MAHONEY AS A PROSECUTOR

Zeal as a Reformer Not in Great Evidence When County Attorney.

RECORD OF CIVIC FEDERATION PRESIDENT

Out of 110 Cases Against Gamblers, Liquor Dealers, Disorderly Houses Mahoney Tried Only Twelve and Convicted Only Five.

Timothy J. Mahoney was elected county attorney in November, 1888, and assumed the duties of that office January 7, 1889. He was re-elected in November, 1890, and finished his second and last term January 7, 1893. For the four years of his term the following is a summary of the cases covering violations of the criminal code relative to gambling, keeping and maintaining disorderly houses, bribery and violations of the various provisions of the Slocumb law as they appear on the court records. With the cases begun during Mr. Mahoney's term are also included cases carried over from his predecessor.

Of the number cited below thirty-three were directly due to indictment by grand juries, the remainder being against parties who had been tried and bound over to the district court by police judges of Omaha and South Omaha, justices of the peace and parties who waived examination and were bound over for trial without a preliminary hearing in the lower courts. In a nutshell, of the 110 cases cited, including the indictments by grand jury, forty-eight were nolle prosequi and dismissed, forty-three carried over to his successor, seven pleaded guilty, twelve were tried, five were convicted and seven acquitted, and of the five convicted one was nolle prosequi afterward, and the defendant discharged at the request of the county attorney.

Liquor Sellers Let Off.

Docket 6, Page 270—State against C. G. Swanson; transcript filed November 28, 1887; charge, selling liquor on election day. Continued December 31, February 7, 1888; May 2, August 4, January 7, 1889. Dismissed March 16, 1889, and defendant discharged. T. J. Mahoney, county attorney.

Docket 6, Page 224—State against John Simpson; transcript filed November 21, 1887; charge, selling liquor without a license. Continued December 31, May 2, 1888; August 4, January 7, 1889, and May 11, 1889. Nolle prosequi entered June 21, 1889. T. J. Mahoney, county attorney.

Docket 7, Page 184—State against Oscar Ryan; indictment filed February 9, 1888; charge, gambling. Continued August 4, January 7, 1889; May 11 and July 27, 1889. Dismissed December 30, 1889. T. J. Mahoney, county attorney.

Docket 7, Page 389—State against J. R. Baldwin; transcript filed March 24, 1888; gambling. Continued May 2, August 4, 1888; January 7, May 11, July 27, 1889. Dismissed December 30, 1889. T. J. Mahoney, county attorney.

Docket 7, Page 396—State against James Faulkner; transcript filed from police court March 27, 1888; charge, gambling. Continued May 2, August 4, 1888; January 7, May 11, July 27, January 20, 1890, and May 3, 1890. Dismissed July 7, on motion of county attorney. T. J. Mahoney, county attorney.

Docket 8, Page 56—State against John A. King; transcript filed April 7, 1888; charge, keeping gambling fixtures. Continued May 2, August 4, January 7, 1889, and May 11, 1889. Dismissed June 21, 1889. T. J. Mahoney, county attorney.

Docket 8, Page 111—State against Minnie Fairchild and Hattie Jones; transcript filed April 23, 1888; charge, selling intoxicating liquor without a license. Continued May 2, August 4, 1888; January 7, May 11, July 27, 1889; January 20, May 3, 1890. Dismissed July 7, 1890, on motion of county attorney. T. J. Mahoney, county attorney.

Docket 9, Page 330—State against Lew Hibbon and Bill Hogan; transcript filed July 20, 1888, from police court; charge, selling liquor without a license. Continued August 4, 1888; January 7, May 11, July 24, 1889; January 20, May 3, 1890, and January 14, 1891. Dismissed May 6, on motion of county attorney; order defendants discharged. T. J. Mahoney, county attorney.

Docket 10, Page 148—State against Robert Trice; transcript filed from police court, September 17, 1888; charge, selling liquor without a license. Continued January 24, May 11, July 27, 1889, January 20 and May 3, 1890. Dismissed July 7, 1890, on motion of county attorney. T. J. Mahoney, county attorney.

Easy With Social Evil.

Docket 10, Page 319—State against Jennie Belmont, real name unknown; transcript filed October 28, 1888; charge, keeping a house of ill fame. Continued January 7, May 11, July 27, 1889, January 20 and May 3, 1890. Dismissed July 7, 1890 on motion of county attorney. T. J. Mahoney, county attorney.

