NO. 55

Tax Paid Under

Void Law Sub-

Court Decision Makes House Roll 4

Inoperative from Date of Its

Passage by Legislature.

taxes (in whole or installment) un-

der the non-penalty interest terms of

House Roll No. 4, Special Session

1935 Legislature did not gain any-

thing, as the declaring of the law

unconstitutional by the supreme

court not only makes it as inopera-

tive as though it had never been

passed but dates back to the time

of passage, instead of merely to the

date when it was found unconsti-

tutional by the court a few weeks

Numerous persons who had paid

taxes under the provisions of this

law before it was held void, have be-

lieved they stand relieved of pen-

alty interest on their taxes because

they tendered payment prior to the

date of the court decision, but such

is not the case, and their property

stands charged with the additional

sum, which must be met before a

The Attorney General has approv-

ed an opinion given by the Assistant.

County Attorney of Douglas county to

the Treasurer of that county, which

sets out the legal basis for such a

ruling in the following manner

clear title can be given.

Persons who made payment of

ject to Interest

The

braska

Plattsmouth Journal.

From Friday's Daily

PLATTSMOUTH, NEBRASKA, MONDAY, AUGUST 17, 1936.

GOES TO COLORADO

This morning H. A. Schneider,

president of the Plattsmouth State

bank, departed on his summer vaca-

mountains of Colorado for a rest for

ward, Nebraska, where he was joined

by Mr. and Mrs. Eugene Burdic and

children and who will go on to the

Raid at Avoca

VOL. NU. LII

Young People are Married at Davenport, Iowa city, will regret to learn that he is now in the hospital at Odell. Ne-

Miss Leona Ringking and Mr. George E. Rebal Married at Iowa City Tuesday Afternoon.

young people of Iowa City, Iowa, oc- Creek. The family stopped at Odell, curred on Tuesday afternoon at the home of Mrs. Lentz's parents and Davenport, Iowa, Miss Leona Ring- there Rev. Lentz was suffering so king and Mr. George E. Rebal, being much that it was necessary for him married there at the parsonage of the to remain at the hospital for a time First Christian church. at least.

· The marriage lines were read by the Rev. Kirtley Gillun, pastor of the church and the ceremony witnessed W. H. Haith is the Rev. Kirtley Gillun, pastor of the by Mr. and Mrs. Russell McKray of Lamont, Iowa, at whose wedding Mr. and Mrs. Rebal had assisted several months ago.

The bride's gown was of boule with brown accessories and with a corsage of gardenias.

Following the wedding Mr. and Mrs. Rebal started on a short honeymoon to visit with the relatives and Wednesday afternoon while W. H many friends in this section of the west. The bridal couple arrived here Haith was operating his bailer at the Wednesday afternoon to visit at the Cline farm north of Union, the straw home of Mr. and Mrs. James Rebal, that was being bailed caught fire parents of the groom and the other and in a few moments had spread so

relatives and friends here for a short rapidly that it was impossible to check the blaze, altho the force of time. The bride is a daughter of Mr. and men assisting in the bailing were

Mrs. Leo Ringking of Lowden, Iowa, present when the fire started. but is at this time making her home It is thought the fire may have in Iowa City where she has a very started from a cigarette or match dropped and which soon caught the large circle of friends.

The groom is the youngest son of dry straw around the bailer. The Mr. and Mrs. James Rebal and was straw burned rapidly and Mr. Haith, born and grew to manhood in this the owner of the machine sought to city, graduating from the local high take the bailing machine out of intensity and in his efforts to

Met to Discuss The host of friends of Rev. and Mrs. A. Lentz, of the Eight Mile Grove Lutheran church, west of this now in the hospital at Odell, Ne-

in Texas on a vacation and while there the pastor fell and injured his leg but it was not thought serious

REV. LENTZ IN HOSPITAL

The marriage of two of the popular and he started on home to Cedar From Friday's Daily

under the direction of C. A. Marshal. Equipment needed, if the organization is to continue, includes a number of additional drums and at least a dozen bugles, as these have been provided by the individual mem-While Bailing bers in the past, quite a few of whom have come to the age where they drop out of the Junior corps.

ten years ago.

The meeting was attended by representatives of the Korn Klub, the raided the farm homes of O. D. and Chamber of Commerce, Ad club, Ro- Henry Straub, members of a promtary club, Woman's club and Amer- inent wealthy family of southern Cass terested, namely, the needy aged. and northern Otoe county. ican Legion.

