

LOOK AT THESE BIG PICTURES to be shown at—

The Parmele

Friday and Saturday!

Ken Maynard

—in—

"The Phantom City"

Shivers mingle with thrills—critics say this is the biggest thriller of Ken's entire career. When "Ken" is not riding "hell-bent"—he is thousands of feet in the air—fighting for his life and a woman's honor.

Sunday and Monday!

Colleen Moore

—in—

"Why Be Good!"

You will love Colleen in this care-free—wholesome picture. Watch for circulars giving more details of this big special attraction—featuring Film-land's most lovable star.

—Next Week—

Tuesday and Wednesday—Gene Stratton Porter's Immortal Book

"Freckles!"

You fell in love with "Freckles"—and other beautiful characters in the book. Now see this wonderful picture.

—Thursday—

Companionate Marriage!

The picture that has made the entire world open its eyes—and—set up and take notice.

Friday and Saturday!

LAST 2 DAYS OF FESTIVAL

"Uncle Tom's Cabin!"

No change in prices—Children, 10c—

Entire Family for 50c

State Argues for Assessing of State Banks

Attorney General C. A. Sorensen Files Brief in Support of Guaranty Law

A three hundred page brief setting out twenty-two assignments of error, together with thirteen disputed points of law and detailed arguments relative to them, was filed with the Supreme court Saturday by Attorney General C. A. Sorensen in the Able State bank suit.

The Able bank was joined by 558 other state banks in securing an injunction against the state trade and commerce department to prevent the collection of special guaranty fund assessments. Following District Judge Lincoln Frost's decision granting the injunction, the state appealed to the Supreme court.

Upon the outcome of the suit in the Supreme court hinges, to a great extent, the future state banking program and the repayment of lost funds to depositors in failed state banks.

This unusually large brief, which was prepared by the attorney general and his special assistant, C. B. Abbott of Fremont, sets out the state's theory in support of the special assessments.

Among the points set out in the District court's decision to which the state is taking exception are the following:

That the banks are entitled to receive compensatory returns upon their investment prior to the payment of any special assessment.

That the special assessments are unjust, oppressive, unreasonable and confiscatory.

It is further objected that the decision of the District court deprives those depositors having claims against the guaranty fund of their property without compensation by preventing them from sharing in the proceeds of the special assessment in question and those in the future.

Laws For Depositors.

Some of the propositions of law set out in the brief on which it is hoped the Supreme court will base its decision are as follows:

The depositors' guaranty fund law was not enacted primarily for the welfare of the banks but specifically for the protection of depositors in state banks.

The assessments for the benefit of the guaranty fund are not an involuntary taking of the property of the banks but constitute a charge and contribution, the payment of which is a condition precedent for commencing and continuing to do business as a state bank, and which at any time can be avoided by going out of the banking business; in order to engage in the banking business the banking corporation must get a charter and keep it the bank had to comply with the conditions made part of the charter by the state for the safety and protection of the public.

Where a guaranty fund law is enacted, adjudicated to be constitutional and a valid exercise of the police power, remains in operation for twenty years while the banks and the public receive benefits from it and depositors acquire matured claims under it against the fund, if authority exists at all to divest these depositors of their rights and to relieve banks from an assessment made on the grounds of public need or welfare, it lies wholly with the legislature.

Conditions Not Effective.

That economic or business conditions cannot render a lawful assessment unconstitutional.

That banks which are making fair profits are not entitled to be relieved of their responsibilities to depositors because a hardship is being imposed on other banks.

That the rule in rate and taxation cases is not applicable to this case, since the guaranty fund law is not a revenue or rate making measure but one passed under the state's police power to stabilize banking conditions generally.

That the banks have waived their rights to bring this suit by having operated voluntarily and without protest under the law, and by inducing deposits on the strength of alleged guaranty fund protection.

The brief then launches into an extended discussion of the evidence presented in the trial and the condition of the banks and the effect of the assessment law on that condition. It is pointed out that no evidence was presented to show that the guaranty fund ever caused or contributed to the failure of any particular bank, while on the other hand it is asserted that while the law has been operative the banks have made good profits.

Interest Widespread.

The concluding appeal to the court is as follows: "The eyes of thousands of depositors in failed banks are riveted on this suit. It should not, of course, influence the court unduly, but the fact remains that if the banks are relieved of their obligation to pay the guaranty fund assessments for the benefit of these depositors there will follow a harvest of distressed hopes of children for education, cheerless and poverty-stricken old age for many, premature deaths from lack of medical care, and worry and untold hardship for thousands."

The evidence is overwhelming that a large percentage of these depositors were led to believe and did believe that the state of Nebraska was back of the guaranty fund. This was true in a very limited sense, but no one representing the state so informed the depositors.

"The state is under great moral obligation to the depositors. The foundation of a government is the

No Insurance!

After the fire, the burglary, or the auto accident—words "No Insurance" have a sorry sound.

THEY are usually a frank admission of lack of foresight. Remember that regrets are unsatisfactory substitutes for sound insurance policies.

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confidence of the people in that government. As attorney general, representing this state, we are especially anxious that those who trusted implicitly although ignorantly in the power and willingness of the state to protect them shall not be fated to have their trust displaced by grief, bewilderment and despair."

Press Investigation Into Shafer's Death

Box Butte Authorities Are Apparently Not Satisfied with Theory He Committed Suicide

Alliance, Neb., Aug. 26.—Deputy State Sheriff Clarke and Box Butte county authorities were pressing their investigation Monday night into the fatal shooting on Saturday night of Elvere Shafer, twenty-two year old farm hand, whose body was found lying beside his auto on a side road one mile east of here. A revolver belonging to Shafer was found beside the body.

