

The Plattsmouth Journal

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NO. 46

JURY FINDS GREBE GUILTY AS CHARGED

VERDICT RETURNED AT 9:45 AFTER JURY HAD BEEN OUT ABOUT THREE HOURS

ASSAULT ON ELMER F. GAINES

Act Committed on Public Highway Near Oreapolis on the Night of May 23rd Last.

From Thursday's Daily—

At 9:45 last evening the jury in the case of the State of Nebraska vs. William Grebe, returned a verdict in the case finding the defendant guilty of the charges preferred against him—assault and battery—on the indictment voted by the grand jury in session here from November 13th to November 28th.

The verdict was heard by a large sized crowd that had assembled during the evening, most of the audience having been eager listeners at the course of the trial during the day and the most intense interest was manifested in the audience as the verdict was read by the deputy clerk of the District Court, Mrs. Alma Sydebotham.

The trial had attracted universal interest and the court room and halls were packed during the afternoon session and while it was 6:30 when the last argument was offered by Attorney W. A. Patrick for the state, almost all of the spectators remained until the last statements and heard the brilliant and forceful arraignment of the defense by the able attorney for the state and which was one of the most biting that has been heard in the local court in many a day. Attorney A. L. Tidd for the defense made a very able presentation of his side of the case, following the opening statement for the state by Attorney D. O. Dwyer, who presented a great many of the legal phases of the side of the Nebraska.

Mr. Patrick paid a very fine tribute to the members of the grand jury who had fearlessly gone ahead and voted indictments in the task of clearing up the affairs of the county and restoring to the people of the community their local self government purified and made better and the speaker stated that in the years to come the people would honor the memory of the grand jurors for their work.

The testimony was given very speedily and the state offered but three witnesses, Elmer F. Gaines, Harold Gaines and W. F. Huneke, while the defendant had as witnesses Sheriff Quinton, County Clerk George Sayles, Ex-County Treasurer Mike Tritsch, Justice William Weber, G. H. Manners and himself.

Harold Gaines, who followed his brother, Elmer Gaines, on the stand, testified that he and his brother had owned the Ford car about a month prior to the time of the alleged assault, that they had not used it much, as they had a Hudson car also, up to the night of the trouble. They had left Valley about 10:30, where they were attending a high school alumni banquet. A car had come from behind them near the Burlington crossing and honked a horn as a signal to pass and they had turned out, but the car had not passed. The occupants had not told their names or their purpose. Witness had told his brother to put on more gas and go ahead. The third time the car had come toward them someone had shot one of the front tires of the Ford and they had stopped. Grebe had said: "—, why don't you stop?"

Elmer had asked Mr. Grebe his authority and Grebe had struck Elmer in the face. Both witness and his brother had gotten out of the car without any trouble. After the car had been searched they had asked Mr. Grebe as to who would pay for the shot tire and were told if they wanted to find out to call at the court house at the office of the county attorney. When at the court house on the night following the shooting, Grebe had told Sheriff Quinton: "If the boys tell how booze gets into Plattsmouth, might let them off easy."

On cross examination by Mr. Tidd, witness stated that he had not heard officers tell them to stop. They had not heard Mr. Grebe or Mr. Manners tell them they were officers. Plate number on their car had formerly been on a Hudson car, and which number was transferred on May 25th. Hudson car had not been used in the transportation of liquor and had been kept near the boarding place of the owners. Elmer had been at the court house when witness came there on the night following when parties told him that Grebe had taken Elmer there. Had found Elmer Gaines, the defendant Grebe and Sheriff Quinton on the west side of court house. The next witness was W. F. Huneke, who testified that the Gaines boys had boarded at his home and were quiet and sober young men. They had kept their Hudson car in the yard at his home the greater part of the time. A man named

Hobbs had used the car at one time to go out into the country. Witness had seen bruised face of Elmer when he returned home the day following the stopping of them.

The defense offered as their first witness County Clerk George Sayles, who identified the bond and oath of William Grebe as constable.

County Treasurer Mike Tritsch was then called by the defense and identified the registration numbers of the car owned by the Gaines boys and which were on the car they were driving on the night of the trouble.

William Weber, justice of the peace testified that he had appointed William C. Grebe constable on November 22, 1922. Had notified County Clerk of the appointment of officer. Had made no written record in his own office, as the appointment was confirmed by the county commissioners.

