

# The Plattsmouth Journal.

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NO. 22

## Jury in McMaken Case Brings in Verdict of 'Not Guilty' After Long Delay Waiting for Judge

Case Given to Jury for Deliberation at 6:30 Last Night and Verdict is Arrived At Before Midnight but Not Divulged.

### COURT OPENING IS HELD UP MORE THAN HOUR

Impatient Crowd Packs Courtroom to Hear Verdict Read—Judge Livingston Delayed in Arriving from Nebraska City—Applause Greets Verdict.

The final chapter in the dramatic incidents of early morning March 7th, when Douglas McCrary met his death from shotgun wounds at the hands of Joseph G. McMaken, was written at 11 o'clock Thursday morning upon the belated re-convening of court to hear the verdict that had been arrived at during the night by the jury of twelve men selected to hear the evidence in the case and pass judgment as to whether the act of McMaken was justified. A silence fell over the crowded court room as the verdict was called for, and it was not until a moment after the result of "Not Guilty" had been announced that a quite general round of applause was started, to be cut short by order of District Judge D. W. Livingston.

The crowd had been impatiently waiting since before 9:30, when court was called to re-convene, but did not do so until the later hour, due to non-arrival of the judge from his home in Nebraska City, whither he had gone last evening after the case had been given to the jury.

Instructions of the judge were to continue deliberation throughout the night if a verdict was not arrived at before that time, and at 12:30, when the jury went to lunch and later on to the hotel to go to bed, it was known that a verdict had been arrived at. The word was quickly passed and the court room was packed with spectators this morning.

From Wednesday's Daily

Opening speeches of the attorneys were made as soon as the impaneling of the jury and was followed by introduction of prosecution testimony.

The first witness called was Dr. L. S. Pucelik, who stated on direct examination that he was called to the Joseph G. McMaken home between 4 and 4:30 a. m., March 7th. He had been met at the front door of the house by Mr. McMaken and who had asked him in and then said, "See what you can do for him." McCrary lying on the floor of a bedroom that opened into the living room of the home. The body of McCrary was near the head of the bed and about two feet from the wall, about half of the body being in sight, the lower part being behind the head of the bed. The body was almost face down. There was no part of the body under the bed. The injured man was clothed in shirt, trousers and shoes, witness was not sure as to his having a vest on. He found on examination of McCrary that he was suffering from gunshot wounds, right knee and right side as well as a large wound in the left temple, but the man was still breathing in gasps as the witness had entered the room, but died some fifteen minutes later. In reply to questions of Mr. Cheney, witness stated that Mrs. McMaken was in hysterical condition and had said, "Please save him," she being at the time in the room with the husband and their small son, the latter two later going to the home of the parents of Mrs. McMaken at the request of Joe McMaken.

The defense objected to the introduction of statements made by Dr. Pucelik by McMaken on the grounds that his mental condition at the time was such that he was not accountable for any statements that he might make, but which was overruled. Witness had asked McMaken how he had come to do the shooting and he had said, "didn't know, had come home and found McCrary in the bedroom of my house and with my wife and I shot him." He said that he had known about the affair only a day or two. He had walked home, gone to basement and heard sound of talking in the main part of the house, one voice being that of a man, he had gone around the house and opened a window and made his way into the house. He had heard the regular breathing of two persons, he had gone to bedroom and persons had apparently woke up as there were whisperings, he had then turned on a light and the trouble occurred.

On cross-examination by Mr. Crawford witness stated that the wounds had been inflicted apparently some eight to ten feet away, especially that of the head.

Questioned by Mr. Crawford, Dr. Pucelik stated that he had served among other lines in his internship in that of the mental and nervous wards. Asked to tell of the condi-

tion of Mr. McMaken on the morning of the shooting of McCrary, Dr. Pucelik testified that McMaken showed by his actions that he was suffering under a severe physical as well as mental strain by his appearance, his eyes large and staring and nervous twitchings. The witness stated that McMaken was in this condition when he had made the statements as to the shooting. The defense at this time made a motion to have the statements of McMaken stricken, but which was overruled.

The witness and Mr. Cheney clashed in re-direct examination when it sought to have the witness relate a conversation that he had with Mr. Cheney and County Attorney W. G. Kieck at his office on March 14th. Witness was asked if he had not talked to the attorneys for the defense after this conversation. The witness denied that he had made the statement in the presence of Mr. Cheney that he had hoped the defendant would be acquitted.