Director Marshall reported plenty to take the place of older members the family was absent and made away of assistance for needy aged indiwho drop out, some of whom are now with three watches and other jewelry, viduals. This is not a pension law, as

blowing borrowed bugles or practic- a check of the place revealed later. many seem to believe, but is a form of ed. ing drum beats on barrel heads or From the Henry Straub place they relief for those who can qualify. In ment

The Legion took note of this shor- into the home while the members of no children or other relatives legally married later to H. G. Spencer, a vet- son): tage at its meeting last week and the family were absent, making a liable for his support who are finan- eran of the Mexican war, who has voted \$100 for the purchase of ad- search of the house for valuables. cially able to care for him, and must long since preceded the wife in school in the class of 1927. He has danger and drove his tractor up to ditional drums and bugles, provided While they were searching the home be in need of assistance, as well as death. The deceased lady was a very ent status of those tax payers who been engaged in retail business since pull the machine. The blaze grew in the corps is to be uniformed and con- Mr. and Mrs. O. D. Straub and their certain other requirements of residaughter returned home from church dence, etc. To be classed as needy, Corps for many years and served in

Sec. and

Straub home is estimated at \$100.

BAND DOING FINE

CHILD SUFFERS BURNS **Explains Work-**Thursday afternoon, Paul, III, the ings of the Old small son of Mr. and Mrs. Paul Vandervoort, II, was severely burned by Age Assistance

Law Regarding Qualifications for Assistance.

was engaged in preparing the bath. carrying a pan of hot water to the bath room, when the lad suddenly ran into the mother and caused the

Assistance committee has received tained some burns on the hands and numerous letters, both signed and arms as well as the body but which unsigned, from residents of Cass are not thought dangerous. The child was made as comfortable as possible county, protesting that the grants for Old Age Assistance were insuffi- by Dr. L. S. Pucelik who was called cient. A study of these letters leads to the scene of the accident.

us to believe that the public in general is not familiar with the laws governing the administration of the Social Security program. Knowing you to be vitally interested in the Farm Homes welfare as well as peace of mind of your citizens, together with your dewelfare as well as peace of mind of sire for the successful administration of this worthy program, we are giv-

ing you a few pertinent facts which we hope will serve to convince the good pepole of Cass county that the state assistance office, as well as their

county board, is earnestly striving to efficiently administer this program to the best advantage of those most in "In the fall of 1935, a special ses-

The men secured nothing of value cient funds are available to the coun- will be held Monday afternoon at

"Our state law makes it man-

Both of the homes contained safes datory for state funds to be dis- near Victory, Lasmine county in Ken-

Sheriff Ryder of Otoe county, where date have far exceeded the estimate til she came to Plattsmouth in Octo-

board find it impossible to approve

grants as large as we would like,

of misappropriation of funds. To the

county for the twelve months end-

"Available per month, \$5,850.29.

"Largest possible average grant,

"318 applications received to date."

RETURN FROM OUTING

and, at the same time, not be guilty in 1897.

sistance committee and the county mediate family.

sion of the Nebraska legislature pass-

chair seats, due to lack of equip- had gone to that of O. D. Straub and order to be eligible one must be at and came to Plattsmouth in 1882 to family nearby and forced their way least sixty-five years old, must have make her home and where she was

hot water at the family home on North 8th street. The little lad was to be given a bath and the mother

"Recently the office of the State water to splash over him. He sus-



Came to Nebraska in 1882 and Has Since Made Her Home Here-Mexican War Widow.

From Saturday's Daily: This morning death came to Mrs Mary Spencer, 82, after an illness of some four weeks at the home of her daughter, Mrs. William Highfield on

Chicago avenue. Mrs. Spenser up to her last illness had been very active despite her advanced years and was a loved and familiar figure in the community who will be greatly miss-

(deleted of the source of court cita-She was born in October 5, 1854 tions which would be of little interest to the non-legal minded per-

ago.

". . . Your request for an opinion is specifically directed to the pres-No. 4. The general rule on this ques-



When Straw Burns, Destroying His Bailer and Tractor.