Sheriff C. D. Quinton testified that on the 22nd day of May, 1923, he had been sheriff of Cass county. He had a conference with Grebe and Manners as to the car bearing the number of the Gaines brothers car. Car had been reported as being used to haul liquor and that the tall Gaines boy and another man were engaged in liquor business. On cross-examination by Mr. Patrick, witness stated that Grebe and Manners had no official connection with his office. Witness could not recall who had given him the information as to car or the time.

William Grebe, taking the stand in his behalf gave his side of the story of the mix-up near the Burlington crossing. He had not known the Gaines brothers up to the time of the trouble. Had been told by Quinton that Gaines and a man named Hopkins had been hauling booze into the city. Witness and G. H. Manners had been at the Platte river wagon bridge when Gaines' car had come across. They had started after the Gaines car and had tried to "halt car south of the railroad crossing. Witness stated he had thrown open his coat and shown star saying "This is the law." Gaines had continued on ahead. Witness stated that Gaines had said "To hell with the law."

When the tire had been shot, Gaines had said "Damn you, what do you want?" and "that he did not have to get out of the car." He had told Gaines to come to the office of the county attorney if he wanted to find out about the tires. Witness stated that he had not struck Gaines but had pushed him out from under the steering wheel on the car with his hand. There was no booze found in the car.

The cross-examination by Mr. Patrick was very severe and the tilts between witness and counsel were many. Mr. Grebe stated that he and Manners had been at the bridge all evening. Had searched cars on supper party of the time. Witness stated he had no official connection with the office of the county sheriff. "Us officers all work together," witness replied in answer to a question of attorney for the state. There had been no reason for going after cars save for booze. No booze found in the Gaines car or on the time. Witness did not find them doing any unlawful act, had told parties to appear and answer to abusing an officer. No complaint had been filed against either of the Gaines boys. On re-direct by Mr. Tidd witness did not know why complaint had not been filed. On cross-examination witness did not know whether Manners was an officer or not. Elmer Gaines was the only one at Third and Granite street following night when he had stopped witness.

G. H. Manners testified that he had resided in Plattsmouth twelve years, had been engaged in work for department of public works of the state under a commission, worked a month at this. Had been told by Quinton to go out with Grebe and do some work on the night of May 21st. Several booze cars reported as well as stolen cars. They had been watching at the bridge when Grebe said "There is one of the cars we will look over. They had run their car along that of the Gaines boys, witness driving. Grebe had said "This is the law." At the third time witness stated that one of the occupants of the Gaines car had said, "To hell with the law." One of the Gaines boys had got out with lap robe partially around him. When witness had come around car Grebe was talking with the boys. Grebe had shoved one of the boys from under the steering wheel. Witness had not said anything to any of the party. Witness stated that Gaines boys had cursed Grebe. On cross examination the witness stated in reply to Mr. Patrick that he was a special deputy sheriff. He had no commission as deputy sheriff. He supposed county had paid him; he received \$2 or \$3 a night for use of car and help. Did a good deal of work, only pay that of auto hire. Had been given a verbal oath by sheriff, no written oath or commission. Had star of special officer. Carried a gun. Had no permit to carry gun on occasion of May 22nd. Witness was alongside the Gaines car at about the center when Grebe was talking. Had not seen Grebe strike Gaines. Might have done so before witness came around car. Did see Grebe shove Gaines.

The rebuttal of the state was by the complaining witness, Elmer Gaines and his brother, Harold. They denied swearing at officers; Elmer Gaines stated might have swore after being hit in the car by the defendant Grebe. Harold Gaines testified that the man Hobbs had used their car to go to Omaha with sick son, and also to Humboldt.

JAMES ROBERTSON HONORED BY MASONS

PLATTSMOUTH MAN NAMED AS HIGH PRIEST OF GRAND CHAPTER OF R. A. M.

VOTE \$10,000 TO HOME HERE

Mr. Robertson One of the Veteran Masons of State and Long a Worker in the Order.

From Friday's Daily—

The annual convocation of the grand chapter of the Royal Arch Masons of Nebraska, which has been held in Omaha for the past two days, closed their sessions yesterday in the election of the officers of the grand chapter and in which one of the veteran and very active Masons of the state, James M. Robertson, of this city, was named as the grand high priest of the chapter for the ensuing year.

Other officers named were: George



JAMES M. ROBERTSON Elected Grand High Priest of Royal Arch Masons of Nebraska

N. R. Browne, Hastings, deputy grand high priest; Harry D. Cone, Omaha, grand king; Dr. A. S. Pinto, Omaha, grand scribe; Lucius D. Richards, Fremont, grand treasurer; Francis E. White, Omaha, grand secretary; L. M. Kuhns, Omaha, grand chaplain; Lute M. Savage, Omaha, grand lecturer; Harford N. Rosebush, McCook, grand captain of hosts; Harry S. Villars, Tecumseh, grand principle sojourner; Frederic G. Vosshammer, Auburn, grand royal arch captain; E. I. Ellis, Tekamah, grand master of the third veil; Arthur C. Stern, Chadron, grand master of the second veil; Elbert G. Loring, Alliance, grand master of the first veil; Luther B. Hoyt, grand sentinel, Omaha.