Mr. Crawford on cross examination asked the witness what had transpired at the conference with the attorneys, witness stating that he had been asked as to what had occurred at the home on the morning of the shooting he had made no statement as to the innocence or guilt of the defendant.

Mr. Cheney asked the witness if he had not stated to him that the witness had been severely criticized by residents here for his testimony at the coroner's inquest. The attorney and witness indulged in a heated exchange in the attempt to bring out that he had expressed his opinion as to the innocence or guilt of the defendant.

In the interchange between the witness and Mr. Cheney a small demonstration was started that was halted by the stern command of Judge Livingston that the court room would be cleared and one party was ordered removed from the room for participating in the demonstration.

Roy Stewart, police officer called to the scene of the shooting was then called to the stand by the state to testify as to the conditions and conversations at the McMaken home. He stated that he had arrived at the home accompanied by George Rennie and had gone to the kitchen door and where he was admitted by Mr. McMaken, who said, "I've shot him." witness had asked who and the reply had been "Doug McCrary." The witness had gone on into the house to the bedroom where the body lay and found that it was on the floor near the bed partially on the right side. McCrary was gasping when the witness came to the room, he was dressed in shirt and trousers but witness did not recall whether he had shoes on or not. The overcoat of McCrary was lying on the foot of the bed with the right pocket on top.

Mr. Stewart in testifying as to the statement of Mr. McMaken stated

(Continued on page 6.)

## August Kaffenberger Ends Life with Rifle Shot

Body Discovered by Members of Family at Barn as Man Fails to Come to Breakfast.

August Kaffenberger, 44, prominent farmer residing ten miles west of this city on the Cedar Creek road, was discovered shot to death in the barn at the farm early this morning, the shot being self-inflicted.

Mr. Kaffenberger had risen as usual this morning and started to look after the chores on the farm, going to the barn, and shortly afterwards returned to the house where he had asked his wife to get his .22-rifle, stating that he was going to the barn to shoot a rat.

It was sometime later, when he failed to return to the house, that members of the family had gone to the barn and were horrified to find the husband and father dead.

The man had placed the muzzle of the rifle in his mouth and pulled the trigger, ending his life almost instantly and inflicting a ghastly wound.

No reason could be ascribed by the members of the family for the rash act and they have been severely shocked by the sudden tragedy that has come to them.

Mr. Kaffenberger was a son of the late Mr. and Mrs. Adam Kaffenberger, long time residents of this section of Cass county and was born and reared in the locality where he died. He was a man highly esteemed by all who had the opportunity of knowing him and the news of his death comes as a great shock to the friends over the county.

County Attorney W. G. Kieck this morning had not decided whether an inquest would be held, as the case was clearly one of suicide.

### FILES FOR COMMISSIONER

Carl A. Balfour, one of the prominent residents of the southern part of the county, was in the city Monday afternoon and made his filing as a candidate for county commissioner of the second district on the republican ticket at the August primary election.

Mr. Balfour is one of the well known farmers of Nehawka precinct where he has farmed for the past twenty-one years, altho his lifetime has been spent in that locality as he was born in northern Otoe county and has farmed there and near Nehawka all through the years. He has a good business experience and judgment that should stand him well in hand in the work of the commissioner's office. He is a son of William Balfour, 89, one of the few surviving civil war veterans in Cass county and who resides with the son on the farm near Nehawka.

### SUFFERS PAINFUL ACCIDENT

Mrs. Park Chriswiser, of Lincoln, suffered a very painful injury Sunday afternoon at the home of Mrs. Martha Chriswiser. The party had been at Nehawka to attend the funeral of Mrs. John Chriswiser, daughter-in-law of Mrs. Park Chriswiser and they had driven here to bring Mrs. Martha Chriswiser back to this city. In stepping backward from the auto Mrs. Park Chriswiser had missed her footing and fell backward, the back of her head striking on the curbing and it was thought that she might have sustained a skull fracture. It was found by examination that the wound was only a severe scalp wound but which will make necessary the patient remaining very quiet for the next several days.

