

# The Plattsmouth Journal.

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NO. 88

## PRELIMINARY HEARING OF H. H. COTTON HELD

### CASE OCCUPIES ENTIRE FORENOON AND PART OF AFTERNOON TODAY.

From Thursday's Daily.  
The preliminary hearing of Herbert H. Cotton, charged with shooting with intent to kill Thomas Rabb, was held today at the court of Justice William Weber in the city hall. The case has been postponed from time to time since the shooting owing to the condition of the compelling witness, Mr. Rabb, who was for some eleven weeks in the Presbyterian hospital at Omaha following the shooting affray.

The case was called at 10 o'clock this morning and the complaint and information ready by County Attorney A. G. Cole, charging Mr. Cotton with shooting with intent to kill and to this charge Mr. Cotton entered a plea of not guilty.

The first witness called was Dr. Raymond P. Westover, who testified that he had been called on the night of November 15th to attend Thomas Rabb and found him at the home of Dr. O. Sandin suffering from a wound inflicted by a bullet that had entered the front of the body in the left shoulder and lodged five or six inches from the spine in the back, the bullet deflecting from the shoulderblade downward. The witness stated that when called he found the wounded man in serious but not critical condition and that he was suffering more from the shock than the wound itself.

On cross examination by Mr. Wright, Dr. Westover stated that he had located the bullet but had not removed it on account of the shock to the patient as it was a case that necessitated hospital care. He stated that a bullet striking a bone could not be determined as to its course as the bone would deflect the course and he had not been consulted with Mr. Rabb. The physician stated he had attended the young man up to the time of his being taken to the Presbyterian hospital in Omaha on the day following the shooting. He could not say whether Rabb was conscious when he was taken to the hospital. Thomas Rabb was placed on the stand and on direct cross examination stated that he had been working at shucking corn prior to the shooting and had been in the employ of the Burlington prior to July 1. On the night of the shooting he stated in company with his father he had left the Rabb home, walking south along the M. P. tracks to the passenger station and from there had gone on down the street leading to the main portion of the city. They had passed Julius Hall and Herb Cotton while going to town. They had not seen Mr. Cotton until they were at the intersection of Washington and H. E. Wilcox on Washington avenue and that when some ten feet away Cotton had flashed his flashlight on the witness. When passing Cotton, the father had stepped off the walk and the witness had stepped forward to go ahead when passing Cotton, who, the witness stated, had a bullet under his left arm and dinner bucket and flashlight in his right hand. Witness stated that as they passed he had struck the dinner bucket of Mr. Cotton and that Cotton had kicked him and, as the witness was partially turned around by the force of the kick, Cotton had fired a revolver, the bullet from which had struck the witness. Mr. Rabb stated that his father had inquired if he was shot and he said yes and father had said "That's too bad," and that Cotton had also said "That too bad," and later had fired two more shots. He did not know whether the last two shots had been fired at him or not, but the second shot had been fired witness had started to run east and had stopped after running forty or fifty steps. Two boys near the junction of Ninth street and Washington avenue had helped the elder Rabb take the witness to the Sandin residence. On the cross examination by Mr. Wright, Mr. Rabb stated that he had returned to Plattsmouth from Pacific Junction, Iowa, a few days before the shooting. Witness stated that he had not been a participant in a fight the day before in the business part of the city. Witness stated Cotton was six or seven steps away when the flashlight was turned on him. Light had not been thrown on his father. The elder Rabb had stepped off the walk near a tree when they were about to pass Cotton who was on the right hand side of the walk going west. Witness had no trouble with Cotton in the past and everything had been peaceable between them up to this time. He had no animosity against the defendant. The witness stated first sign of trouble was when Cotton had kicked him when he was a step passed him. He had struck the bucket of Cotton in passing with his left arm. Witness stated that when the first shot was fired the revolver and flashlight had been held in the right hand of Cotton. After shot father had asked if he had been shot. He did not know if the revolver had been pointed at him on the second and third shots. Louis Sedlak and Joe Pries had helped carry him to the Sandin house. The witness with Attorney Wright

showed the position in which he and Cotton had stood at the time of the shooting.

