

# STATE SUPREME COURT AFFIRMS THE CASE OF STATE VS. BECKER

This is the Case in Which Becker Was Convicted of Receiving Wheat Stolen by Jack Crawford From the Bins of R. L. Propst and For Which He Was Sentenced to Penitentiary.

The case of the State vs. William Becker, which was tried in the district court of this county and appealed to the supreme court, the rulings of Judge Travis on the evidence have been sustained in the supreme court in every instance and the verdict and judgment of this court sustained.

This is the case in which Becker was convicted of receiving wheat stolen by Jack Crawford from the bins of R. L. Propst from the farm between this city and Louisville. One load of the wheat was found in Becker's bin and the balance of the missing crop was traced to Cedar Creek, where it was sold by Crawford, although delivered by him with Becker's team and wagon. The check drawn for the wheat was made payable to Becker. The following is the syllabus of the decision handed down by the supreme court:

Becker vs. State. Error, Cass. Affirmed. Sedgwick, J.

1. It must necessarily be left to the sound discretion of the trial court to determine under all of the circumstances of a particular case whether a continuance or delay of the trial is required in the interests of justice. The ruling of the trial court thereon will not be held prejudicially erroneous unless an abuse of discretion is clearly shown.

2. The defendant several months before the trial employed a firm of two attorneys for his defense, the junior of whom acted for him in the preliminary examination. At the time set for the trial the senior member of the firm, who was expected by both of the said attorneys to take charge of the defense, was engaged in the trial of a case in another court and was so prevented from being present at the trial. The court appointed an experienced attorney to aid the junior counsel in the defense and refused a continuance or further delay of the trial. Held, no abuse of discretion on the part of the trial court requiring a reversal of the judgment.

3. In a trial for receiving stolen property, after evidence is received tending to prove that the property described in the information was stolen at or about the time alleged, and that the defendant had received the same, it is competent to prove, as tending to show guilty knowledge, that a short time prior to that transaction the same person had stolen property of a similar character, which had been received by the defendant and afterward sold by the thief, and that the defendant had also received and cashed a check which had been delivered to the thief in payment for the same.

4. In such case, if the stolen property is sold by the thief, and a check payable to defendant is taken therefor, and the money paid to the defendant thereon, the check is competent in evidence as a part of the transaction tending to show knowledge on the part of the defendant that the property described in the information was stolen property when received by him.

5. It is not reversible error to receive in evidence endorsements on a check, not identified or explained, when the check itself is properly received, and the endorsements are of such a character as in no way to affect the parties to the suit or the subject matter of the controversy.

6. The words in an instruction: "The fact that he (the defendant) has not been contradicted by other witnesses, if he has" are not erroneous as implying that he has in fact been so contradicted.

7. It is not error to refuse an instruction containing the statement that "the law does not favor confessions." When confessions of suit by the defendant are properly admitted in evidence, it is generally for the jury to determine what force and effect shall be given such confessions under the circumstances of the case.

### John S. Hall Here.

John S. Hall, traveling salesman for the Standard Furnace and Supply company, Sunday at home, having come in from Silver Creek, Neb., where he sold three nice jobs Saturday against the red-hot competition which was on the ground ahead of him. Mr. Hall left this morning for Hart-

ington, Neb., where he will be this week. John S. is meeting with fine success with the goods of his house.

### White Plymouth Rock Eggs.

White Plymouth Rock eggs for sale at \$3.00 per hundred. Mrs. Geo. A. Kaffenberger, R. F. D. No. 2, Plattsmouth.

# CHEER UP AND GET A MOVE ON YOU

Laying of Pressed Brick Commenced and Will Be Rushed to Completion.

The bricklayers began laying the pressed brick on the Modern Woodmen building this afternoon. The work will be pushed right along as fast as the material arrives, and when completed will be one of the finest buildings in the city. The enterprise of the M. W. A. in securing so valuable a piece of property is to be commended. It will not only be a paying investment for the lodge, but removes a long-standing eyesore from one of the most frequented corners in town.

For thus lending impetus to the slogan, "See Plattsmouth Succeed," the M. W. A. will receive the appreciation of every property owner in the city. The hall will be on the second floor and waiting rooms for ladies as well as gentlemen will be provided and there will not be found in the state a hall with more and better conveniences than the M. W. A. hall of this city will have when completed.

A balcony to accommodate the orchestra, which will furnish music for the functions held in the hall, has been provided for and the building equipped in every particular with modern conveniences. The work on the structure has proceeded rapidly considering the great amount to be done. The finishing on the inside will be pushed right along and will be well along by the time the brick is laid.