### VISIT AT SHENANDOAH

Sunday morning Walter Heger and E. H. Wescott motored to Shenandoah, Iowa, where they were guests of Rev. and Mrs. Clifford Cecil. Rev. Cecil is the pastor of the First Christian church of Shenandoah, one of the largest churches of the city and which has a fine plant and a large congregation. The Plattsmouth friends attended the services and enjoyed very much the sermon delivered by their friend, Rev. Cecil.

### HAS MANY SERVICES

Rev. C. O. Troy, pastor of the First Methodist church has had a very busy schedule since Saturday afternoon, having been called upon to care for a great many funeral services.

Rev. Troy conducted the services of Mrs. R. C. Stewart on Saturday afternoon at the Horton funeral home, then on Sunday morning had the service for little Robert Dale Covert, at the home at 9 o'clock. The pastor then had the usual 10:30 morning service and sermon and then drove to Nehawka where he was in attendance and assisting in the funeral of Mrs. John Chriswiser.

## Wedding of a Well Known Young Couple

Miss Catherine Sedlak and Mr. Carl Alexen Wedded at Parsonage of Holy Rosary Church.

On Saturday afternoon at 5 o'clock at the parsonage of the Holy Rosary church on West Pearl street, occurred the wedding of two of the well known young people of this community, Miss Catherine Sedlak of this city and Mr. Carl Alexen of near Louisville.

The marriage lines were read by Father J. J. Kazmarek, pastor of the church and the nuptials witnessed by Miss Mildred Alexen, sister of the groom and Albert Sedlak, brother of the bride.

Following the wedding ceremony the members of the party were tendered a dinner and reception at 7 o'clock at the home of the bride's parents, Mr. and Mrs. Mike Sedlak where the members of the bridal party enjoyed a fine feast that had been arranged by the mother and sisters of the bride. The wedding dinner was featured by the beautiful wedding cake prepared by Mrs. Jarvis Slaton. In the serving Mrs. Sedlak was assisted by Mrs. Charles Fulton, Miss Florence Sedlak and Mrs. Jarvis Slaton.

The members of the jolly party, numbering some thirty-five, enjoyed the remainder of the evening in dancing and which continued until a late hour when the members of the party departed wishing the bride and groom many years of happiness and success.

The bride is a daughter of Mr. and Mrs. Michael Sedlak and was born and reared to womanhood in this city where she was educated in the city schools. A lady of much charm of personality she has a large circle of friends who will learn with pleasure of her new happiness.

The groom is a son of Mr. and Mrs. John Alexen of near Louisville, one of the well known families of that portion of the county and is numbered as one of the energetic young farmers of that section.

The young people will make their home on a farm near Louisville in the future and where their home is awaiting them.

### HAS TONSILS REMOVED

William Kreager, one of the leading farmers of west of Mynard, was operated on Saturday morning for the removal of his tonsils which have been giving him a great deal of trouble of late. The operation was performed here and the patient came through the ordeal in fine shape and it is expected will soon be able to resume his usual activities on the farm and be restored to his old time health.

### GOES TO HOSPITAL

Mrs. Frank Janda, Sr., who has been in very poor health for the past few years, was taken to Omaha Sunday where she was placed in the St. Catherine's hospital for treatment. Mrs. Janda is suffering from an attack of heart trouble that has made it necessary for her to be given treatment at the hospital.

From Monday's Daily  
County Commissioner E. B. Chapman of Union was in the city today to spend a few hours attending to some matters of business and visiting with his friends.

## Funeral of Mrs. Freese is Held at Home

Large Number of Old Friends Gathered at the Home to Pay Last Tribute to Long Resident.

From Tuesday's Daily  
The funeral services of Mrs. Eliza Freese were held this afternoon from her home at 1221 Avenue A. Rev. C. O. Troy, pastor of the Methodist church of which she was a life long member, officiated. His text was taken from the 2nd Epistle to Timothy 4-7.

"I have fought a good fight; I have finished my course; I have kept the faith."

He spoke many words of comfort to the children of the bereaved family and the sorrowing friends and neighbors. Mrs. E. H. Wescott sang very beautifully two of the loved hymns, "It Is Well with My Soul" and "We Are Going Down the Valley One by One."

