

The Plattsmouth Journal.

PARMELE CASE IS DISMISSED BY SUPREME COURT

COURT HOLDS THAT EVIDENCE WAS NOT SUFFICIENT TO WARRANT VERDICT OF GUILTY.

CHARGED WITH EMBEZZLEMENT

Appeal From the Verdict of Cass County Jury Brings Release for Former Capitalist.

From Tuesday's Daily— The state supreme court late yesterday afternoon released their opinion in the case of the State of Nebraska vs Charles C. Parmele, appellant from Cass county, reversing the decision of the lower court against Mr. Parmele and dismissing action.

The court in its syllabus of the opinion holds that the evidence produced in the trial in the district court here last February was insufficient to warrant the verdict of guilty that was reached in the case in which Mr. Parmele was charged with embezzlement of a note of \$1,500.

This case is now wiped off the slate by the action of the supreme court and will not have to be retried in the court here. It involved the matter of a note for \$1,500, which was signed by Luke L. Wiles, and given to the defendant, Charles C. Parmele, to be delivered to Mrs. Daisy Douglass of this city to apply on an indebtedness that was owed by Wiles on a note.

The state in its case contended that Mr. Parmele had not applied the note to its original purpose, in that it had not been endorsed by Mrs. Douglass as applying on a payment on the Wiles note and that this failure to give Wiles credit was an embezzlement of the note and which was the verdict of the jury in the case.

The defense had contended that Mr. Parmele had acted in good faith in the matter and had taken the note to Mrs. Douglass to be applied on the purchase of a mortgage by Mrs. Douglass in which she was investing \$3,500 in money and the \$1,500 note, to purchase the mortgage in question known as the Latham mortgage. Mrs. Douglass had neglected to file the note to her and in this way the charge was made against Mr. Parmele.

Later the Latham mortgage was purchased and Mr. Wiles was given his money for the value of the note when the mortgage was settled, receiving back the \$1,500 and the interest for the same, which protected him in the matter and on this the defense contended that there had been no unlawful act committed by Mr. Parmele, but merely the neglect of Mrs. Douglass to properly endorse the note as had been the original object of the transaction.

The appeal to the supreme court by Mr. Parmele was represented by Attorney Fred A. Wright of Omaha and W. A. Robertson of this city while the state was represented by H. A. Dert, assistant attorney general.

STRANGER RECEIVES FINE

From Tuesday's Daily— Yesterday afternoon Judge William Weber was called to dispense some of his well known brand of justice and the gentleman who was receiving the dose was H. W. Franzen, of Omaha, as he gave his name on the docket at the police court. Mr. Franzen was apprehended Sunday night by the police and on searching him was found to have on his hip one bottle of the beverage that both cheers and inebriates and for which offense he was hauled to the city hall to spend the time awaiting trial. The court on hearing the evidence in the case decided that it would cost Mr. Franzen \$100 and costs and which he was unable to pay and will have to board at Bill Hinrichsen's well known hostelry for the next several weeks or until some friend comes to his rescue. When arrested Mr. Franzen was with a party of two ladies and another gentleman and the ladies in the party were loud in their denouncing of Franzen, claiming that he had offered to take them riding and instead of stopping at the ride around Omaha had speeded on down to our little city and refused to take them on home and not desiring to walk back like the good little girl in the story book they were up against it until the law removed the object of their wrath and the other man of the party very kindly took them and the car back to the old home town.

SELLS NEW DODGE COUPE

E. H. Meisinger, the rustling representative of the Dodge Brothers motor car in this city, the past week sold one of the new model Dodge Brothers coupes to Carl Kraeger, one of the young farmers southwest of Myrard. The new car is a beauty and was delivered to the new owner Sunday and will furnish a fine means of travel in the coming spring and summer and of which Mr. Kraeger can feel justly proud.