The selection of Mr. Robertson as high priest of this branch of the Masonic fraternity is an event that was learned with a great deal of pleasure not only by the members of the Masonic order in this city but by the hundreds of friends of Mr. Robertson over Cass county, and is a recognition of his long and faithful services to the order in the state and his untiring zeal in the advancement of the principles of the fraternity in which he has been such an active figure. The members of the order here are particularly gratified as Mr. Robertson is a member of Nebraska chapter, No. 3, R. A. M., of this city, and has held the highest offices in the gift of the local chapter prior to entering the official circle of the grand chapter in which he has served in various offices for the past eight years.

Mr. Robertson is also president of the Nebraska Masonic Home association, which has charge of the affairs of the splendid Masonic Home in this city for the care of the aged and infirm members of the order and of the Eastern Star.

Mr. Robertson was accepted in Masonry in the year 1877, being adopted and raised in his degrees in Lincoln lodge, No. 19, at Lincoln, Nebraska, where he was residing at that time. He has since removing to Cass county continued his work and become a member of Nebraska chapter No. 3 of this city and Mr. Zion commandery No. 5, Knights' Templar of this city also, and in addition to his high position in the grand chapter is also grand captain general in the grand commandery of the state of Nebraska.

At the session of the grand chapter in Omaha on Tuesday an appropriation of \$10,000 was made by the chapter toward the new infirmary that is to be erected on the grounds of the Nebraska Masonic Home in this city. The chapter is acting in conjunction with other of the Masonic bodies in carrying on the work of the Masonic Home.

Glen Thompson of Omaha was here today for a few hours visiting with friends for a short time.

EXECUTIVE COMMITTEE MEETS

From Friday's Daily—

The executive committee of the Woman's Auxiliary of the Episcopal church of Nebraska held their meeting this week at the home of Mrs. Clinton Miller vice president of the auxiliary in Omaha. The meeting was presided over by the president, Mrs. W. S. Leete, of this city, and the members discussed the plans for the annual meeting to be held on January 14 at the Trinity cathedral in Omaha. The committee also discussed the change in plans for some of the activities of the auxiliary and among which was the change from the work of the Winnebago Indian mission schools and church to that of the securing of a lady to teach the work of religious education over the state in the different parishes. The church and its societies are also looking forward to the pageant to be held at the new Brownell hall in Omaha on January 15 which will be directed by Miss Dorothy Weller of Denver.

While in Omaha, Father and Mrs. W. S. Leete and Madame Leete were house guests of Mr. and Mrs. Leigh Leslie.

WILLIAM GREBE TURNS IN HIS BADGE OF OFFICE

Constable Calls at Office of Justice William Weber and Turns in His Star to Judge.

From Thursday's Daily—

This morning William Grebe, constable in the justice court of William Weber who was convicted last evening by the jury in district court, this morning handed in of his own accord his star and badge of authority to Mr. Weber.

Mr. Grebe stated to a Journal representative that he was turning over his authority on his own initiative and without request as he thought it best under the circumstances and he expected to remain out of the law forces until after the disposal of the various cases that were charged against him by the indictments of the grand jury.

STEWART NOT TO BE DISQUALIFIED

Grand Jurymen and Senator Banning Asked Governor to Name Him as Temporary Sheriff.

From Thursday's Daily—

Governor Bryan said Wednesday he knew when he appointed E. P. Stewart of Plattsmouth, temporary sheriff of Cass county, that Mr. Stewart had been a member of the grand jury that indicted Sheriff Quinton, whose vacant office Mr. Stewart is now filling.

"That he was called as a grand juror does not disqualify him to hold the office of temporary sheriff, as I view it," said Governor Bryan. "The question was brought up last Sunday night when I conferred with District Judge Begley and Prosecuting Attorney Dwyer and both said they could see no legal objection to Mr. Stewart holding the office of temporary sheriff."