Eliza Wynn was born in Gravesend, England, April 29, 1855 and was the eldest child of Eliza and Wm. Wynn. She came to Canada with her parents at the age of seven years, later coming to the United States. She was united in marriage to Wm. Freese in South Haven, Mich., April 3, 1873, later coming to Nebraska where she had since made her home. To this union was born four children: Mrs. Edna Copenhagen, Harlingen, Texas; Mrs. Mable York of this city; Bertha who passed away when a child and Charley Freese of Oxnard, California; and there was also an adopted daughter, Mrs. Violet Muller, Chicago Ill.

She was a kind and good neighbor, a lover of her home, a true friend to all who knew her, and a loving mother, always ready and willing to do the little things to help others.

Aside from her own family she cared for three other children, Mrs. Elizabeth Craig, Omaha; Mrs. Margaret Kline of Burlington, Iowa, and Mrs. Mary Harris of this city.

Beside the children who survive her are two sisters, one brother, six grandchildren and one great-grandchild.

She was borne to her last resting place by her nephews and a grandson, where she was laid to rest beside the husband in Oak Hill cemetery.

### W. C. T. U. MEETING

The W. C. T. U. met on Monday afternoon at the home of Mrs. E. C. Giles, a large number being in attendance at the meeting which was devoted to the young people's work of the union.

The devotional period was led by Mrs. C. C. Wescott, who had as her subject, "Our Task and Their Task," a very beautifully given scriptural opening of the meeting.

The musical portion of the afternoon was featured by a trio, piano, baritone and clarinet, Mrs. E. C. Giles and daughters, Lois and Eleanor, who gave the always delightful "Melody in F" by Rubinstein.

Miss Elizabeth Spangler gave as her portion of the program, "Our Challenge," which was written by Miss Eleanor Frantz, leader of the young people's work in New Jersey.

Mrs. W. L. Propst was heard in "U. S. Students in Paris Water Drinkers," in which was described the stand for temperance taken by the students there.

Mrs. George B. Mann had one of the chief talks of the afternoon, "Stand By," a splendidly prepared outline of the young people's work of the organization and its importance to the nation in the building of the future citizenship.

Mrs. J. E. Wiles gave an interesting article on "Childhood and Youth Menaced by Saloons."

Mrs. R. B. Hayes, president of the local union gave a review of the various lines of young people's activities.

After the serving of delicious refreshments the meeting was closed with the W. C. T. U. benediction.

Mr. and Mrs. Paul Grassman and Mr. and Mrs. William Mavis, all of Omaha, were here Sunday to spend a few hours with relatives in this city.

### NEW SUPERINTENDENT HERE

George W. Colvin has arrived here to serve as the superintendent of the work on the Missouri river here now under construction by the A. W. Farney Co. Mr. Colvin is an engineer of wide experience and has spent several years in South America where he was engineer for a number of large river projects as well as the building of caissons in the southern countries. Mr. Colvin will have charge of all of the details of the construction work from now on and assisting Mr. Farney in the completion of the large project.

## Woman's Club Gives Shower for the Boy Scouts

Large Number of Dishes Secured to Be Given to Camp Wheeler for Scout Use.

From Tuesday's Daily

Last evening at the home of Mrs. W. F. Evers on West Elm street, the members of the Plattsmouth Woman's club enjoyed a very fine gathering and one that was marked by a shower of china for Camp Wheeler, the Boy Scout camp south of this city on the W. D. Wheeler farm.

The ladies have set as a goal the supplying of the dishes and the members responded in fine manner last evening to provide a large number for the camp. These will be turned over to the Scouts when the full number have been secured and will provide a fine start on the equipment of the camp for overnight stays of the Scouts.

Miss Jessie Robertson gave a very interesting article on Arbor day, an article that covered the historic and pertinent facts as to Nebraska's own holiday which was created through the efforts of J. Sterling Morton of Nebraska City.

Mrs. Elbert Wiles was presented in two very beautiful flute solo numbers that were a much appreciated feature of the evening and enjoyed by all of the club ladies.

James Maury, Jr., was heard in two piano numbers which the young musician gave in a truly artistic manner.

At the close of the evening dainty refreshments were served by the hostesses, Mrs. Evers, Miss Frances Koebler, Miss Sue Simenton, Mrs. Phillip Hirt, Mrs. Annie Murray and Mrs. Phillip Hoffman.

