

# The Plattsmouth Journal

## PROMINENT BANKER SUFFERS BROKEN LEG

H. N. Dovey of First National Bank Sustains Severe Injuries in an Auto Accident Yesterday

From Monday's Daily.  
When the car in which he was riding skidded into a small ditch along the road a short distance from the Platte river bridge, Horatio N. Dovey, president of the First National bank, sustained a serious fracture of the left leg, some two inches above the knee and also had a severe cut on the right leg and on the side of his face and when picked up after the accident was in a semi-unconscious condition.

The details of the accident are somewhat at variance as to just how the victim of the accident came to sustain his injuries altho on other points there is little doubt of the events that led up to the accident.

Mr. Dovey in company with H. E. Weldman, who was driving the car, John Hatt and son, Jack, B. A. McElwain and Parmele Dovey, the small son of George O. Dovey, had started to Omaha in the auto of Mr. Dovey to attend the baseball game there between the Plattsmouth and Omaha, Burlington league teams and after striking the road north of this city had been going at a very good rate of speed to keep ahead of a Ford car that was following and which seemed desirous of passing them. As they drew near the Platte river auto and wagon bridge there was another car coming from the north and Mr. Dovey requested Mr. Weldman to turn out for it which he did and the car ran into some loose, soft dirt along the road which caused it to tip to one side. It was at this time that the accident occurred as Mr. Dovey stated after the accident that he had fallen from the car and was apparently struck by the fender and knocked down and the running board of the car passing over him caused the fracture of the left leg.

Others of the party were of the opinion that Mr. Dovey had jumped from the car and as he fell Mr. Weldman grabbed for him and lost temporary control of the car which skidded partially sideward over the lower portion of the body of Mr. Dovey before it could be controlled.

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This morning, the reports from the hospital were that he was feeling in the best of shape and bearing with fortitude his enforced idleness as the result of his injury and that there was no reason why he should not have a speedy recovery from the injury and this proved very pleasing to the host of friends of Mr. Dovey over this section of Cass county.

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## CARS HAVE SMASH UP

From Monday's Daily.  
Yesterday afternoon, following the rain, between 3:30 and 4 o'clock an auto collision occurred on Pearl street when the car of Peter Rauon of Omaha crashed into the car of Edgar Meisinger, which was parked near the George Hill residence, and did more or less damage to the car of Mr. Meisinger. At the time of the accident, Mr. Rauon was hurrying to get home before another down-pour and the road being slippery he crashed into the rear of the Meisinger car. The back fender and hub cap were damaged as the result of the meeting of the cars.

## ENTERTAINS FOR IOWA RELATIVES

Mrs. F. R. Gobelman Has Number of Relatives From Sidney, Ia., to Spend Sunday Here.

The pleasant home of Mr. and Mrs. Frank R. Gobelman was the scene of a most delightful gathering Sunday when Mrs. Gobelman entertained some twenty-four of her cousins and uncles and aunts from Sidney, Ia., at luncheon and the occasion was one that will be a very pleasant recollection to all of the party for a long time.

The members of the party are all talented musicians and gave an afternoon of music with Mr. Ivan Hiatt, Misses Mary and Mable Hiatt playing the violin, Miss Bertha Hiatt at the piano and Miss Marjorie Hiatt on the drums and Miss Gladys James and Marjette Hiatt, who are both talented musicians, gave several selections. The rooms of the Gobelman home were very tastefully arranged with decorations of pink roses and this color scheme was carried out in the table decorations, roses and the pink place cards furnishing a pleasing note of the decorative plan of the occasion. In serving the dainty two-course luncheon, Mrs. Gobelman was assisted by her cousin, Mrs. A. D. Caldwell.

Those attending the pleasant family gathering were: Misses Bertha, Frances, Mable, Ruby, Mary, Velma, Ruth, Marjette, Lovey Hiatt, Ivan and Edwin Hiatt, Gladys and Hershah James, Messrs. and Mesdames F. E. James and Fred Hiatt, all of Sidney, Iowa, and Dr. and Mrs. A. D. Caldwell and family of this city.

The visitors motored home last evening at 6 o'clock, following the rain storm.

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## JURY FREES HERB COTTON OF CHARGES

CASE GIVEN TO JURY SHORTLY AFTER 5 O'CLOCK; VERDICT REACHED QUICK.

From Tuesday's Daily.

Yesterday afternoon shortly before 3 o'clock the jury for the trial of the case of the State of Nebraska vs. Herbert H. Cotton, charged with the shooting with intent to kill of Thomas Rabb, was selected, and the case that has been hanging fire since November 15th, was started to grind. The jury picked comes from among the leading residents of the county outside of Plattsmouth and consists of C. G. Bailey, S. C. Boyles, Ben Dill, John D. Bramblett, Winfield Swan, J. C. Dreameer, H. H. Gerbling, J. H. Foreman, E. F. Marshall, A. H. Bornemeier, John McKay and James Pollard. After the completion of the jury, the opening statements were made to the jury by the attorneys for the state and defense and the case then placed on trial.