"Everybody seemed to want Stewart to hold the office. Several grand jurymen called on me and asked me for Stewart's appointment. Senator Banning and I came with them. He asked for it and said it would be satisfactory to every one. It was argued that as Stewart is affiliated with the republican party it would be out of all semblance of politics if he were appointed to take the place of a republican sheriff rather than to appoint a democrat to the office. There was a rise to complaints that the whole affair was a political move to get rid of a republican sheriff and supplant him with a democrat. All agreed that there should be no politics."

Attorney General Spillman declined to express his views on the matter on the ground that Stewart's eligibility to hold the appointment had not been presented to him by the governor or any one else. He had no knowledge that Stewart actually served as a grand juror.—From the State Journal.

WILL MOVE SOON

From Saturday's Daily—

Mr. and Mrs. William Rice of this city have received word from their daughter, Mrs. Carl Mathiasen, who has been residing in Iowa for the past few years, stating that they were expecting to leave soon for Stanton South Dakota, where Mr. Mathiasen has accepted a position as manager of a large dry goods store.

FOR SALE

Pure bred Buff Orpington cockerels.—Mrs. D. R. Tenfili, phone 2412, Murray, Nebr. d13-1mo w

George Everett and son, John, of Union were here today for a few hours visiting at the court house and calling on their friends in the city.

JURY FREES FRED HOLMES OF INDICTMENT

AFTER TWO HOURS DELIBERATION JURY RETURNS VERDICT OF NOT GUILTY.

HAD BEEN EMPLOYE OF STATE

Case Exposes Many Cases of Excessive Fee Grabbing Not Included in the Charges.

From Friday's Daily—

The case of the State of Nebraska against Fred A. Holmes, charged with the usurpation of the office of state deputy sheriff, which was on trial all day yesterday in the district court, closed last evening at 9 o'clock when it was given to the jury and at 11 o'clock the jury returned a verdict for the defendant, Holmes, finding him not guilty of the charges preferred against him.

The verdict was foreshadowed in the course of the trial on the testimony of T. W. Carroll, state law enforcement officer, who had employed Holmes up to the time he had been indicted in his coming to Cass county. While Holmes was charged with having taken over the duties of an officer of the state bureau, the larger part of the trial was filled with discussions of the fees that have been charged in cases in justice court and which to the auditors was a real revelation on the administration of justice, and many sighed for the fact that they had been working all these years when such a gold mine was right at hand, which apparently knew no limit.

On the resumption of the session of the court yesterday, State Deputy Law Enforcement Officer T. W. Carroll was placed on the stand to undergo a cross examination by A. L. Tidd of the defense. Mr. Carroll was shown the shield of Mr. Holmes which during the course of the trial was used several times by both the state and the defense. This was the first and only one issued to Holmes. The policy of the state bureau, Mr. Carroll stated, was to bring the men in and turn them over to the local authorities. Holmes had been an efficient man when with the state bureau. Men were supposed to receive no pay when out on county work.

On re-direct Carroll stated that it was the policy where state men had made arrests to turn all fees to the county in which the arrest occurred as they were paid on the per diem basis by the state. Holmes was acting purely under the direction of the county officers.

Justice William Weber identified certain warrants and checks that were offered by the state and on the warrants the return made by the defendant, Holmes, to the charge.

County Clerk Sayles testified that there was no record of the appointment of Holmes to any office in Cass county.

For the opening witness of the defense, Justice Weber was recalled and testified that all papers had been signed and prepared in the office of County Attorney Cole.

C. D. Quinton was called and testified that he had been sheriff of Cass county for the past years up to December 10. That he had in March, 1923, asked T. W. Carroll for assistance in enforcing the law in Cass county, that in August, 1923, Holmes, the defendant, and one man named Anderson, appeared. Sheriff had informed them of places to raid. Among these places was that of Alex. Eaton and Frank Bauer.

On cross examination, the sheriff stated he had personal knowledge of the arrest of the parties by Mr. Holmes, that court of Justice William Weber had been in the city hall a block from the court house. Eaton, one of the parties named in the indictment, had not been served with a warrant at Union but later in the office of County Attorney Cole. Bauer had also been at the court house when the warrant was served. In reply to question witness stated there was no reason why he could not serve the warrant. Holmes was allowed to serve warrants and papers. Sheriff had not received fees in any of the cases. Mr. Patrick of the state asked the question if the sheriff had served the warrants the fees would have to have been turned in to the county treasury to which the reply of yes was given by the sheriff.