Docket 10, Page 329—State against Florence Wotzell; transcript filed October 29, 1888; charge, being a prostitute and vagrant. Continued January 7, May 11 and July 27, 1889. Dismissed December 30, 1889, by county attorney. T. J. Mahoney, county attorney.

Docket 10, Page 346—State against William Hoffman; transcript filed from police court, October 26, 1888; charge, selling liquor without a license. Continued January 7, May 11, July 27, 1889, January 20 and July 7, 1890. Dismissed on motion of county attorney. T. J. Mahoney, county attorney.

Docket 10, Page 347—State against Al Burke; transcript filed October 27, 1888; charge, vagrancy and being an inmate of a house of prostitution. Continued January 7, May 11 and July 27. Dismissed December 30 by county attorney. T. J. Mahoney, county attorney.

Docket 10, Page 348—State against Goldie Burton; transcript filed from police court, October 27, 1888; charge, vagrancy and being a prostitute. Continued January 7, May 11 and July 27, 1889. Dismissed December 30 by county attorney. T. J. Mahoney, county attorney.

Docket 11, Page 47—State against Charles Kammerer and G. A. Gustus; transcript filed November 16, 1888, from police court; charge, selling liquor on election day. Continued January 7, May 11, July 27, 1889; January 20, May 3, August 9, 1890, and January 14, 1891. Dismissed May 6, 1891, on motion of county attorney. Order, defendant discharged. T. J. Mahoney, county attorney.

Docket 11, Page 331—State against Charles S. Higgins; transcript filed January 7, 1889; charge, selling liquor after midnight. Continued May 11, July 27, 1889, and January 20, May 3, 1890. Dismissed July 7, 1890.

Docket 11, Page 283—State against J. H. Wessly; transcript filed January 17, 1889; charge, selling liquor without a license. Continued May 11, July 27, 1889, and January 20, May 3 and August 9, 1890, and January 14, 1891. Dismissed May 6 on motion of county attorney; defendant discharged.

Discusses Gambling Cases.

Docket 12, Page 83—State against James Fleming; transcript filed February 4, 1889; charge, gambling for money. Continued May 11, July 27, 1889, January 20 and May 3. Dismissed July 7, 1890.

Docket 12, Page 134—State against Wan Sing; transcript filed February 12, 1889; charge, keeping opium joint. Defendant discharged from custody April 27. (The entry "dismissed and defendant discharged" is stricken out and upon the opposite page under the heading "items of fees" appears the following: "Judgment. Dismissed. 50 cents.")

Docket 12, Page 289—State against Minnie Fairchilds and Charles Edenberg; transcript filed March 25, 1889; charge, selling liquor on Sunday. Continued May 11, 1889; July 27, 1889, January 20 and May 3, 1890. Dismissed July 7, 1890.

Docket 13, Page 13—State against Birdie Mann and E. Miles; transcript filed March 30, 1889; charge, selling liquor on Sunday. Continued May 11 and July 27, 1889, and January 20 and May 3, 1890. Dismissed July 7, 1890.

Docket 13, Page 72—State against John Doe, real name James Hayek; transcript filed April 8, 1889; charge, selling liquor on Sunday. Continued May 11, 1889. Jury empanneled June 12; verdict of guilty June 12. Defendant ordered in custody of the sheriff to await sentence, recognizance $200. Filed motion for new trial June 17; motion overruled June 28. Defendant sentenced to pay a fine of $100 and costs, to be committed until fine and costs are paid. Sentence suspended June 29 until the first of next term, recognizance fixed at $300; entered recognizance of defendant with Henry Hacebrin as surety. Continued July 27. (This is the last entry.)

Docket 13, Page 311—State against John Doe, real name D. A. Blair; transcript filed May 22, 1889; charge, selling liquor on Sunday. Tried June 3, 1889; verdict, not guilty.

Docket 14, Page 222—State against William Van Orman; transcript filed August 9, 1889; charge, selling liquor without a license. Continued January 20, May 3, 1890. Dismissed July 7.

Docket 14, Page 224—State against Charles Kammer; charge, selling liquor without a license; transcript filed August 9, 1889. Continued January 20, May 3 and August 9, 1890, January 14, 1891. Dismissed May 6 on motion of county attorney; defendant discharged.