On re-direct by County Attorney Cole, Mr. Rabb stated that owing to financial circumstances his wife and child were living in Iowa with the parents of the wife. Mr. Rabb stated that he had been present at a quarrel that had occurred near the C. G. Fricke coal sheds in which some eight or ten of the shop men and Max Pries, Sr., Andrew Pries, Andy Rabb, Jr., and himself had been involved. The witness stated that one of the shopmen, whom he thought was named Bell, had made some remarks when the men were passing where the Rabbs and Pries were working and that Bell had stooped over to secure a 2x4 when witness had pushed him into a pool of water. Bell and the two Pries and Andy Rabb and the witness had been stopped from further trouble by Mayor Johnson and Chief of Police Braclay and brought up to the office of Judge Weber, but nothing had been done to the parties.

The testimony of Andrew Rabb, Sr., was practically the same as that of Thomas Rabb except that on cross examination the witness stated that to his viewpoint the flashlight that Mr. Cotton had held had been a large one but he could not give its size. He did not see the size of the revolver.

Louis Sedlak and Joe Pries testified that they had been sitting on the parkway near the corner of 9th street and Washington avenue and had noticed Cotton pass going west but paid no particular attention until the shot had been fired and that after the second shot they had seen Tom Rabb coming toward them and had helped carry him into the house of Dr. O. Sandin. Mr. Sedlak stated that he had not heard any talking prior to the shooting and only a few words after the first shot.

The court adjourned at 12 o'clock until 1 to permit the witnesses and attorneys to enjoy a little repast. On the convening of the court after the noon recess the defense offered their side of the case and by their showing pointed to the fact that the defense would be that of the fear of Mr. Cotton of great bodily injury as the result of several fights and outbreaks between men on strike and employed in the shops and which had led to Mr. Cotton going armed.

Mayor C. A. Johnson was put on the stand and testified to the fact of the arrest of Thomas Rabb with several others for an assault on the person of Joe Bell near the coal offices of C. G. Fricke and of his being present on that occasion.

Adrian Christ, local furniture dealer, was put on the witness stand by the defense and testified to the fact that on the same day of the shooting of Mr. Rabb a number of persons had been in his store shortly after 5 o'clock and that in their conversation they had stated that they understood that there would be someone "laying" for Mr. Cotton that evening and giving the impression that some great bodily injury was to be visited upon the defendant. On cross examination, Mr. Christ stated he did not know the names of the parties making these statements but had taken the matter up with them and stated that they had better leave Mr. Cotton alone as he was a peaceable man. When asked by County Attorney Cole if he had notified Cotton of the threats, he stated that he had not and that about a half hour afterwards the message had been telephoned of the shooting.

The court, with Court Reporter L. L. Turpin and the attorneys, then motored out to the Missouri Pacific station where the testimony of J. T. Liston, the agent there was taken. Mr. Liston testified that he was about a block away from the scene of the shooting and that where he was standing it seemed as though two of the shots fired had come from the south side of the walk where the Rabbs are supposed to have been. He also stated that the sounds of the first report and those of the two succeeding ones were different as if from different makes of revolvers.

Attorney Wright in urging the court to dismiss the action pointed out the fact that the question whether a conviction could be secured should be borne in mind by the court. He cited the testimony of witnesses to the fact that Mr. Cotton had reason to fear injury to his person and the right of self defense and protection. The highly nervous condition of affairs in the community that led to the most intense feeling, the several other fights that had occurred just prior to the shooting were also touched upon as reasons for fear of danger to the life of the plaintiff. The right of a man to defend himself from danger was pointed out to the court.

After the evidence and arguments had been completed, Judge Weber took the matter under advisement until next Monday when he will render his decision.

## FORMER RESIDENT HERE IS IN LIMELIGHT

### WM. H. PARSONS, IS PLAINTIFF IN ACTION AGAINST THE NORTHWESTERN R. R.

The many friends and acquaintances of William H. Parsons, at one time a resident of this city where he was engaged in railroading for the Burlington, will be interested in the details of the action that has been brought to the state supreme court and which involves a judgment secured by Parsons against the Northwestern railroad for \$5,000 as the result of an accident that befell Mr. Parsons. The State Journal in speaking of the case has the following:

"The accident story, as Parsons relates it, is an odd one. He was engine foreman of a crew in the switching yards at Casper. In making a flying switch, with the engine in front, the car loaded with steel that it was sought to throw onto a sidetrack, failed to clear the main track. This made it impossible for the engine to get back of it and push it along and necessitated a resort to poling or frogging.