The state presented as its chief witness Thomas Rabb, the young man whom Cotton is charged with having shot, and his father, Andrew Rabb, Sr., who was the companion of his son on the night of November 15, 1922, when the shooting affair occurred on Washington avenue near the home of H. S. Wilcox located between 9th and 10th streets.

There were no new facts brought out in the main trial as far as the state's witnesses were concerned, the testimony being practically that of the preliminary hearing of the case. Mr. Rabb detailed the story of his passing Mr. Cotton on the sidewalk near the Wilcox place and of accidentally brushing against him and of the fact of Cotton shooting at him and the bullet striking him in the shoulder and how he had stood for a moment and as the second shot was fired had started to run or walk eastward along the sidewalk until reaching 9th street, when he had been overcome by the shock of the shooting.

Andrew Rabb, Sr. testified to the facts as related by his son as being the incidents that preceded and followed the shooting, but on cross examination grew somewhat confused as to the facts of the shooting as in answering Mr. Wright of the defense, he stated he was behind one of the trees that stand along the walk.

The testimony of Louis Sedlak and Joe Pries, the two boys who were sitting along the walk at Washington avenue and 9th street, testified to bear out the story of the shooting and Mr. Sedlak especially made a very frank and effective witness for the state as to the manner in which the shots were fired, their number and also the time that Mr. Rabb, a very short man, testified to being on the walk where they were sitting and whom they had later helped to carry into the residence of Dr. O. Sandlin.

Dr. R. P. Westover gave his testimony as to the nature of the wound and the condition of the young Rabb when he attended him.

The trial was the first opportunity of hearing the defense fully presented, as there had been little testimony offered at the preliminary hearing before Justice Weber.

J. T. Liston, Missouri Pacific passenger agent, testified to the fact that he had been coming down town from his home on Elm street, a short distance from the M. P. station and that he had been passed by the two Rabbs who were also walking eastward. He had later heard the sounds of shots fired about a block or half ahead of him and saw the flashes from revolvers. He thought that the first shot had been fired from a different gun than that of the two succeeding ones, but was not positive of this fact. He also thought that the last two flashes of the shooting had come from the south side of the sidewalk instead of the north.

Robert Hayes, general foreman of the Burlington shops was called to the stand to show the feeling that it was alleged prevailed among the men as the result of conditions arising from the strike of the union shop-crafts. He detailed a number of incidents of the men at work in the shops being very much wrought up over the manner in which they had been treated on the streets and also of the fact that Mr. Cotton had come to him some time before the shooting and asked his opinion as to what to do to protect himself. Witness stated that he had told Mr. Cotton he would not advise him, but that he would in a similar case, take care of himself. He also stated that workmen had returned to the shops at different times with bruises and marks on them from assaults which they had claimed had been received outside of the shops. He also told of the men entering and leaving the shops being watched by pickets and of some pickets carrying clubs. On cross examination, Mr. Hayes stated that no one had threatened or molested him in any way during the period from July 1st to November 15th, when the shooting occurred. He also stated that he did not see any assaults committed himself and that he did not know whether conditions were worse

at other points along the railroad than were at the time of the shooting. Special Agent Crofton of the Burlington was also on the stand to testify as to conditions prevailing in this city which might cause a great fear of personal violence such as was alleged to have been held by Mr. Cotton toward the shooting. Mr. Crofton told of recommending the sending of more guards to this city at the time of his visit in November, as he considered there was a bad unbecoming feeling over the strike. On cross examination he gave the statement of several men congregating in a park near the shops, but saw and heard no threats of violence at that time.

C. S. Johnson, yardmaster of the Burlington, testified to the fact that members of the crowds around the passenger station had followed trains and that Mr. Robertson had been one time when an employe of the Burlington was leaving who had been engaged in taking pictures of pickets on duty near the shops. On cross examination Mr. Johnson stated he had not seen any violence personally. Mr. Robertson testified to the defense and gave the details of the fight on Third street the day prior to the shooting of Rabb and in which a man named Dudley, an employe in the shops, had received very severe injuries by being struck over the head with a large hook or piece of iron and which had severely injured his eye. Witness stated that Tom Rabb had struck the blow on Dudley. Fred Bell had also been in the fight at the same time. When Dudley fell he was struck and kicked several times the witness stated. Mr. Evans stated he was crossing from the Perkins hotel to Third street, when the fight occurred and he had gone on up to the scene. He stated that he had seen Dudley being struck by Rabb and that he had been coming along some distance behind Max Pries and had seen Dudley struck by Rabb. He could not say whether Rabb had anything in his hand at the time. He identified Rabb as the man striking Dudley in several statements relating to the shooting and in answering Mr. Wright of the defense, he stated he was behind one of the trees that stand along the walk.