ST. JOHN'S DAY OBSERVED

From Tuesday's Daily— The members of the Masonic order in the city observed St. John's day Sunday with special services held at the First Presbyterian church, instead of the ceremonies at the lodge rooms in the Masonic temple.

The had weather conditions served to cut down the attendance at the church but a very pleasing number were out to enjoy the splendid sermon that was given by Rev. Frank Emory Pfoutz, pastor of the First Methodist church, and who spoke on the subject, "The Prince of Peace," giving a very able address to the congregation on the lessons of the teaching of the Master in His life on earth and its meaning to the world today. During the service the Masonic quartet, composed of Messrs. Raymond Cook, Lynn O. Minor, Frank A. Clodt and H. G. McClusky, gave two numbers, "Sweet as the Light of Sabbath Eve" and "Holy Spirit, Truth Divine."

CASE AGAINST CARL G. FRICKE IS REMANDED

Action of Supreme Court Will Make Necessary its Retrial Here in District Court.

From Tuesday's Daily— The state supreme court at Lincoln yesterday handed down its decision in the case of the State of Nebraska vs. Carl G. Fricke, in which the action is remanded to a new trial in the district court here in Cass county, the court holding that error in instructions of the court merited a new trial in the case before a jury.

This case was tried in the district court here last February, growing out of an indictment made by the grand jury in November, 1923, against Mr. Fricke charging him with making false entries in connection with his keeping the books of the Livingston Loan & Building association, of which he was secretary for a few years.

The loan and building association was forced out of business in 1921-1922 when the association was found to be short some \$96,000 and loss of which was keenly felt in this city where the stockholders were all residents.

At the time of the failing of the association Mr. Fricke disclaimed responsibility for the shortages that existed and turned over to the officers of the association and the state department of banking all of his real and personal property to be applied on the settlement of the errors that were claimed to have been found in his records. At that time a settlement was made by the officers of the association with the secretary, giving him a vindication of any wrongdoing in connection with the handling of the books of the association and stating that as far as he was concerned there were only minor errors of bookkeeping. The former secretary had moved from the city after turning his property over to the association.

The grand jury, in November, 1923, voted a true bill against Mr. Fricke on a charge of embezzlement and on which he was acquitted, and a second indictment, charging false entries in keeping his accounts as secretary of the Livingston association and on which he was tried and convicted by the jury in district court on February 16, 1924.

The matter had been appealed by the attorneys for the defendant, Halleck Rose of Omaha, W. A. Robertson of this city, and A. C. Franzen, of Omaha, to the supreme court where it was submitted and argued last September. Under the decision of the court there will probably be a retrial of the case at the March term of the district court here.

ENJOY CHRISTMAS HERE

Mr. and Mrs. Charles Engelkemeyer, who have moved to this city to make their home, enjoyed one of the old fashioned home gatherings on Christmas day that they will long very pleasantly remember, when the children and grandchildren came in to enjoy the fine dinner that had been prepared and which was a feast such as only the Nebraska homes can produce. Those who attended the pleasant occasion were: Mrs. Joseph Martin and her son, Henry; Mr. and Mrs. Sterling Amick, Mr. and Mrs. H. L. Long of Omaha, Mr. and Mrs. G. Schomaker and daughter, Wondra Clare of Weeping Water; Ernest Engelkemeyer of Louisville, Vern and Charles Calvin Amick, Clara and Florence Engelkemeyer.

ENGAGED IN BUSINESS

From Monday's Daily— Howard Johnson who has been farming east of Murdock for a number of years, has concluded he will try some other kind of business and last week purchased the business which has been owned by John Busche of Cedar Creek and moved there taking charge of the business on last Wednesday. Mr. Johnson and wife should make a success of the business.

BIDDICK BOUND OVER TO THE DISTRICT COURT

PRELIMINARY HEARING OF THE CASE OF STEVE BIDDICK IS BEFORE THE COURT.