### PLAN KORN KARNIVAL

While the annual Korn Festival is still some months away, yet the amount of planning necessary for an event as large and successful as it has been demands that many arrangements be made a long way in advance. With this thought in mind, a committee under the leadership of the chairman, Henry Soennichsen, met last night to formulate plans for raising funds for the Korn Festival. It was a very enthusiastic meeting and typical of the interest and enthusiasm shown by the whole Plattsmouth community in the Korn Festival. It was decided to stage a show for two nights on the evening of May 17-18. It was suggested that this show be made a community wide affair and that various organizations in Plattsmouth and the surrounding community be asked to stage an act. Such a plan will mean an evening of varied entertainment which will be very worth attending. This would not work a hardship on any individual or group as the work of the entertainment would be divided among a half dozen or more organizations.

The officers of these organizations will be interviewed today to inquire if their organization will participate and then another meeting will be held Thursday night at which time these organization will be represented and definite plans for the show will be made.

While our Korn Show has been operated very economically financially, and very successfully, yet it takes a certain amount of money to carry forward its activities and if a part of this can be raised through the presentation of a show thus far in advance, it will be of great help to the committee. The community has been so unanimous in its endorsement of the project that the success of the show seems certain.

## Plan for the Coming Kitten Ball Season

Large Number of Fans Meet at Legion Building to Plan for Season Opening.

From Wednesday's Daily

A large number of kittenball fans players and managers met at the Legion building last night to make plans for the coming season. Present prospects indicate that at least ten teams will enter and all who would like to play are urged to form teams. The game is for everyone who wants to play and it is not the intention of anyone connected with the affairs of the association to exclude any teams. The following have signified their intention to be represented: Eagles Lodge, Norfolk Packing Co., BREX, Red and White, Eagles, American Legion, Presbyterians, Methodists, Fire Dept., Mynard Community club and Wintersteen Hill. Two or more teams will make it possible to have two leagues as last year.

The following were elected as a board of control to have general charge of all arrangements: Judge A. H. Duxbury Dr. R. P. Westover, Carl J. Schneider, George F. Jenger, and Mr. Kerr.

Each team will be permitted a 15 man player limit and the official rules of the American Soft Ball Association will be used as well as the official ball and bat. An entrance fee of 50 cents per man will be charged which will amount to \$7.50 per team. This money will be used to purchase necessary equipment for the additional lights. The fans at the games will be asked to contribute voluntarily occasionally during the season as necessity demands.

It was decided that each team might use not more than two of the Red Sox players and that if a manager desires to release a player he may do so and the player may then join any other team. But if a manager does not consent to a release, the player is barred from participation on other teams playing in the association.

All managers or others interested in forming a team are urged to submit their entry fee and list to Chairman Duxbury by April 27th, and May 1st has been set for the opening day.

The new rules designate the game as Soft Ball instead of Kitten Ball and as such it will be known in the future. Both players and spectators derived a great deal of pleasure from the game last year and the coming season may be expected to prove of real entertainment to all. The association expects to regulate the playing time so that night games will stop at near ten o'clock as possible.

### ACHIEVEMENT PROGRAM

About 200 guests attended the Achievement program of the project clubs at the Christian church in Murray on Friday, April 6. This group consisted of leaders who meet at Murray each month and their club members and friends.

Mrs. Everett Spangler was in charge of the program. Group singing was led by Mrs. Vance Harris with accompaniment by Mrs. Will Minford. Greetings to the guests were given by Mrs. Everett Spangler. A piano solo was given by Mrs. Palm-tag of Sarpy county. Members of all the clubs took part in an interesting play, "A Ranch Frolic." Special numbers in the play were by Mrs. Asch, Mrs. Emma Nolting and Mrs. Era Albin. Readings were by Mrs. Hike and Mrs. Hallie Griffin. After the play, a talk by Miss Baldwin outlined plans for the next year's work. Mrs. Harry Nielsen gave a vocal solo, with accompaniment by Mrs. Emma Nolting. Mrs. Kuehn, county chairman, expressed her appreciation of the interest shown in the work and invited the guests to attend the County Achievement program in May. An original song by Mrs. S. Y. Smith was sung by the Social Circle club.

The meeting was closed with group singing led by Mrs. Harris. Refreshments were served and many fine exhibits were shown to the guests.

The Journal aims to print all the news and will appreciate your assistance to that end. Call No. 6.