brother, Robert Creamer, had passed the danger point in his attack of inflammation of the kidneys and was now thought to be on the improve-ment and would in a short time be over the attack.

Robert was very low for several days and required the services of two physicians from San Jose and finally a specialist from San Francisco and all of the medical aid possible was given him and after a long battle the patient rallied and was able to enjoy a rest and his condition has continued to grow better. The news comes as a most pleasant message to the many friends of this fine young man here and his continued improvement is hoped for by everyone in this community, where the Creamer family resided for so many years.

Fred Fensler, of Omaha, representing the C. J. Hysnam company, of Omaha, contractors, was here today to close a contract looking to the removal of dirt at the Masonic Home grounds.

GIVEN PLEASANT SURPRISE

From Thursday's Daily.— Yesterday was the sixty-second anniversary of Andrew Rabb, one of the old residents of the city, and in honor of the occasion Mr. Rabb was given a very pleasant surprise at his home in the northwestern portion of the city that he will long remember. The members of the family circle and a few friends had arranged the event and the surprise of the father was complete when the members of the party arrived at the home with well laden baskets and prepared for a real time with their father. The evening was spent in playing cards and music and a general good time such as these happy family gatherings bring. At an appropriate hour there was a very enjoyable luncheon served that added to the enjoyment of the occasion. Those attending were: Mrs. and Mrs. Otto Kruger, Andy Schneider and wife, Tom Rabb and wife, all of Omaha; Andrew Rabb, Jr. and wife, Mr. and Mrs. Mike Opperman, Fred and Hilda Rabb, Mr. and Mrs. James Bridgewater and family and Mr. and Mrs. Andrew Rabb, Sr.

PROMINENT RETIRED FARMER RECEIVES SERIOUS INJURIES

Henry Ahl Kicked by Horse and Receives Broken Leg—Now in Hospital at Omaha.

The many friends all over the county are sympathizing with Henry Ahl who received a broken leg when he was kicked by his horse as he was driving in from the farm on Tuesday of last week.

Mr. Ahl had been attending to some business out at the farm that day and was driving home in the evening. His horse fell and became entangled in the harness and Mr. Ahl was endeavoring to assist the horse which was struggling to clear itself and in this manner kicked him on the right leg, breaking it below the hip joint.

He was given assistance by some one passing and helped to his home and Dr. E. H. Worthman summoned who made him as comfortable as possible. It was deemed advisable to remove him to the hospital where he could be cared for more conveniently and the next morning Mrs. Ahl and Dr. Worthman took him to the M. E. hospital in Omaha.

His sister, Mrs. Mary Ragoss, also went to Omaha and remained in the city with her son, Hugo Ragoss, and family for a week and visited Mr. Ahl every day and his wife is with him a great part of the time. His children and friends also visit him often and this will help to pass the time pleasantly during the weeks that he will be obliged to remain in the hospital.

Mr. Ahl has not enjoyed the best of health in later years and his friends feel very sorry that this trouble came on him and will wish him a speedy return to health. He is one of our pioneer citizens and is well known over the county and will have the sympathy of all in his affliction.—Louisville Courier.

Attorney William Deles Dernier, of Elmwood, was here today attending to some matters of business in the courts here.

LOUISVILLE BRIDGE IS SOLD TO COUNTIES

PRICE OF \$17,029.17, SET IN VALUATION BY RAILWAY COMMISSION, ACCEPTED

CONTROL TO BE GIVEN DEC. 1

Cass and Sarpy Counties Will Collect Tolls Until Half of Cost of Bridge is Secured.

From Thursday's Daily.— At the meeting held yesterday at Louisville between the county commissioners of Cass and Sarpy counties, the department of public works of the state, represented by State Engineer R. L. Cochran, and the Platte River Bridge Co., by its directors, W. F. Diers, James Stander, R. H. Hartsain and Frank H. Nichols, the auto and wagon bridge at Louisville was purchased by the state of Nebraska and Cass and Sarpy counties, the transfer of the bridge to be made on December 1.

The state engineer at the meeting announced to the directors of the bridge company that the state railway commission had fixed the physical valuation of the bridge at \$17,029.17, and also stated that at this price the state of Nebraska stood ready to pay in cash its half of the purchase price if the bridge company saw fit to sell the auto and wagon bridge that connects the counties of Cass and Sarpy, and that the other half of the purchase price would be secured by the two counties on the collection of tolls over bridge and be turned over to the company to be paid to its stockholders.

The members of the board of directors, after a conference, returned and announced that they would accept the price made by the state railway commission and that the control of the bridge could be given on December 1 to the two counties for their management and collection of tolls.

The agreement being satisfactory to all, the interested parties entered into agreement to accept the bridge which will be formally ratified at the meetings of the two boards in regular session in their respective counties on the 1st and 2nd of December.

The Louisville bridge has been repaired and placed in the very best of shape the past year by the bridge company and repainted and is a piece of property that will not require repairs for a long time, barring some unforeseen circumstances, and the state and counties feel that they have secured the structure at a very fair price and which should by the middle of next July be able to be made free to the public as it is anticipated that the \$3,500 that will be raised by the two counties can be collected by this time from the tolls over the bridge.

This ends the energetic fight that the people of Louisville and vicinity have made for a free bridge for their section of the county.

— anything? Advertise it.

BANK OF YOURS

A Thanksgiving Message

From the Officers and Directors of The First National Bank to its Many Customers and Friends

We are thankful that the past year has given us many opportunities to work for and with those who came to us for banking service.

We are thankful that the future gives promise of many more similar opportunities.

May Thanksgiving day find you and those dear to you blessed with true friends and many, many reasons for genuine gratefulness.

THE FIRST NATIONAL BANK
PLATTSMOUTH NEBRASKA
"The Bank Where You Feel at Home!"