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THH SLOCUMB STATUTE

Can An Informer Collect One-fourth of the Fine Collected for Spite Work?

TO BE DECIDED BY THE SUPREME COURT

Can an informer against a bootlegger or saloonkeeper who violates the Slocumb liquor law collect one-fourth of the fine recovered? asks the Lincoln News? That question, says the News, in which the prohibitionists of the state are greatly interested, has been raised in the case of J. A. Chapin vs Seward county, in which the plaintiff claims one-fourth of two fines paid into the school fund of the county by men who were prosecuted for the illegal sale of liquor. The case is now pending in the supreme court and today the attorneys for the claimant filed a brief in which they sustain his contention, notwithstanding the action of the district court in upholding a demurrer of the county to the petition. It is urged that the success of the claimant would give great impetus to prosecutions for the illegal sale of liquor.

Chapin, according to the brief filed in the case, took the initiative and was complaining witness in two prosecutions, one against Frank J. Schmehr and the other against Albert H. Brooke.

He filed a claim with the county for one-fourth of the money collected and paid into the school fund, but the county board disallowed them and on appeal the district court sustained the general demurrer of the county.

The provisions of the statute under which the suit is brought is known as section 23, chapter 50, of the compiled statutes of 1903. It is as follows:

"All fines and penalties recovered under the provisions of this act shall, when collected, be paid into the proper treasury for the use of the school fund, and the corporate authorities by whom such license was issued shall pay to the complaining witness in such action, out of the general fund of the county or city, an amount equal to one-fourth of the sum actually collected and paid over to the school fund as aforesaid."

Both of the men in Seward county case were arrested and fined for bootlegging. Schmehr paid $150 fine and Brooke $100.

It is contended by the attorneys for Chapin that it is the intention of the statute providing for rewarding the informer that the right to the money is based not on the question whether or not the offender had a license, but on any successful prosecution for violation of the Slocumb law which opens the way for a wide range of prosecutions on the evidence of complaining witnesses who have an interest in the fines. Against the general demurrer of the county, the attorneys for Chapin contend that it was not necessary that the persons fined be licensees caught in violating the statute in order to entitle him to the reward. They insist that it was a sweeping scope and includes bootleggers, as well as saloonkeepers who have a license.

There is no distinction in the statute, allege the attorneys, between bootleggers and licensed saloon men, notwithstanding the fact that the section providing for the reward refers to licenses. Taking the Slocumb law as an entirety, it is stated that there can be no question as to the intention of the legislature. They quote section 11, chapter 50, of the compiled statutes to substantiate the allegation.

That section, "after fixing the penalty for bootlegging, referring to the bootlegger, says: 'and shall be liable in all respects to the public and to individuals the same as he would have been had he given bonds and obtained license as herein provided.' In other words, the legislature never intended, and did not make any distinctiou between licensees and 'bootleggers.'"

The intent is plain, it is urged, and the courts are bound to place such a construction on a statute as will best attain the results sought by the legislature. The brief continues:

"What did the legislature mean by the enactment of the section? Unquestionably the law makers intended to aid in the suppression of violators of the liquor act by encouraging and rewarding those who, at the expense of their time, money and effect, should aid in the enforcement of the law. The legislature did not aim to encourage solely the prosecution of licensed offenders, but all offenders against the liquor laws. Why the express provision of the section, 'all fines and penalties recovered under the provisions of this act when collected and paid into the proper treasury for the use of the school fund,' if this was not the intention?"

It is not a penal statute and ought not to be strictly construed, it is argued. The phrase in the section providing for the reward of informers, "by whom such license was issued," is intended simply to identify the corporate authority which is to pay the one-fourth of the fine to the complaining witness and has no reference to the phrase, "all fines and penalties recovered under the provisions of this act."

In concluding the brief, attention is called to the importance of the case and the fact that the prohibitionists of the state are asking for a final determination of the question in the hope that they may avil themselves of the rewards offered to encourage the filing of complaints by informers. The interpretation contended for will make the work of coping with bootleggers much easier, and that is one of the chief objects of the prohibitionists who desire to absolutely exclude liquor from a community where they have induced the people to vote no-license.

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Wants $5,000.

This afternoon Mrs. Harriet M. Steele, through her attorney, J. C. Watson, began suit in the district court against the Missouri Pacific railway company for $5,000 damages for the death of her husband, which occurred at Weeping Water on June 6, 1905. It will be remembered that her husband was a watchman in the employ of the company, and had been at Weeping Water for some time, and it was while watching one train going out that another ran him down as he stood upon the crossing.—Nebraska City News.

Stolen From Buggy.

Misses Nannie Rouse and May Thomas had a brown cheffon hat and a green jacket lined with pink stolen from their buggy on Sixth street Thursday night. They had not been away from the buggy only about ten minutes, when they went back to go home and found them gone.

Take Kodol After Eating.