"This is done by wedging a pole between the car on the main track and that on the side track. When the engine starts this pushes the sidetracked car ahead sufficient to put it in the clear. Mr. Harrington to the plaintiff said that ordinarily there is used for this purpose a blunt-edged iron-bound pole or a wooden tie. When the pressure is broken by the movement of the cars the pole or tie drops to the ground.

"In this instance, Mr. Harrington said, there was no such pole around, and the men began to look about for a substitute. Parsons picked up a six foot length of two inch gas pipe but decided that it was not thick enough and discarded it; that a moment later his superior, the yard foreman, came along, picked up the gas pipe and used it. When the signal was given the engineer all of the others ran, as they figured that the piece of pipe would fly into the air. It did fly, and whirling and over end, hit Parsons on the left foot. Mr. Harrington said it crippled him for life and forced him to relinquish the only work he knew, railroading, at which he was making \$205 a month, since he could no longer climb ladders or swing off moving cars.

Mr. Dressler said that Parsons had not been working because he had sued for damages and was trying to make out that he was greatly injured. He said Parsons had told the yard foreman that he had hurt his foot stepping on a pebble, but Mr. Harrington said that this was done to save the foreman from a lashing from headquarters. Mr. Dressler said that Parsons had alleged in his petition that the transverse arch was broken, when no physician had ever told him so and that the physical examination that determined it was broken was not made until four days before the trial. He thought this a curious coincidence.

"The claim of the company is that as he was foreman he assumed the risk. Parsons says the yard foreman was his boss, and he had but to obey. The company says that the gas pipe was a suitable instrument for the purpose for which it was used, that it did not bend, break or curl, and was not defective. Mr. Harrington insisted that the company did not furnish him with a safe pipe to work, safety of the air being as material as safety of the ground, and that it did not furnish proper tools or instruments. This constituted negligence and justified the verdict.

"Some snap was given to the argument by the attorney's use of familiar objects to show how the gas pipe worked. Mr. Dressler took a knife with rounded corners and pressed on each end with his fingers. At a certain point it flipped into the air from the pressure and he said that Parsons knew that this would happen with the gas pipe, since the other members ran out of danger. Mr. Harrington took a blunt-end amount of end pressure would cause it to fly into the air. That, he said, was the kind of a tool Parsons was entitled to have furnished him."

## HAS SECOND RETURN

From Thursday's Daily.  
While R. B. Jameson of Weeping Water precinct was the first of the assessors to file their return yesterday, he was run a close second by Joseph Wolpert, assessor of Center precinct, who came under the wire a few moments after Mr. Jameson. The work of these two assessors is of the very best and their work has resulted in dispatch in getting the returns all in by the first part of May. The final returns will be coming in very shortly, now as the 20th is the date set for the making of the returns and the county commissioners will meet as a board of equalization on June 15th, according to the present arrangements.

## SAY CARNIVAL IS A GOOD, CLEAN ONE

### Committee of John Wolf and Guy Morgan Journey to Atchison to Look Them Over.

From Thursday's Daily.  
The two business men selected by the American Legion post of this city to go to Atchison, Kansas, Guy W. Morgan and John F. Wolf, returned yesterday afternoon and report a most pleasant visit to the Kansas city and also that the carnival carried by any carnival of its kind in the country. The committee found that the attractions with the Lachman Exposition shows are all first class and clean in every respect and that the members of the company are all ladies and gentlemen of the highest standing and that where they have shown they have made the best impression.

The three big free acts carried by the show are of the very best and include the daring dip of death by Captain Hugo, one of the best of its kind carried by any carnival company in the country. The Lachman shows also have a ferris wheel, merry-go-round, whip and aeroplane swing as mechanical riding devices and one of the best minstrel shows carried by any carnival company in the country. They have only one band, the committee reports, a colored jazz organization that furnishes plenty of pep for the crowds that attend the shows.