STATE OFFERS STORY OF FIRE

George Smiley, Chief Witness, in Relating Story of Alleged Deed Biddick is Held For.

From Monday's Daily— This morning the preliminary hearing in the case where the State of Nebraska charged Steve Biddick, former Burlington employe with arson, in connection with the burning of a lumber shed at the local Burlington shops on the night of October 18th, was held before County Judge Allen J. Beeson in the county court.

The state presented its evidence in the testimony of George Smiley, who was formerly a roommate of the defendant Biddick, and who related conversations he had with Biddick in regard to the fire and its cause. This testimony was the chief showing of the state in seeking to fix the crime and its origin on the defendant. The testimony of Mr. Smiley occupied practically all of the morning session of the court.

The witness Smiley stated that the defendant had a feeling of malice toward the Burlington and particularly toward the shop superintendent and had frequently cursed Mr. Baird and had stated at one time to the witness and a man named Fish that he was a member of the A. P. A. and could send a code telegram to St. Louis and get help enough to come here in a few hours and do away with the shop superintendent.

Biddick had conversed frequently with witness in the lobby of the Main hotel and had said at one time that he would like to have the shop superintendent on a marble slab and carve him to pieces and also told about having taken bodies from graves in St. Louis.

At one time witness stated that Biddick had told him to do all the damage he could against railroads and particularly the Burlington. The defendant had told him about getting a fire claim of \$70 from the railroad for a fire in the northern part of the state some time ago. Witness claimed that Biddick had said that he would have had the shops out of Plattsmouth if the wind had not been in the wrong way. Smiley stated that defendant had told how fires could be started by using a piece of candle and gasoline, and had told witness that he had experimented so that he could set a lighted candle and get away in the clear before a fire broke out.

Witness testified that on November 22nd Biddick told him he had a letter from Bracken, vice president of the Burlington and that witness would soon be working in the coach shop here. Witness and Biddick had been asked by Tom Smith and E. L. Underwood to go to the court house on Sunday, November 30th, and had been questioned there by the two detectives, but were allowed later to go. Both had denied any knowledge of the fire in the shops. Witness stated that Biddick had said to him after leaving the court house, "Lucky thing boy, that you did not say anything about the fire, or I would have been stuck."

The witness, Smiley, stated that he had roomed with Biddick for some time. Witness had searched room during absence of defendant to try and find revolver, but only thing he had found were several candles in a grip belonging to Biddick, one candle having apparently been cut in two pieces. Witness had conversed with Biddick quite often as to fires and at one time had told Biddick that he was going out to start something and Biddick had told him to take a candle with him and go down to the Burlington rip track, get into a car and leave the candle in a pile of rubbish and he would start something that could not be stopped. Later he had gone back to hotel and had gone to bed and in the night they had heard the fire engine pass, going to the Larson fire and Biddick had said he guessed the witness had started something all right.

Smiley stated that Biddick had said that a person could not walk to the shops and away without anyone seeing them, but that the witness had taken a taxi to take them there and make a getaway that way. He also said that he had had a taxi driver take him down on Lincoln avenue, and who had later picked him up and brought him back to the hotel.

On Saturday night, November 15, Smiley testified that Biddick had related the circumstances of the Burlington fire. Biddick had said that he had been taken down to the vicinity of the shops and had seen into the lumber shed and hid there while the watchman was punching the clock on his rounds and Biddick had then lit the candle in the shed and got away. Witness stated that nothing had been said by Biddick about the use of gasoline. The witness testified that on December 16th the defendant had said he had 200 pounds of dynamite that he was going to put under the home of William Baird.

On cross examination by Attorney Claude Wilson of the defense, Smiley stated that he and Biddick had not been locked in when they had been brought to the court house for investigation and that the sheriff had no part in the quizzing of them by the Burlington detectives. Witness stated that he had said at the time he was at the court house on November 30th, that Biddick had never said anything to him in regard to the fire. The conversation that he had testified to had occurred on November 15th, prior to the two men being picked up. Officers had said that could send witness to the penitentiary. Had not compelled him to testify against Biddick.