### Take Examination.

From Saturday's Daily.

The following list of eighth grade pupils from the country schools took the examinations in the county superintendent's office Thursday and Friday of this week. Those who failed in four branches or less will be given a second hearing at some date in May. Those failing in more than four subjects will be required to take the eighth grade work again next year. Those from the Plattsmouth section are: Glenn Joy Barker, Rose M. Creamer, Martha Gapen, Elizabeth Hall, John Livingston, Fanstine Murray, William Parkening, Vera Propst, Raymond Koukal, Honor Seybert, Ethel Seybert, Mabel Rummel, Josephine Vallery, Howard Wiles, Elmer Wetenkamp, Lillian Adams, Herman Greeder, Fred Speck, Margaret Moore and Gussie Good. There are fourteen other points in the county where this examination is held, there being over 300 pupils to take this examination.

**FREE HOMESEEKERS' EXCURSION.**  
I have arranged to get a rate of \$30.60 round trip to Dermott, Arkansas, on the second day of May, where we have 15,000 acres of fine farm lands for sale. Those buying land while there will have their railroad fare returned. For further particulars apply to or write,  
T. L. Amick, Mynard, Neb.  
See the exhibit at J. L. Russell's Riley Hotel Bar.

**Fire Loss Paid Promptly.**  
William Ferguson, who had the misfortune to lose his barn by fire last Wednesday, was in the city Saturday afternoon and had in his possession a check covering his insurance, which was given him that day by Mr. Fussel of Nebraska City, agent of the Farmers' Mutual of Omaha, which had the policy on the barn. Mr. Ferguson at once took out a policy on his household goods in the same company. He is well pleased with the expeditious manner in which the company settled the loss and commends it very highly, as well as its gentlemanly agent, who treated Mr. Ferguson with every courtesy.

**Relay Brick Walk.**  
Faller & Thierolf are having the brick walk in front of their clothing store relaid, the same having settled somewhat uneven. This enterprising firm expects to keep their store and premises right in the front rank of neatness and style. J. H. McMaken is superintending the relaying, which means a No. 1 job will be the result.

**J. W. Amick in Town.**  
John W. Amick, one of the prosperous farmers of near Weeping Water, spent Sunday in this city, a guest of his brother, Dave, and other relatives. Mr. Amick has been one of the Journal's valued readers for a long time, and he dropped in and renewed his subscription while in the city.

**Col. J. H. Thrasher and Harry Smith,** the real estate brokers, were able to be on the street today, after a seizure of rheumatism, brought on by the recent rainy spell of weather.

**CASTORIA**  
For Infants and Children.  
The Kind You Have Always Bought  
Bears the Signature of *J. C. Watson*

### A TEXAS CATECHISM.

Question—Where is the state of Texas located?

Answer—On the south side of the American continent, between the rest of the United States, Rio Grande river and the Gulf of Mexico.

Q.—What is the size of Texas?

A.—Two hundred and forty-two times the size of Rhode Island.

Q.—What is the foundation of the marvelous prosperity of the entire state?

A.—The three C's.

Q.—What are they?

A.—Cotton, Corn and Climate.

Q.—Can this be expressed in other words?

A.—Yes. Artesian Wells, Oil and Cattle.

Q.—Why is Southern Texas famous?

A.—It contains San Antonio.

Q.—What is San Antonio?

A.—The climatic capital of the United States.

Q.—To what has it been likened?

A.—Paradise, Heaven, Eden and the Riviera.

Q.—What does it most resemble?

A.—It is a happy combination of all of them.

Q.—What is the population of San Antonio?

A.—100,000 Boosters.

Q.—What is a Booster?

A.—One who knows a good thing and wants others to come and share it.

Q.—Of whom does the population of the city consist?

A.—Mostly of the people from Iowa, together with a few former residents of other states and a sprinkling of native sons.

Q.—Into what two classes may the people of the United States be divided?

A.—Those who have already seen Southern Texas and those who intend to see it soon.

Q.—What are the eastern visitors called while visiting San Antonio?

A.—Tousists.

Q.—What is a tourist?

A.—A permanent resident in the bud.

Q.—What things may a tourist see growing in and around San Antonio that he does not see up north?

A.—Oranges, ostriches, lemons, woman's suffrage, bananas, cotton, alligators, pineapples, olives, missions, sardines, agueduts, lunas, bungalowows, abalones, loquates, casaba, melons, horned loads, submarine gardens, yuccas, encalypti-palms, pepper trees, poinsettias, Thanksgiving celery, Christmas strawberries and New Year's radishes and lettuce.