The people of Atchison and the members of the American Legion post there are loud in their praise of the various attractions for their cleanliness and the general high standard of the offerings carried. Although it was a very cold night, the local men were surprised to find such a large number at the carnival grounds on the occasion of their visit. That the shows are of a high class is shown from the fact that this is their second season in Atchison, both engagements being booked in conjunction with the American Legion post of that city, and are being filled with the greatest of satisfaction. The committee states that there is no comparison between this fine aggregation of attractions and the company that was here last season.

## PLEASANTLY ENTERTAINED

Yesterday afternoon, Mrs. Robert G. Reed entertained very pleasantly at a 1 o'clock luncheon at the Hotel Wagner in honor of her house guest, Mrs. C. R. Saxon of Hastings, Nebraska, and to enjoy the pleasant event there were some twelve ladies in attendance. The table at which the ladies were seated was very tastefully arranged with decorations of the purple and white lilies of the early spring season.

Following the luncheon the ladies were entertained for the remainder of the afternoon at the Reed home on Fourth street at bridge, at which same the hours were passed very pleasantly and Miss Margaret Donelan secured the first prize as being the most proficient of the members of the party at this interesting pastime. At the home the decorations were also in the spring flowers, of which the lilies formed an important feature. Those in attendance were Mesdames C. S. Dovey, Willard Brink, Collins, Waldemar Soennichsen, Maldon D. Brown, George Petring, Henry McKen, Misses Minnie Guthmann, Margaret Donelan, Eleanor Durbin, and the guest of honor, Mrs. Saxon.

## OBSERVE HOLY DAY

From Thursday's Daily.  
Today was Ascension day—one of the most impressive days in the calendar of the christian church, and special services were held at the Roman Catholic and Episcopal churches. There were celebrations of the Holy Eucharist at the St. Luke's church at 7 and 9 o'clock and a special mass at the St. John's Catholic church and the Holy Rosary Catholic church at 6 o'clock. The worshippers were out in large numbers at these services to render their homage on the day that marks one of the greatest events of the Christian faith.

Business forms of all kinds printed at the Journal office.

## ELI SWANSON, AN OLD RESIDENT HERE, DIES IN THE WEST

### Passes Away at His Home in Puyallup, Washington, Tuesday at the Age of Ninety Years

From Friday's Daily.  
A message was received here yesterday morning by David Samson, stating that his aged father, Eli Swanson, had passed away on May 8th at Puyallup, Washington. Mr. Samson was a former resident of Plattsmouth and was also the grandfather of Mrs. Ed Beins and Arthur Samson of this vicinity.

He removed something like twenty years ago from this locality to North Yakima, Washington, and from there to Orcas and later to Puyallup where he passed away. Eli Swanson was born in Sciota county, Ohio, August 1, 1833, being the son of James and Margaret (Bradford) Samson. In 1845 his parents, accompanied by their children—the deceased, his brother Ezra, his sister Sarah and her husband, R. E. Bennett, embarked on a boat on the Ohio river bound for Missouri, and after a voyage of several days down the Ohio and up the Mississippi, they landed at St. Louis. They proceeded by team to their destination in Andrew county, Missouri, four miles south of Savannah Landing, now the county seat, where the father had a short time previously pre-empted some land.

He was kept by a Frenchman by the name of Rubidoux, to whom he was plentiful. St. Joseph had but one store, being an insignificant trading post kept by a Frenchman by the name of Rubidoux, to whom he immediately set to work with a good will to build up a home in the wilds of that country, clearing the land of the heavy forest that covered all but five or six acres, which were ready to cultivate, the tall, old trees having been removed before Mr. Samson purchased it.

There in the then wilds of Missouri he developed in developing a fine farm, which they fenced and erected a good dwelling, barn and other necessary buildings. Mr. Samson had a fine sugar camp and they made all the sugar and molasses that they used. The parents of our subject died in Andrew county, leaving behind them the legacy of a good name and the record of lives well spent. He of whom we write was a lad of twelve years when he accompanied his parents to Missouri, and there he grew to manhood. He was married in that state to Mary Lyons in December, 1853. They continued to live in Missouri about four years and then took up their abode in Brown county, Kansas.