The testimony of Louis Sedlak and Joe Pries, the two boys who were sitting along the walk at Washington avenue and 9th street, testified to bear out the story of the shooting and Mr. Sedlak especially made a very frank and effective witness for the state as to the manner in which the shots were fired, their number and also the time that Mr. Rabb, a very short man, testified to being on the walk where they were sitting and whom they had later helped to carry into the residence of Dr. O. Sandlin.

Dr. R. P. Westover gave his testimony as to the nature of the wound and the condition of the young Rabb when he attended him.

The defense of Mr. Cotton, which was in charge of William A. Robertson, Fred Wright and H. H. Kuppinger of Omaha, was conducted in a masterly manner and the representatives of the defendant presented one of the best defenses that has been heard in the court for years, leaving no part of the theory of the defense—that of self defense in firing the shot at Rabb—open to the state to break down and in the course of the trial the attorneys for the defense had skillfully presented their case part by part that built up to the plea of fear on the part of the defendant for his life and caused him to shoot in self defense.

The arguments in the case were made in the late afternoon, Attorney A. L. Tidd opening for the state in which he denied the charges of conditions being unsafe here for the men working in the railroad shops and alleging that the conditions if hostile had been caused by the presence of guards of the railroad company. Mr. Robertson presented the opening argument for the defense and made one of the best presentations of a case that is to be heard in any court room and brought clearly and in a very practical manner all of the points of the defense. Mr. Wright in his statements stressed the claims of the defense that conditions that had led to a number of disorders had caused an intense fear on the part of Mr. Cotton for his own and his family's safety and led him to prepare to defend himself against the foe that had come in the dark to destroy his property and paint the death sign on his home. County Attorney A. G. Cole closed for the state and urged the jury to consider only the fact that the law of the state had been violated in the shooting of a citizen and to wave aside the appeals to the sentimental in making their verdict.

The decision of the jury followed closely on the reading of the instructions by Judge Begley, the members of the jury retiring and electing their foreman and reporting back almost immediately with the verdict that sent Mr. Cotton home from the court house freed from the charges and with his wife and children to rejoice in his acquittal.

On the night of the shooting, Mr. Cotton stated he had left the Burlington shops at 6 o'clock to go home and had stopped at the Wescott clothing store to purchase a pair of trousers and also some overalls and had then come on out Washington avenue to his home. It was very dark at this time, Mr. Cotton testified, and he had a flashlight in his hand. Light along places where there were trees or bushes as he stated he feared someone would come out and hit him while he was not on the alert.

He described the scene where the shooting took place as being dark in the near future, as announced south side of the walk and also of the fact that on the north side the ground was comparatively smooth. Witness stated he had bundle under his left arm and carried flashlight and dinner bucket in his left hand. He had then continued to walk along the Mackinaw that he was wearing at the time. He had seen two men approaching sixty or seventy feet away and thought that they were Rabbs or Pries, he stated, not being sure of which in the light that struck them until they were close. He stated that the room possible on the walk, but did not remember whether he had one foot on the walk or not as they passed.

He stated that Tom Rabb had lunged at him and with his shoulder had partially knocked him off his feet and that he had then continued to step backward until some distance away and had heard two shots fired later from the direction in which the Rabbs were standing, but he did not know which of the men, if either, fired the shots. He claimed to have heard the bullets whistle past him.

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On the cross examination, Mr. Cotton stated he had gone to work in the shops August 14th. The sheriff had visited his place four days after the cutting of the tires on his car, but that he had no direct knowledge to give the sheriff of who had done the work and the clues found had proven fruitless. When asked whether he had stepped clear off the walk, witness stated he did not remember, but felt he should not have to give all of the walk. He did not see any weapon in the hands of Tom Rabb at the time of the shooting.

Mrs. Cotton closed the morning session with testimony bearing out that given by her husband as to the incidents at the home before and at the time of the shooting relative to the condition of Mr. Cotton from worry over the threats alleged to have been made.

From Wednesday's Daily.  
Last evening after the case of the State of Nebraska vs. Herbert H. Cotton, had been given to the jury in the district court, it returned, in twenty minutes, a verdict freeing Mr. Cotton from all blame for the crime which he had been charged with—that of shooting to kill Thomas Rabb.

Another pleasant musical treat is in store for the Plattsmouth public in the near future, as announced has been made of the forthcoming presentation under the auspices of Fontenelle chapter, Daughters of the American Revolution, of a home talent ladies' minstrel musical comedy at the Parmele theatre on June 13th and 14th.

The rehearsals have been started, with Mr. and Mrs. Payden directing, and promises to be one of the biggest events of its kind ever offered here. There are seventy-five in the cast and they are all working hard on the production.