Q.—Does San Antonio believe in hiding its light under a bushel?

A.—It does not. In addition to showing the light it sets fire to the bushel and make a conflagration that attracts the attention of the whole world.

Q.—Has San Antonio any agents working for it in the north?

A.—Yes. Mr. Cyclone, Mr. Blizzard, Mr. Thunderstorm and the two Wave brothers, Messrs. Cold and Hot.

Q.—Are they successful?

A.—Highly so. They are sending thousands of people to San Antonio every year.

Q.—Are there any other large cities in Texas?

A.—Yes. Houston, Galveston, Dallas, Denison, Fort Worth and several others.

Q.—Are any of them going to be real cities?

A.—Yes.

Q.—Will any of them ever catch San Antonio?

A.—Not in a thousand years.

Q.—When is the best time to come to San Antonio?

A.—At once.

Q.—What is the only way to leave San Antonio?

A.—Temporarily.

Q.—When will San Antonio cease to exceed the speed limit in growing?


A.—When Gabriel blows his horn.

See W. E. Rosenerans and buy a lot in Los Angeles Heights Addition to San Antonio.

**J. W. Amick in Town.**

John W. Amick, one of the prosperous farmers of near Weeping Water, spent Sunday in this city, a guest of his brother, Dave, and other relatives. Mr. Amick has been one of the Journal's valued readers for a long time, and he dropped in and renewed his subscription while in the city.

Col. J. H. Thrasher and Harry Smith, the real estate brokers, were able to be on the street today, after a seizure of rheumatism, brought on by the recent rainy spell of weather.



The "Raglan" Gabardine (Illustrated) was designed not only to give service as a raincoat but also an outer garment for cold, chilly days. The military collar, Raglan shoulders, slanting slash pockets, make this garment "a happy thought for sunshine and showers". Moreover, the material is "proofed" by the "R+W" secret process, making a rainproof garment.

A varied stock including all the latest effects awaits your inspection.

\$6 to \$35  
**G. E. Wescott's Sons**

Designed by Rosenwald & Well, Chicago.



**WE endeavor to give you the best of everything for the money you spend. Therefore, in selling you STETSON hats we sell you the best hats made. The "Stetson" sets the styles for men's hats, which means, of course, that in selecting a "Stetson" hat now you are getting the latest Spring style.**

**Price \$3.50 to \$5**  
**G. E. Wescott's Sons**

**Splendid Program.**  
A good house greeted the Breckenridge Stock company last night at the Overland and it is safe to say that the majority were much pleased with the production of "Down Where the Cotton Blossoms Grow," a typical play of the days "befoh de wah." The story is a sweet one, with no exaggeration and is told simply and directly. Mr. Breckenridge as G. Whitaker, the Yankee lawyer; Miss Folsom as the Connecticut school ma'am, and Mr. Elsworth, as the guardian of the southern belles, were the "winners" with the house last night. Mr. Breckenridge essayed a comedy role that fits him much better than any he has tried before, and he received much applause from the spectators.

The Breckenridge people are ladies and gentlemen in every particular, they have won a place in the hearts of Nebraska City playgoers and we commend them to the good people of Plattsmouth, where they appear next week.—Nebraska City Press.

**Can It Be Possible?**  
The circus will be here Saturday, May 4, and so will George Snyder, Bob Black and Bob Propst. The memory of these gentlemen goes back to their old home in Virginia, when on circus day the neighbors would load the entire family into the wagon and some article of furniture, such as the cook stove, and go to the circus, if it did take the price of the cook stove to get them inside the tent. Mr. Snyder thinks it is possible that he and Mr. Propst may have to sell a cow, but they would sooner do it than to miss the circus. They've got to see that circus regardless of expense, and it was the talk last Saturday that if they couldn't raise the money any other way the best cow would have to go.

**Will Undergo Operation.**  
Mrs. H. S. Austin, accompanied by Mr. Austin, left this afternoon for Omaha, where Mrs. Austin will enter a hospital for the purpose of undergoing an operation for appendicitis. She will probably go to Immanuel hospital. Dr. Davis will perform the operation.

J. E. Meisinger drove in from his farm Saturday and took dinner with his parents, Mr. and Mrs. Conrad Meisinger, and did the week-end trading at the stores.

**CANDIDATES FILE EXPENSE ACCOUNTS**

It Will Cost the Successful Candidates More in the General Election.