Docket 14, Page 235—State against Earnest Meyer; charge, selling liquor on Sunday; transcript filed August 9, 1889. Continued January 20, May 3 and August 9, 1889, and January, 1891. (No further entry.)

Postponements Galore.

Docket 15, Page 47—State against H. E. Ruhman; transcript filed August 24, 1889; charge, selling liquor on Sunday. Continued January 20, May 3, August 9, 1890, and January 14. Dismissed May 6, 1891, on motion of county attorney; order defendant discharged.

Docket 15, Page 227—State against William F. Whalen; transcript filed September 23, 1889; charge, drunk and disorderly. Continued January 20 and May 3. Dismissed July 7.

Docket 16, Page 347—State against William Ekersick; transcript filed December 30, 1889; charge, selling liquor without a license. Continued January 20, 1890. Dismissed April 30; defendant discharged.

Docket 16, Page 40—State against Jerry Ryan. Filed October 29, 1889. Indictment by grand jury. Charge, attempt to bribe. Continued January 20, 1890. Default of defendant May 3. Surety recognizance forfeited. Continued to January 14, 1891; May 9, August 15 and January 23, May 7 and July 30, 1892. Dismissed at request of county attorney December 23, 1892.

Docket 16, Page 87—State against Charles J. Wandt; indictment by grand jury for attempt to bribe, filed October 29, 1889. Continued December 30, 1889; April 30, May 3, August 9, 1890; January 14, May 9, August 15, 1891; January 23, May 7 and July 30, 1892. Entered nolle prosequi December 23, 1892, at request of county attorney.

Bribe Giver Not Even Tried.

Docket 16, Page 88—State against Charles I. Wandt; indictment by grand jury filed October 29, 1889; charge, attempt to bribe. Continued January 21, April 30, May 3, August 9, 1890; January 14, May 9, August 15, 1891; January 23, May 7, July 30, 1892. Dismissed at request of county attorney December 23, 1892.

Docket 18, Page 87—State against Jettie Reynolds; transcript; charge, selling liquor without a license, filed March 29, 1890. Dismissed April 30. Defendant discharged.

Docket 19, Page 58—State against August Utoff; transcript filed May 29, 1890; charge, selling liquor without a license. Continued August 9. Dismissed December 24 by county attorney.

Docket 19, Page 81—State against Katie Utoff; transcript filed May 28, 1890; charge, selling liquor without a license. Trial June 20, 1890. Verdict, not guilty.

Docket 21, Page 8—State against Michael D. Roach; transcript filed September 25, 1890, from police court; charge, attempt to bribe. Continued January 14, 1891. Dismissed May 6, on motion of county attorney. Defendant discharged.

Docket 22, Page 160—State against Charles Wilson; transcript filed December 8, 1890; charge, procuring and illicit intercourse. Continued January 14, 1891. Dismissed April 3, on motion of county attorney. Defendant discharged.

Docket 23, Page 202—State against H. B. Kennedy and Charles Bibbins; transcript from police court, filed February 24, 1891; charge, keeping gaming devices and fixtures. Continued May 9. Nolle prosequi June 29, 1891, on motion of county attorney. Defendant discharged.

Docket 24, Page 53—State against Dan Geiser and Neil Price; transcript filed March 29, 1901; charge, keeping gambling devices. Continued May 9. Trial June 9. Verdict same date, not guilty. Defendant discharged.

Docket 24, Page 353—State against A. A. Taylor, Dan Geiser, L. E. Ryan, J. F. Goodrich and Charles Miller; transcript filed May 11, 1891; charge, gambling. Continued August 15, 1891; January 23, May 7, July 30, 1892. Nolle prosequi December 23, 1892, at request of county attorney.

Docket 26, Page 27—State against Louis Kibbler; transcript filed July 23, 1891; charge, keeping liquor to be disposed of without a license. Continued August 15, October 14. Trial by jury October 16. Verdict returned, not guilty. Defendant discharged October 16, 1891.

Immoral Landlord is Discharged.

Docket 26, Page 141—State against Joseph Wishartinger; transcript filed August 7, 1901; charge, renting building to prostitutes for lewd purposes. Continued August 15, 1891; January 23, 1892. Dismissed August 19, 1892, on motion of county attorney. Defendant discharged.

Docket 26, Page 142—State against James Lung; transcript filed August 7, 1891; charge, keeping an opium joint. Continued August 15. Dismissed December 9. Defendant discharged.