Witness stated that he had been discharged from the Burlington on November 29th, and had gone back to work on the day following his being picked up. Officers had not said anything about sending him up for having a revolver on his person. Witness stated that he had visited the office of A. L. Tidd, attorney, in connection with Biddick. Had asked Mr. Tidd as to law in regard to concealed weapons to satisfy himself. Had left no instructions with Mr. Tidd to start a damage suit against the Burlington as the result of being taken up by Officers Smith and Underwood.

The cross examination of Mr. Smiley was being continued when the noon recess of the court was called at 12 o'clock and adjournment taken until 1:30. At the afternoon session of the court, M. L. Buttery, night watchman of the shops, testified as to what time he had visited the lumber shed on the night of the fire on October 18th, as being some forty or fifty minutes before the fire broke out. He also testified as to punching the clock in the shed as required by the shops. William Baird testified that he was the superintendent of the local Burlington shops and as such had hired Mr. Biddick and later had dismissed him from the service of the company. He also testified that the defendant had visited his office several weeks ago and asked to have a conference and stated that he wished to be put back at his old job with the same rate of pay and said that he had been kidnaped by detectives. Witness had asked Biddick as to a threatening letter that he had written to the witness and which the defendant stated that he had written but not sent to Mr. Baird. Defendant had asked witness as to what he was going to do about the letter and he told him nothing, but that he would not advise his office regarding the letter. On cross examination, Mr. Baird stated that he had not said anything about the matter until he had conversation with W. A. Robertson today when he had mentioned the facts that he had testified to there were no electric wires in the building, Mr. Baird stated, on the cross examination. The witness also described the kind of lumber stored in the shed that had been burned and that there were no switch engines passing near there after 4 o'clock. E. L. Underwood, assistant special agent of the Burlington, testified that he had overheard a conversation in the lobby of the Main hotel on November 22nd between Smiley and Biddick and which Biddick had said that he would get even yet and had failed once and had also discussed with Smiley how to establish an alibi by registering at the hotel. He had also discussed how easy it would be for anyone to kidnap Mr. Baird. There had been no mention of a fire made in the conversation, Mr. Underwood stated on the cross examination.

The state rested at 2:30 and the defense offered no testimony in behalf of Mr. Biddick. Judge Beeson after hearing the attack engines in the matter, fixed the bond in the case at \$2,000 which the defendant will be required to furnish or remain in jail until the session of the district court.

ENTHUSIASTIC YEAR END MEETING LAST NIGHT

Members of Hugh J. Kearns Post Enjoy Oyster Stew—Enter 1925 with Bright Prospects.

FROM TUESDAY'S DAILY—

It was an enthusiastic crowd of Legion members who gathered last night for the year-end meeting of the post and incidentally the last that will be held in the present club rooms, the lease of which expires on January 1st. These rooms have been occupied by the post for more than four years and in all that time no more enthusiastic gathering was ever held than this one.

The giving up of the lease and temporary discontinuance of club room privileges is actuated by the bright prospects the post faces of owning a home of its own in the not far distant future and all energies of the officers and members will be concentrated on that plan with the beginning of the new year.

Thursday the post will come into actual possession of its building site on Vine street the deal for the purchase of which was completed some ten days ago. This plot is one of the most desirable in town and with its transfer to the Legion active steps will be taken in the financing campaign for a community auditorium, in a portion of which the post will maintain its club rooms. Until that project is realized the furniture and furnishings of the post will be stored and general meetings of the post held in one of the local halls.