Uniforms for the Jr. Drum Corps bank, departed on his summer vaca-tion which will take him to the Rev. Lentz and family have been Representatives of Half Dozen Civic a few weeks. He motored to St. Ed- State Director Irl D. Tolan Sets Out

Organizations Respond to Call of King Korn President

west with him. They will be joined in Colorado by Mrs. Schneider, who A meeting was held last night to has been visiting on the west coast discuss ways and means of financing and they will enjoy a stay at Lovethe purchase of badly needed equipland, Colorado, where the John Ramment and uniforms for the Platts-

sey family resides, Mrs. Ramsey bemouth Junior Drum and Bugle corps, ing a sister of Mrs. Schneider. now in its fourth year of existence, **Gunmen** Stage

The drums and two or three bugles Two Gunmen Strike Sunday in the were supplied by the Legion, being left from the time the Legion supported a Senior corps some eight to

The duo of robbers first broke into of younger boys on the waiting list the Henry Straub farm home while ed several acts setting up a program

cape with \$100 Loot. Two gunmen struck terror in the vicinity of Avoca Sunday when they

Straub Neighborhood and Es-

leaving school, first at Omaha and inued. later at lowa City, where he now the bailer and tractor Mr. Haith reowns and operates two large meat ceived bad burns on the arms and ent at last night's meeting that the ing. markets in connection with one of face and was finally forced to fiee Korn Klub president, Henry Soen- The robbers when caught in their lives, exceeding a fair value of \$300. her residence here she made many thy citations, conforming with and the large independent chain store sys- from the fire that gradually swept nichsen, appoint a committee com- pillaging, drew their guns and held Assistance not to exceed \$30 per friends who will regret to learn of similar to the following): over the bailer and tractor, complete- posed of a representative from each the members of the Straub family at month may be granted to eligibles her passing. tems.

Mr. and Mrs. Rebal are returning ly destroying them as well as burn- of the above organization to devise bay while they proceeded to make and the amount must be the differto Iowa City following their honey- ing all of the straw. The injured man was taken on into corps of thirty members with suit- the Straub car to prevent pursuit. and income, if any, provided suffi- streets where the funeral services moon and will locate at once in their Murray and where he was given able uniforms. The cost of these will new home in that city.

The many friends here will join in treatment for the burns and made as run around \$12 each, complete, de- at the O. D. Straub home and the ty, and the grants are based entirely 3:30. their best wishes for the future hap- comfortable as possible under the cir- pending somewhat on the type that value of that taken from the Henry upon the needs of the applicant. is selected, or a total of \$360. piness and success of these estimable cumstances. The only uniforms the corps has Mr. Haith is well known over the young people.

county where he was formerly in ever had were the white trousers and the combinations had been tributed to counties in exact ratio tucky on Oct. 5, 1854, and when a the harness business at Weeping Wa- and shirts, with red capes made from knocked off of both in an effort to that the county population bears to small child moved with her parents DISPOSES OF RESTAURANT

ter and later engaged in farming. a cheap, flimsy material by mothers force an entrance but which was un- the state as a whole. The actual Jennie and Henry Davis to Alex-C. B. Moffitt, who has been oper- This season he has been conducting of the boys. The total cost of these successful. hg the cafe on the south side of a hay and straw bailing machine on was around \$2 per boy, and they Main street between Fourth and Fifth the farms over this section of the have served for several years. Last year, the corps was entered men drove a small car bearing a li- determined by the legislature. Due

streets, has disposed of the same to county. S. J. Stepnek, of Omaha, who is to take over the business on September 1st.

GREENE-RUETER WEDDING

Mr. Stepnek is an experienced The marriage of Donna Beth restaurant man and expects to move Greene to Alvin Rueter took place at here soon with his family to get set- the home of the bride's parents, Mr. tled for the formal taking over of and Mrs. T. H. Greene, in Elmwood the business and to look after the Tuesday evening, August 11, at 8 demands of the public. o'clock, in the presence of fifty rela-Mr. and Mrs. Moffitt and family tives.

are planning on moving to the west The bride wore light blue floor coast and will locate at Portland, length organza with a shoulder cor-Oregon, they having made their home sage of Talisman roses. The bridesin that section of the country several maid wore a gown of yellow embroidyears ago. They have made many ered organdie with a corsage of Talisfriends while here and who regret man roses and Delphiniums. They very much to see them leave the com- were met at an improvised altar of forms was largely bourne by the high school students who have had munity.

HERE FROM THE WEST

From Thursday's Daily

Colorado, and are visiting with rela-Tulene of this city and she is visitin Sarpy county.