After a hearty meal a dose of Kodol Dyspepsia Cure will prevent an attack of indigestion. Kodol is a thorough digestant and a guaranteed cure for Indigestion, Dyspepsia, Gas on the Stomach, Weak Heart, Sour Risings, Bad Breath and all stomach troubles. Sold by F. G. Ericke & Co, Gering & Co.

A Little Mixed.

A young man not a thousand miles from Plattsmouth, went with his sister to a dry goods store in this city last week to purchase a pair of gloves for his sweetheart. The sister bought a pair of hose for herself. In wrapping the goods the clerk got them mixed. Now comes the joke, and the explosion also came when the sweetheart opened the package sent to her and found a pair of long black stockings. She of course blushed. Then she opened the note and read the following tender lines: "I am sending you a little present. Oh, how I wish that no other hands but mine would ever be permitted to touch them after you put them on. But, alas, a score of fellows may touch them when I am not by your side, and other eyes may see them when you are on the street or at parties. I bought the longest pair I could get, and if they are too long you may let them wrinkle down. A great many girls I know wear them slipped down a little. Always wear them at parties; I want to see how they fit when I call Tuesday night. You can clean them easily, dear, with benzine, if you leave them on till they dry. I hope they are not too small. Blow in them before you put them on."

Fiendish Suffering

is often caused by sores, ulcers and cancers, that eat away your skin. Wm. Bedell, of Flat Rock, Mich., says: "I have used Bucklen's Arnica Salve for Ulcers, Sores and cancers. It is the best healing dressing I ever found." Soothes and heals cuts, burns and scalds 25c at F. G. Fricke's drug store; guaranteed.

GRAND STAND COLLAPSED

Filled With People, But With the Exception of a Few Scratches, No One Injured.

A BIG CROWD AT LOUISVILLE

The Ball Game Between Louisville and the Plattsmouth Elks.

LOUISVILLE WINS BY A SCORE OF 12 TO 4

Quite a large crowd went from here to Louisville Thursday to take in the street fair and witness the ball game between the Elks of this city and the Louisville team.

When the game was called it seems that the grand stand was filled with people, and during the progress of the same, all of a sudden, and without even the cracking of a board to warn the occupants, it was lowered to the ground and the people fell all in a heap. It was indeed very fortunate that no one was seriously injured. Sheriff McBride and Deputy County Treasurer Frank Schlater were both occupants of the grand stand and both escaped without a scratch on their gerson, but the sheriff's vest was badly wrecked. With the exception of a few scratches all escaped without serious injury.

The ball game resulted in a victory for the Louisville boys by a score of 12 to 4. The Elks remained over to contest in another game today, and the Journal hopes they will have better luck. Sheriff McBride and Frank Schlater returned home last evening and report a large attendance at the carnival, and a very orderly crowd present.

Quite a Scare.

During the storm of Thursday evening of last week the family of Peter Keil, a well-known farmer living near Cedar Creek, had an experience which they will not soon forget. While attempting to reach the cyclone cave the wind literally lifted them from the ground, and it was only by crawling on their hands and knees that they were able to get into the cave at all. The roof of Mr. Keil's barn was partly torn off, his wheat stacks blown down and scattered in all directions.—Louisville Courier.

Women Husk Corn for Church.

The women of the Baptist church are certainly self-sacrificing, and are not above doing hard work to earn money for their church.

One day this week the women of the congregation needed some money to complete a church fund. They wanted to raise the money quickly, and so they went down to the canning factory in a body, and from the hour of 8 to 11 o'clock in the evening they were as busy as a whole hive of bees, husking corn.

As a result of their combined efforts they husked $6 worth of sweet corn. The money was turned over to the church fund.—Auburn Herald.

The Right Talk.

A raw boy without a dollar present or prospective, sparking a girl regularly and talking about marriage is a spectacle for gods and men. He should be reasoned with and if he will not quit it until he is able to support a wife and to know why he loves, and the difference between love and chicken pox, he should be quarantined or put in a convent erected for such cases. Nine-tenths of the unhappy marriages are the result of green human calves being allowed to run loose in the society pasture without yokes on them. They marry and have children before they have mustaches. They are proprietors of two pairs of pants, and the little girls they marry are old women before they are twenty.

Piano Contest.

The latest count of the votes in the piano contest resulted as follows:

Eagles' Lodge	278,085
Methodist Church	131,141
Helen Goos	82,016
Katholiky Sokol	78,410
Blanche Murray	59,917
Essie Buttery	21,201
Presbyterian Church	7,641
Zetta Brown	5,756
Ethel Saffer	3,803
Christian Church	1,263
A. O. U. W. Lodge	149

Given Up to Die.

B. Spiegel, 1204 N. Virginia St., Evansville, Ind., writes: "For over five years I was troubled with kidney and bladder affections which caused me much pain and worry. I lost flesh and was all run down, and a year ago had to abandon work entirely. I had three of the best physicians who did me no good and I was practically given up to die. Foley's Kidney Cure was recommended and the first bottle gave me great relief, and after taking the second bottle I was entirely cured."—F. T. Fricke & Co.

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