Docket 27, Page 48—State against George Sawyer; transcript filed September 17, 1891; charge, keeping gaming fixtures. Continued January 23, May 7 and July 30, 1892. Nolle prosequi December 23, 1892, at request of county attorney.

Docket 27, Page 49—State against Antony Webber; transcript filed September 17, 1891; charge, obstructing view of saloon. Information filed October 24. Nolle prosequi January 2, 1892, on motion of county attorney. Defendant discharged.

Docket 28, Page 393—State against Frank Shannahan; charge, selling malt, spirituous and vinous liquors without a license; transcript filed January 8, 1891; trial, February 19; verdict returned, February 20; guilty as to first count, not guilty as to second, third, fourth and fifth counts; defendant sentenced to pay a fine of $400 and costs and stand committed until paid. Order, recognizance fixed at $600; execution of sentence suspended thirty days; defendant released on bond. Time to file petition in error extended ten days, April 7, 1892; time to file petition in error extended until May 9, April 20; delivered transcript to supreme court June 15; time for submitting bill of exceptions extended twenty days from June 16. Nolle prosequi, December 23, 1892, at request of county attorney.

Docket 28, Page 394—State against Joe Rowles; transcript filed January 8, 1892; charge, selling malt, spirituous and vinous liquors without a license; continued from May 7 to July 30. Nolle prosequi, December 23, at request of county attorney.

Docket 28, Page 395—State against William Henneger; transcript filed January 8, 1892; charge, selling malt, spirituous and vinous liquors without a license; continued May 7, continued July 30 to January 7, 1893 (the end of Mr. Mahoney's term).

Docket 28, Page 396—State against J. Thomsen; transcript filed January 8, 1892; charge, selling malt, spirituous and vinous liquors without a license; continued May 7 and July 30 to January 7, 1893 (the end of Mr. Mahoney's term).

Docket 28, Page 397—State against John Luder; transcript from justice of the peace court filed January 8, 1892; charge, selling malt, spirituous and vinous liquors without a license. Continued May 7. Continued July 30 to January 7, 1893 (the end of Mr. Mahoney's term).

Many Charges—No Convictions.

Docket 28, Page 398—State against A. P. Hansen; transcript from justice court filed January 8, 1892; charge, selling malt, spirituous and vinous liquors without a license. Continued May 7. Continued June 30 to January 7, 1893 (the end of Mr. Mahoney's term).

Docket 28, Page 399—State against Ole Olson; transcript filed January 8, 1892; charge, selling malt, spirituous and vinous liquors without license. Continued May 7. Continued July 30 to January 7, 1893 (the end of Mr. Mahoney's term).

Docket 28, Page 401—State against Frank Shannahan; charge, selling malt, spirituous and vinous liquors without a license; transcript filed January 8, 1892; trial, February 19; verdict returned, February 20; guilty as to first count, not guilty as to second, third, fourth and fifth counts; defendant sentenced to pay a fine of $400 and costs and stand committed until paid. Order, recognizance fixed at $600; execution of sentence suspended thirty days; defendant released on bond. Time to file petition in error extended ten days, April 7, 1892; time to file petition in error extended until May 9, April 20; delivered transcript to supreme court June 15; time for submitting bill of exceptions extended twenty days from June 16. Nolle prosequi, December 23, 1892, at request of county attorney.

Docket 28, Page 402—State against H. B. Kennedy and Charles Bibbins; transcript from police court, filed February 24, 1891; charge, keeping gaming devices and fixtures. Continued May 9. Nolle prosequi June 29, 1891, on motion of county attorney. Defendant discharged.

Docket 28, Page 403—State against Dan Geiser and Neil Price; transcript filed March 29, 1901; charge, keeping gambling devices. Continued May 9. Trial June 9. Verdict same date, not guilty. Defendant discharged.

Docket 28, Page 353—State against A. A. Taylor, Dan Geiser, L. E. Ryan, J. F. Goodrich and Charles Miller; transcript filed May 11, 1891; charge, gambling. Continued August 15, 1891; January 23, May 7, July 30, 1892. Nolle prosequi December 23, 1892, at request of county attorney.

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Continuances Come Easy.

Docket 28, Page 398—State against A. P. Hansen; transcript from justice court filed January 8, 1892; charge, selling malt, spirituous and vinous liquors without a license. Continued May 7. Continued June 30 to January 7, 1893 (the end of Mr. Mahoney's term).

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