OFF FOR AN OUTING

Saturday evening after the close after September 1st ..

of business hours, Clerk of the District Court C. E. Ledgway and William Roy Holly, of the Soennichsen department store will depart on Imperial with old friends en route. operation.

garden flowers and ferns by the Korn Klub. groom and his brother, Clarence

Barbara and Bruce, arrived last even- by Mrs. Chas. Staley of Milford, an stands ready to contribute another instrument could assist greatly in re- New York, one of the pleasant reing from their home at Fort Collins, aunt of the bride.

Light refreshments were served by needed equipment if the corps is to tives in this locality. Mrs. Iske is a the Misses Shirley Greene, Pearl be continued. daughter of Mr. and Mrs. Warren A. Rueter and Hilda Schlaphof.

> of Wahoo and Mr. and Mrs. Harry part of next month. Tolhurst of Raymond.

After a short trip Mr. and Mrs. Rueter will be at home on a farm

TO RETURN HOME SOON

their summer outing. The matter of cently undergone an operation at the relatives and friends. The party will furthering their education, this court records, judgments, writs of Immanuel hospital in Omaha, has so comprise Mr. and Mrs. John Liber- should be of special interest as they at the St. Paul's Sunday school ice habeas corpus as well as fitting a far recovered from the effects of the shal, Mrs. Cora Hirz and Louis Baum- may earn college credits while at cream social and cafeteria, to be held number ten foot into a number eight ordeal that it is hoped he may soon gart. They are driving to Marquette, home or working. High school courses in the basement of the church, Aushoe will be far from the thoughts be able to return home and resume Michigan, where they will be the may also be taken. For further in- gust 19. Serving starts at 5 o'clock. of "Chick" and Roy as they are pre- his usual activity. Mr. Tidball is guests of the August Libershal fam- formation call or see Mr. Laase at paring to feed the bears in the Yel- feeling much better and it is hoped ily and enjoy visiting the many the Plattsmouth high school. lowstone park as well as visiting at will derive permanent relief from the places of interest in the northern portion of the state.

at the Mid-West Musical Festival in cense number of a car that was stolen to these circumstances, the state as- and was the last living of her im-Omaha appearing in competition at Omaha. with some of the best and most expensively uniformed Junior corps of the middle west, where they rated fifth place award and were the only The band which is a part of the

Nebraska Junior corps given rank by WPA recreational program in this end that this may be still more clear- tian church of this city when still a the judges. city, is doing very nicely and some ly outlined, we give you the follow- young woman., later taking up mem-Those who know, say they are one excellent work is reported by Peter ing: of the best drilled Junior corps in Gradoville, director of the organizthe state today, and but for lack of ation. Mr. Gradoville reports that uniforms could rank much higher in competition. Appearance of the corps has been

one of the highlights of the past several annual Korn Karnivals here, and is being shown by the students. the cost of their present meagre uni-

Director Marshall has given of his in making the band a great success Rueter. The grandfather of the time each week entirely gratituously, and one that can be made a real

\$100 to the purchase of additional porting to Mr. Gradoville.

It is felt the committee will be

Out-of-town guests were Miss Lu- able to work out plans for the secur-

TO VISIT IN MICHIGAN

From Friday's Daily

to leave Saturday on an outing to per college hour. For those folks the north portion of Michigan where who cannot afford to go away to at-John L. Tidball, who has just re- they will spend a short time with tend college and are interested in

Cream and cake; 5c per item.

tion has been determined by the It was the concensus of those pres- services in time to discover the loot- a person may not have liquid assets, the organization at various times up exclusive of the home in which he to the last. In the long years of Supreme Court of this state. (Leng-

The body was taken to the Horton

Obituary

Mary Elizabeth Davis was born

She was the sixth of nine children

She was married to Hiram George

"An unconstitutional act confers no right. It imposes no duty. It affords no protection. It is in legal contemplation as inoperative as though it had never passed.'

"The following opinion by the United States Supreme Court determines the time factor of when an unconstitutional law becomes null and void, being the leading authority in this country, and there are numerous Nebraska cases supporting this same rule. (Citing): number of applications received to andria, Missouri, and lived there un-

"A decision that a statute is unconstitutional has the effect of rendering such statute absolutely null and void from the date of its enactment, and not only from the date on which it is judicially declared unconstitutional."