In February, 1863, he enlisted in Co. L, 2nd Nebraska Cavalry and served with bravery and efficiency until December 24, 1863. He took an active part in the battle of White Stone hill and was there wounded September 2nd by Indians, the shot penetrating the right leg near the hip, and coming out near the knee, shattering a part of the bone, and it was not removed until eight years later. His eyesight was also greatly impaired while in the service and at times he was almost blind. Mr. Samson continued to reside in Kansas some sixteen years, spending the last four years in Waboniss county. He then returned to his old home in Andrew county, Missouri, where he lived until November 1877, when he came to Cass county with his family. He first located on a rented farm four miles south of Plattsmouth, but he subsequently bought an eighty acre farm in this vicinity, to which he removed, but at the expiration of a year and a half sold it at a good advance, having been appointed in March, 1884, to take charge of the Cass county farm. He had been found by commissioners to be the right man in the right place and they made a contract with him to retain the position as superintendent another year and consequently he remained for seven years. Under his able management the farm was in very satisfactory condition, and the residents were well and kindly cared for.

Mr. Samson was identified with the G. A. R., being a member of McCook's post No. 43, Plattsmouth. Politically he supported the republican party and he has always proved to be a good and lawful citizen. Mr. Samson's wife passed away some twenty-five years ago. The deceased was a firm believer in the teachings of the Christian Science faith and an active member for the past twenty-eight years. Following the death of his first wife, Mr. Samson was shortly afterwards married to Mrs. Mary Anderson of Plattsmouth, and some time after the marriage moved to Washington to make his home. He leaves to mourn his passing the aged wife and seven children, David, of Plattsmouth; Will, Levi and Tom of Haigler, Nebraska; Mike and Mrs. Bert Hadley, of California; Mrs. Susan Franks, of Tacoma, Washington. Mrs. Susan Moore and Oscar Samson preceded him in death some years ago.

## LOOKS BAD FOR FISH

The show window at the Jess Wurga electric shop and hardware store looks like it was going to be a hard summer for the fish. A most tempting array of fishing tackle has been displayed in the window that sets the lover of fishing all a tingle and makes it hard to keep their mind on the daily tasks while the lure of the rod and line is calling them. The window was arranged by "Wink" and certainly appeals to the eye of the fisherman.

## HUNDREDS ENJOY MUSIC MEMORY CONTEST

### HIGH SCHOOL AUDITORIUM IS CROWDED TO THE UTMOST LAST EVENING.

From Friday's Daily.  
As the culmination of the season's work in the line of music memorizing the pupils of the Plattsmouth public schools held their music memory contest at the auditorium of the high school last evening and the occasion was one of the most interesting and the warmest approval from the public schools during the year and attracted a very large audience of young people as well as the parents and friends of the contestants. In the auditorium of the school seats for the 144 contestants had been roped off and these were occupied by the young people of the school who were marched up from the lower floor of the building with their score cards ready for the checking of the different numbers as played.

During the contest a New Edison from the Weyrich & Hadraha store and a Victrola from the store of John W. Crabbell were used for the playing of the various records used to determine the test of the memory of the young people for music. Miss Olive Quinn, supervisor of music for the city schools, played thirty seconds each of twenty of the records, and from these the contestants made their judgment as to the name of the number, the composer and the nationality of the composer. After the records had been played the cards were collected and taken to the offices on the lower floor of the building where they were checked and corrected as to the rewards of prizes.

During the time that the judges were making their check the audience was entertained by an exceptionally enjoyable program of music from the talented residents of this city and which embraced a number of the well known and popular standard classics that are always enjoyed. Mrs. Roy Cole of Mynard gave two very delightful piano selections, "Minnet in G" by Paderewski and "Humoresque" by Dvorak, while Mrs. Christine Coughlin as a piano number gave "To a Wild Rose" and "Traumerel," all of which were very pleasing and given in a most artistic manner. The vocal numbers given were of the very highest type, and included "From the Land of the Sky Blue Water" by Cadman, given by Mr. L. O. Minor; "Hark, Hark, the Lark"

All the late popular copyrights at the Journal office.

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