One of the aims of the losing 1924 membership team, assisted by some of his fellow losing members, donated aprons and prepared an oyster stew that furnished the members with a real feed, and afterwards looked after the K. P. detail in splendid manner. One of the aims of the post that will be hard pushed the next few weeks is the enlistment of every eligible man in this part of the county in its 1925 membership roll and to that end two membership teams were organized, captained by Ed Fullerton and John Hadraba. The teams start off with an even break, and a warm contest is promised by the "Sign here" workers.

Although the membership fell off slightly following the turbulent days of the strike, it is expected to stage a great comeback this year and with enthusiasm like that shown at last night's meeting most promising prospects for the new year are entertained by the stand-by members who have "carried on" since the very inception of the Legion post here in 1919.

COASTING DAYS HERE

From Tuesday's Daily— The snow and the intense cold weather of the past week has tended to make the good old fashioned sports of skating and coasting very popular among the residents of this section and the lovers of skating have been busy engaged in seeking a place where the sport could be enjoyed in safety and pleasure and strange to relate, it is hard to find a good skating place in the city and points the need of a specially arranged pond where the lovers of this winter sport can enjoy themselves in safety. The coasters have not had quite as much trouble in getting a place to enjoy themselves as the youngsters have arranged a sliding place on North Fourth street, where the new pavement makes the going nice and smooth and the snow having packed down makes a good track for the sleds and the smaller hand sleds. Last night a number of the young people were out with their bob sleds spending the time in coasting and having a real time.

One of the old time residents here states that the coasting here now days is not up to the older days when the high school hill was used for this purpose and when it was much steeper than it is at the present time and when the bobs were numerous on the winter nights coasting down the hill, over the Burlington tracks and out onto the river that then flowed at the foot of Main street.

On these coasting nights the street was closed to travel and there was nothing to stop the fullest enjoyment of the coasting delight and sled after sled load of young people would sweep down the hill in a breathless dash toward the river. The grading down of the hill in recent years and the placing of the parkway in Main street between Sixth and Seventh streets has practically eliminated the use of Main street for coasting and with the increasing travel of cars and trucks, it would be very dangerous anyway.

HOUSE FOR SALE

Modern house and lot, also new furniture for sale. Call phone 76. 11-2tw

WINTER TAKES WINGS

From Tuesday's Daily— After several days of the real old fashioned winter the weather man has smiled on this section of the west and given the residents here a brief breathing spell from the 10 and 15 degrees below zero weather of the past fortnight and the mercury this morning was ranging over the zero mark and by noon had risen to twenty-five above with prospects of even soaring to greater heights.

The forecast points to more snow, but the public is hoping that this may be passed by a few days of warmer weather and that sunshine shall again visit this locality for more than a few fleeting moments at a time.

Buy your school supplies at the Bates Book and Gift Shop, where you will find the big line at the right price.

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INCOME TAX BLANKS

From Tuesday's Daily— A. B. Allen, collector of internal revenue for the district of Nebraska, announces that income tax return forms for the year 1924 will be ready for distribution on January 2, 1925. All taxpayers who made returns in 1924 (for the 1923 tax) will have copies of the 1924 forms mailed to them at their last known address. However, failure to receive them will not relieve the taxpayer from the responsibility of filing his return in due time. Tax returns for 1924 must be in the collector's office on or before March 15, 1925. Parties who do not receive the blanks by mail may get them from most any bank, or upon application to the Collector's Office, Omaha, or the Internal Revenue office at either Lincoln or Grand Island.

ENTERTAIN AT VERY PLEASANT BREAKFAST PARTY

Miss Sarah Baird and Miss Helen Pfoutz Hostesses to Some 27 Young Ladies.

FROM WEDNESDAY'S DAILY—

The charming home of Mr. and Mrs. William Baird was the scene of a very pleasant social gathering yesterday, the occasion being an 11 o'clock breakfast given by Miss Sarah Baird and Miss Helen Pfoutz in honor of the young ladies who are here from their studies for the holiday season. The home was arranged with the attractive lighting of candles and lights, the blinds being drawn, darkening the interior of the home, which brought out the full beauty of the color scheme of red and yellow. The favors of the breakfast were the yellow corsage bouquets that were at the places of the 27 guests as they enjoyed the delightful occasion.