The following named gentlemen have filed with the clerk of the county a list of their expenses in the recent primary election: J. J. Gustin, candidate for representative; A. G. Nolting, candidate for county commissioner; W. R. Bryan, candidate for county assessor, and Julius Pitz, candidate for county commissioner, all on the democratic ticket, were out only their filing fee of \$5 each. G. W. Olsen, candidate for representative, and W. B. Banning, candidate for the state senate, exceeded their filing fee by a small amount, Mr. Olsen's expense being \$8, while Mr. Banning's bill amounted to \$14.50, and of this amount \$6.50 was expended for printing, \$5 filing fee and \$1.50 each for traveling expense and hotel bills. Among the republican candidates filing accounts are: L. A. Tyson, for county assessor; C. H. Taylor, for county attorney, and O. C. Dovey for float representative, each expending the filing fee of \$5. William Weber, candidate for county commissioner, expended \$8.

**Will Also Run as Democrat.**  
C. H. Taylor, who filed as a candidate for county attorney on the republican ticket, received enough democratic votes in the recent primary to nominate him on the democratic ticket, and on the 23d inst. he filed his acceptance as a democrat.

William Starkjohn returned Saturday afternoon from the northwestern part of the state, where he had business matters which demanded his attention.

**NOTICE OF SUIT.**  
Corra L. Shay, Sarah M. Hess, Wallace Hess, Franklin W. Creamer, Ada May Creamer, John A. Wright, Ethel Wright, John Groff, Sr., Phoebe Groff, Charles J. Groff, Ira C. Groff, Mary A. Groff, Clara J. Groff and Helice E. Groff, defendants, will take notice that on the 24th day of April, 1912, Isaiah L. Creamer, plaintiff herein, filed his petition in the District Court of Cass County, Nebraska, against said defendants and others, the object and prayer of which are to determine the rights of all of said parties in and to the west half of the north east quarter of Section 13, Township 10, North, Range 9, East of the 6th P. M., in Cass County, Nebraska, and to partition the same according to the respective rights of the parties to said action and if the same cannot be equitably divided that said premises will be sold and the proceeds thereof be divided between the parties according to their respective rights.

You and each of you are required to answer said petition on or before the 3rd day of June, 1912.

Dated this 24th day of April, 1912.  
**ISAIAH L. CREAMER, Plaintiff.**  
By D. O. DWYER, His Attorney.

**NOTICE OF SALE.**  
Notice is hereby given that by virtue of a chattel mortgage, dated June 16th, 1911, and filed in the office of the County Clerk of Cass County, Nebraska, on the 30th day of June, 1911, and executed by Harry Mattie to Ben Dill, to secure the payment of the sum of \$600.00, and upon which there is now due the sum of \$390.70.

The said Harry Mattie, having abandoned the mortgaged property hereinafter described and thereby making default, and said mortgagee deeming himself insecure in the payment of said sum; that no suit or other proceedings at law having been instituted to recover said debt or any part thereof, I will sell the property therein described to-wit:

One Avery Engine, 16 horse-power; one Avery threshing separator No. 2756, with wind stacker and self-feeder complete, and one Avery water tank, at public auction at the house of Nick Friedrich, one mile south of Murray, in Cass County, Nebraska, on the 11th day of May, 1912, at 2 o'clock p. m. of said day.

Dated April 18th, 1912.  
**BEN DILL, Mortgagee.**

**NOTICE OF ADMINISTRATION.**  
To All Persons Whomsoever:  
Notice is hereby given that a petition has been filed in the County Court of Cass County, Nebraska, entitled In the Matter of the Estate of Thomas J. Fountain, Deceased, and alleging that said deceased died leaving no last will and testament and praying for administration upon his estate.

A hearing will be had upon said petition on the 13th day of May, 1912, at the County Court Room at Plattsmouth, Nebraska, at 10 o'clock A. M., when any and all objections to such petition will be heard and a letter of administration be granted to Isabelle A. McGinness or some other suitable person to proceed to the settlement of said estate.

Witness my hand and the seal of said Court at Plattsmouth, Nebraska, this 24th day of April, 1912.

(Seal) **ALLEN J. BEESON,**  
County Judge.

D. O. DWYER, Attorney for Estate.



**ANY man or young man (SPECIAL EMPHASIS ON THE LATTER,) needs the advantage of good clothes; well fitting; well made; correct in style; all wool; and one other important thing—neat in pattern.**

We'll show you clothes that will make you worth more to yourself.

They're here all ready for you to wear. A great variety. Priced from \$15.00 to \$30.00.

Copyright 1912, Alfred Dicker & Co. Inc.

**Faller & Thierolf**  
MAKING GIVING CLOTHIERS

Manhattan Shirts Stetson Hats