The greater part of the afternoon was devoted to the testimony of F. A. Holmes, the defendant, and in which the state on the cross examination touched on the amounts charged on various warrants for attendance and mileage which in some of the cases used in the trial were very steep. Mr. Holmes, on taking the stand, stated that he had entered the law enforcement bureau in the spring of 1923, he had been given a badge in June, 1923. He had made

arrests and made out reports. A man named Anderson and himself had come to Cass county in September, 1923, and that defendant had been in the county for most of the time since that date. Witness stated that he had received telephone call from Union on the Eaton case, had watched the place for some two days before the arrest was made. Had telephoned for Bauer to come in. County Attorney Cole and Justice William Weber had told him to make the returns. Anderson had told Holmes he was his superior and had signed name of state sheriff.

On the cross examination there were many sharp conflicts in the statements of Mr. Holmes and those given earlier in the day by T. W. Carroll, the party who it was claimed, had sent Holmes here to help enforce the law. The witness acknowledged that he knew the state sheriff was not the proper title of the head of the law enforcement bureau. Witness stated he had told Carroll that he was making returns and collecting the fees which had been denied earlier in the day. Witness had compelled Eaton to come to Plattsmouth where warrants were served at the office of County Attorney Cole.

Afforded an opportunity of producing a large number of old warrants for the past few months, the state presented a great array of figures for attendances and mileage in the various cases that certainly to the audience made working for a living a mighty hard way of getting the money when there were easier ways.

DENIAL IS ISSUED BY TOM CARROLL

State Law Enforcement Officer Says Sheriff Badges Not Distributed Liberally Among Men.

Lincoln, Dec. 14.—Tom Carroll, state law enforcement officer, today indignantly denied reports that he has liberally distributed state deputy sheriff badges among evidence men in the employ of his office. The reports were inspired by the possession of a badge by Fred A. Holmes, found not guilty of usurpation yesterday by a Cass county jury.

"We have never given badges to more than two or three men," he said, "and then only to those who had worked for us some time and whom we knew. There has been no such thing as a wholesale distribution of badges."

No evidence man at the present time is in possession of a badge, he declared.

Commenting on the verdict of the jury that freed Holmes, Carroll said: "Holmes is a good, straight chap and a hard worker, and the only money he has obtained for his work in Cass county came from fees. It is my understanding that whatever he did was at the suggestion of the county attorney and he is innocent of intentional misbehavior."

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DEATH CALLS A WELL KNOWN CASS COUNTY WOMAN

Mrs. J. H. Meisinger Answers Last Summons at Home of Daughter Last Night at 6:30.

From Friday's Daily—

Last evening at 6:30 Mrs. J. H. Meisinger, one of the splendid women who have had a great part in the upbuilding of the community, was called to her last reward at the home of her daughter, Mrs. Louis Born, west of this city, where she has for the past few days been very critically ill.

Mrs. Meisinger has been in failing health for some years, being a sufferer from Bright's disease which has gradually led to a general breakdown of her health until death came to seal the story of her life. She has been residing at the old home farm near Cedar Creek with her son, Philip, and her son, Allie and family, and a short time ago desired to visit her daughter and while at the Born home was stricken down and found it impossible to be moved back to the old home.

Katherine Sall was born in Hessen-Darmstadt, Germany in 1847, and in the year 1867 she came to America with her parents, they settling near Pekin, Illinois, where in the following year, 1868, she was united in marriage to Mr. J. Henry Meisinger. After a few years spent in Illinois the young couple decided to seek their fortunes in the newer country of the middle west and came to Cass county, Nebraska, in 1875, settling in the locality where other of the relatives and old friends had made their homes. Here on the farm near Cedar Creek they spent the remainder of their lives and reared their family to manhood and womanhood and contributed their part to the development of the community in which they had cast their lot and by thrift and care were able to spend their declining years in comfort and surrounded by their loved ones. The husband and father passed away six years ago and since that time Mrs. Meisinger has made her home with her children at the home farm which her son, Allie, looked after.

To mourn her death there remain six sons and three daughters, Adam of Louisville, George L. of Manly; Philip of Cedar Creek; J. J. of Santa Ana, California; W. H. of Plattsmouth; A. F. of Cedar Creek; Mrs. Nettie Frederick of McLean, Nebraska; Mrs. Lizzie Born, and Mrs. Emma Meisinger of Cedar Creek. There are also twenty-one grand children, five great grand children.

The funeral services will be held Sunday afternoon at 2 o'clock at the Glendale church and the service will be in charge of Rev. H. O. Rhoads of the Eight Mile Grove Evangelical church. Interment will be at the Glendale cemetery beside the husband.

CALF TAKEN UP

One yearling calf taken up at my place on the Ray Smith farm, west of Plattsmouth that the owner may have by calling at the farm, proving property, paying for care and for this advertisement. d11-1wk d&w

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