A member of the Journal force returned last evening from a few days' visit in the northeastern part of the state, where we found corn in the vicinity of Norfolk, Plainview and Creighton showing as good or better growth as in this section of the state, and small grain also doing well.

You will find nearly every magazine published on sale at the Journal office.

From Tuesday's Daily.  
Yesterday afternoon the flower mission of the W. C. T. U. was held at the parlors of the Methodist church, the meeting, on account of illness in the family, being transferred from the home of Mrs. J. F. Gorder and in honor of the occasion a large number were in attendance. A very interesting program was prepared by Mrs. J. F. Gorder, leader, and which consisted of readings and musical selections. Misses Catherine Terryberry and Elizabeth Hatt gave pleasing piano solos, and readings were given by a number of the ladies. Mrs. Gorder giving a reading, "Mary, Martha and Lazarus." Mrs. George A. Dodge in her usual pleasing manner read a paper on the life of Jennie Cassidy, the originator of flower day, and Miss Olive Gass gave a very interesting account of the life of Frances E. Willard. Mrs. Canfield gave a very appropriate selection, "Beautiful Flower." Mrs. J. E. Wiles a reading, "Daddy's Easter Basket" and Miss Elizabeth Spangler a very beautiful poem. Among the musical numbers given was a saxophone duet by Harlan and Frederick Gorder, who were accompanied by their mother at the piano.

The ladies at an appropriate hour enjoyed very dainty and delicious refreshments served by Mrs. Gorder and Mrs. John V. Hatt, assistant hostess. The members of the mission presented the Journal office with a very handsome bouquet of flowers which were very much appreciated.

ENJOYING VISIT HERE  
Mrs. R. F. Patterson and family are enjoying a very pleasant visit from Captain and Mrs. Floyd Harding, the latter being formerly Miss Edith Dovey, and the visit here is enjoyed to the utmost by the father of Mrs. Harding, George E. Dovey, as well as the other relatives. Captain and Mrs. Harding and little daughter, Peggy, have been stationed at Camp Benning, Georgia, and will spend the summer here as Captain Harding is to attend the training school of the C. M. T. C. at Fort Snelling, Minn., as instructor and Mrs. Harding and little daughter will remain here. Captain Harding in the fall will locate at Lincoln where he will act as an instructor in the R. O. T. C. at the state university.

BABY SWALLOWS NAIL  
From Tuesday's Daily.  
This morning, Dr. P. J. Flynn in company with Mr. and Mrs. Arthur Blunt, departed for Omaha where they took the little son of Mr. and Mrs. Blunt, who a few days ago swallowed a nail and has since been suffering more or less from the fact that the nail was lodged in the organs of the little boy. He will be taken to the hospital and an operation performed to remove the offending nail.

W. C. T. U. LADIES HAVE A PLEASANT TIME YESTERDAY

Flower Mission Held at Methodist Church Parlors Yesterday and Quite Largely Attended.

From Tuesday's Daily.  
Yesterday afternoon the flower mission of the W. C. T. U. was held at the parlors of the Methodist church, the meeting, on account of illness in the family, being transferred from the home of Mrs. J. F. Gorder and in honor of the occasion a large number were in attendance. A very interesting program was prepared by Mrs. J. F. Gorder, leader, and which consisted of readings and musical selections. Misses Catherine Terryberry and Elizabeth Hatt gave pleasing piano solos, and readings were given by a number of the ladies. Mrs. Gorder giving a reading, "Mary, Martha and Lazarus." Mrs. George A. Dodge in her usual pleasing manner read a paper on the life of Jennie Cassidy, the originator of flower day, and Miss Olive Gass gave a very interesting account of the life of Frances E. Willard. Mrs. Canfield gave a very appropriate selection, "Beautiful Flower." Mrs. J. E. Wiles a reading, "Daddy's Easter Basket" and Miss Elizabeth Spangler a very beautiful poem. Among the musical numbers given was a saxophone duet by Harlan and Frederick Gorder, who were accompanied by their mother at the piano.

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WILL GIVE MINSTREL  
Another pleasant musical treat is in store for the Plattsmouth public in the near future, as announced has been made of the forthcoming presentation under the auspices of Fontenelle chapter, Daughters of the American Revolution, of a home talent ladies' minstrel musical comedy at the Parmele theatre on June 13th and 14th.

The rehearsals have been started, with Mr. and Mrs. Payden directing, and promises to be one of the biggest events of its kind ever offered here. There are seventy-five in the cast and they are all working hard on the production.

CORN LOOKS GOOD THERE  
A member of the Journal force returned last evening from a few days' visit in the northeastern part of the state, where we found corn in the vicinity of Norfolk, Plainview and Creighton showing as good or better growth as in this section of the state, and small grain also doing well.

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