Spencer who preceded her in death "The following general rule is also supported by competent author-She was united with the Chris- ity:

"All acts done under an unconstitutional law are void and of no effect."

pership with the Methodist Episcopal "It is clear from the decisions "Amount of funds available to Cass church of which she has been a memherein quoted, that the taxpayers ber for a number of years. She has been a faitful member of the Wom- who attempted to take advantage of en's Relief Corps as well as the W. the provisions of the unconstitutional House Roll No. 4 HAVE GAINED

NO RIGHTS and their taxes were She leaves to mourn her death one child, Mrs. William Highfield paid in as if House Roll No. 4 had never been enacted. These taxpayers with whom she has made her home, cannot complain because they mereand five grandchildren.

ly paid a tax legally due, and owing, and since House Roll No. 4 has been declared unconstitutional, they find themselves in a situation where they

Dr. and Mrs. R. P. Westover and daughters, Janet and Ruth, returned HAVE NOT PAID THE FULL TAX. Thursday from a two weeks outing that was and is legally due and in Minnesota where they enjoyed the owing.

"In other words, no taxpayer has fishing and the outdoor life of the lake country. While not in the im- been prejudiced, because he only mediate section of the forest fires did what he was legally bound to do, that are ravishing the northern por- and he gained no privilege under the tion of Minnesota, they could easily void House Roll No. 4 that became

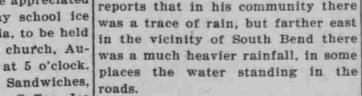
detect the smoke that was hovering a vested right. tense fires.

REPORTS SOME RAIN

RETURN FROM OUTING

From Saturday's Daily

the Greenwood community, was in effect for the tax, plus the interest." the city today to look after some matters of business. Mr. Whitlatch



C. T. U.

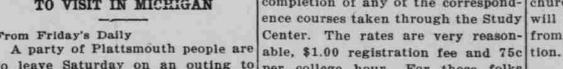
a15-3td-1tw | Phone details to No. 6.

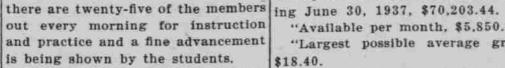
"It is our opinion, therefore, that any taxpayer who has either paid a tax in full, or partially, under the aforesaid House Roll No. 4, MUST PAY THE INTEREST AND THE TAX IN FULL, and that the lien cre-Joe W. Whitlatch, a resident of ated by statute is in full force and

VISITS AT SYRACUSE

W. G. Kieck, candidate for district judge, was a visitor at Syracuse Wednesday to enjoy the day visiting with his friends there and getting acquainted with new ones. The occasion was a picuic arranged by the

residents of the community and which was very largely attended.





Mr. Gradoville would like to have

experience in band work out to join

Dr. and Mrs. H. G. McClusky are bride, Rev. F. L. Weigert, performed and the Legion contributed its equip- community asset. There is need for home from their month's outing in the ceremony. The prelude and Loh- ment worth around \$150 when the a number of trombones in the band the east and which they have spent Mrs. George Iske and children, engren's wedding march were played corps was first organized and now and anyone having and playing this with relatives and friends at Inlet.

means of raising money to outfit the their retreat, shooting the tires of ence between their budgetary needs funeral home at Seventh and Vine

the crime was committed, stated the made at the time appropriations were ber, 1882.

STUDY CENTER ACTIVE

The Plattsmouth Study Center is with the exception of the infection ing with them as well as with the bertha Kline of Franklin; Mr. and ing of uniforms in time for use at still accepting registrations for Uni- of Mrs. McClusky that caused her a

courses. You are entitled to regular The pastor will hold the regular over the state as the result of the in-University of Nebraska credit on services at the First Presbyterian completion of any of the correspond- church Sunday morning as usual and ence courses taken through the Study will receive a cordial welcome home Center. The rates are very reason- from the members of the congrega-

sorts in the Adirondacks and where in the coolness of that climate they

were much refreshed. They had a most delightful time

members of the Iske family here and Mrs. Frank Shroeder and daughters this year's Korn Karnival the latter versity of Nebraska correspondence great deal of pain.

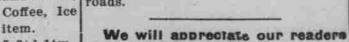
\$18.40.

ST. PAUL'S SOCIAL

Your patronage will be appreciated

Menu: Potato Salad, Sandwiches,

Pickles, Pie a la mode, Coffee, Ice





Phone news items to No. 6.