Following the breakfast the ladies enjoyed a most pleasing musical recital, Miss Edith Mayes of Wahoo favoring the ladies with a group of songs while Mrs. Robert Reed was heard in a number of piano selections and Miss Alice Louise Wescott in several whistling numbers that added to the enjoyment of the occasion. In the entertaining and serving, Mrs. Baird was assisted by Mesdames J. E. Wiles, C. C. Wescott, L. L. Wiles, E. H. Wescott and A. S. Ghrist.

RECEIVES HIGH HONOR.

The grand chapter of Royal Arch Masons of the United States has conferred a pleasing fraternal honor on James M. Robertson of this city, past grand high priest of Nebraska, by designating Mr. Robertson as the representative in this state of the grand chapter of Scotland, which is affiliated with the United States grand chapter. As representative of the Scottish grand chapter, Mr. Robertson will have charge of all matters that may arise affecting the Scotland jurisdiction.

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BAR ASSOCIATION DISCUSSES MEASURES FOR RELIEF

Lively Comment Without Decision on Proposal for Submitting Cases on Printed Abstract

FROM TUESDAY'S DAILY—

Discussion of various measures to relieve the state supreme court of some of its duties, which have thrown it as much as two years behind time in some types of cases, occupied attention of the Nebraska Bar association at its opening session yesterday at the Hotel Fontenelle in Omaha. The report of the committee on legislation, submitted by Paul Jensen, chairman, asking the court to adopt a rule which would require that all appellate cases be submitted upon a printed abstract of the record—a summary of the salient facts of the trial—brought out lively discussion from the barristers.

A vote on the matter, called by President Fred Wright of Omaha, disclosed that the convention was about equally divided on the matter, and it was postponed until the opening session today for further debate. Judge Goode of the supreme court, speaking in behalf of the resolution, said the court desired it, and he pointed out that the appellate courts of Iowa and Minnesota are better able to function under its operations. Judge Courtwright of Fremont also upheld the proposal, and declared he favored a change in the state constitution to restrict the right of appeal in trivial cases, which, he said, are crowding important cases off the supreme court docket. Ben Baker, of Omaha, was one of the leading opponents to the measure.

Ladies are invited to all the sessions of the Nebraska State Bar association today.

LEGION MEMBERSHIP TEAMS

The following Legion members have paid dues for 1925 and are members of Captain John Hadraba's team: Tom Walling, Clyde Jackson, Emil Hill, James Stockham, Otto Lutz, C. Pitman, Harold Holcomb, Frank Rehal, Harold Erickson, Ralph Triss, Ralph Larson and John Hadraba, captain. Total, 12.

The following have paid dues for 1925 and are members of Captain Ed Fullerton's team: Maldon Brown, Oliver Harvey, Clarence Ledgway, G. W. Comer, James Masters, Roy Holly, R. G. Campbell, Henry Leacock, Sanford Short, A. H. Duxbury, Alvin Huff and Mike Opperman. Total, 12.

The above represent only dues actually turned in to the Adjutant. Others may have paid individuals who have not yet had opportunity to turn them in. As last year, the Adjutant will be grateful and his dues count for neither side.

The race is on! The teams start out with an even break and great results are looked for.

Advertise your want in the Journal for results. Store.

DEPENDABILITY

1925

What would the New Year be without its promise of new opportunities for one and all.

The First National Bank wishes you and yours a happy and prosperous 1925 and hopes that the New Year may increase our opportunities to be of service, to the individual, to the community, and in every way that will mean further progress and greater well-being to the people of this community.

THE FIRST NATIONAL BANK
PLATTSMOUTH NEBRASKA

"The Bank Where You Feel at Home!"

MEMBER FEDERAL RESERVE SYSTEM