A coroner's jury returned a sealed verdict following an inquest that occupied nearly the entire day. That authorities were not satisfied with the information gathered thus far was evidenced by their renewed activity late Monday.

Cushions in Shafer's sedan were bloodsoaked and the doors of the car were closed. The headlights were burning when the tragedy was discovered by Mrs. Anita Lewis, Miss Margaret Hopkins and Nick Hoffman, who were out riding.

These three people said they saw two autos standing in the road, with Shafer's car to one side of the highway. They declared they saw a man wearing a white shirt run from behind Shafer's car, get in the other machine and drive speedily away. They were unable to observe the license number or get a good description of the car. On this information officials have strengthened their theory that Shafer was murdered.

Donald Shafer, nineteen, a brother, said Elvere had talked of killing himself and had spells of despondency. The brothers had been working on ranches here and had planned to leave Sunday for Kearney, where Elvere's wife lives.

Ralph Dewester, who worked on the same ranch with Elvere, said the youth was deeply infatuated with an Alliance girl. Dewester said he last saw Shafer Saturday and remarked, "I'll see you tomorrow." Shafer replied, "You might see me, but I won't see you," according to Dewester.—State Journal.

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Thomas Walling Company

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Birthday of Frank Leachman Last Sunday

Brother Gets Dinner of Pancakes and Peaches for State's Oldest Native

Falls City, Neb., Aug. 26.—The "Leachman boys" celebrated Sunday in honor of the seventy-fourth birthday of Frank, the older of the two brothers, who have lived on the same farm near here all their lives.

Observance of the seventy-fourth milestone in Frank's life was a very simple affair, but he enjoyed the dinner Tom had prepared. For there were several little specialties that Frank enjoys. Pudding was one. Flapjacks spread with fresh peaches from the Leachman orchard was another.

Of course, there is nothing unusual about birthdays' but special note is taken when Frank observes his. The reason is that he is the oldest native Nebraskan, residing in the Cornhusker state continuously since he was born in a little log hut on August 25, 1855.

Rarely Leave Home.

When Mr. and Mrs. Benjamin F. Leachman, parents of this pair, died many years ago, the brothers continued to live on the old homestead a mile from Falls City. Frank, the older of the two, took upon himself the burden of the farm work and Tom agreed to perform the household duties. Any day will see Frank working in the field while Tom may be found in the frame structure, built 59 years ago to supplant the log cabin, either washing dishes or preparing the meals.

Although they are known by virtually everyone in this section, the "Leachman boys" are rarely seen. Frank usually makes the trips to town with the team and wagon for provisions every few months, but Tom hasn't been off the farm since last spring. In their own words:

"It's just a waste of time to drive downtown unless there is something to go for. We have our own milk and eggs and it's seldom we need anything from the stores."

Ready for Robbers Now.

Their life is merely a routine affair with none of the modern conveniences such as the radio and telephone to change the monotony of it. Neither has seen a motion picture show.

Last September robbers came to their house, believing money was hoarded by the two old bachelors. After torturing their victims with pins they secured only about \$15 in cash and \$2,500 in certificates of deposit. The "boys" now have a double-barrel, loaded shotgun, which they keep against the table, and a muzzle-loading percussion shotgun.

"We'll give them a warm welcome if they come back," the "boys" promised.—World-Herald.

Having Money

Blessed Costs Youth \$2,000

Gypsy Fortune Teller Takes Beet Tender to Cleaning With Her Mystic Rites

Scottsbluff, Aug. 26.—Carl Zitterkopf, young Russian beet tender who came here recently from Hastings, has reported to Sheriff Frank Koenig that a Gypsy fortune teller, one of a band of Gypsies traveling through this section, stole more than \$2,000 of his money 10 days ago while "blessing" it for him.

Zitterkopf said that the gypsy girl told his fortune and then wanted to "bless" his money to which he agreed. Producing a large roll of bills, he handed the money to the girl. She made a number of signs and motions, and then placed what he believed was the money in a fruit jar.

Instructed to leave the "money" in the jar for 10 days, Zitterkopf said he examined it at the end of that time and discovered the jar contained only a handful of valueless paper.

He reported his loss to Sheriff Koenig and left for Denver to seek the aid of police and federal officials.—Omaha Bee-News.

NO CESSATION BY STATES

London, Aug. 26.—The past few days have seen a cessation of the reports of border raids in Manchuria, which at one time appeared to be approaching the status of open warfare, but there were still no signs Monday night of any approach to reopening negotiations on the Chinese Eastern railway dispute.

Both China and Russia are showing the same reluctance to yield in the slightest degree to the viewpoint of their respective opponents. Foreign Minister T. C. Wang, at Nanking, in an interview, said that his government resolutely refused to restore the status quo on the railway as a preliminary to negotiations in the face of continued ample proofs of the persistence of soviet propaganda. He expressed willingness, however, to adhere to terms of the railway agreement of 1924 which provided for joint direction of the railway by Chinese and Russians.

Otherwise no fresh developments were reported.

Quite a number are attending the Legion and Legion Auxiliary conventions at Hastings. The conventions wound up their business at noon today with the election of officers and delegates to the national convention at Louisville, Ky., next month.

Who Will Win

—The Beautiful DeLuxe—
-Sport Roadster-

Contest closes Saturday night—Sept. 7th—

JUST ONE MORE WEEK

Following are the names of the leading contestants. They are not listed according to their actual vote standing—The ones shown at the bottom of the list may be at the top of the list—

TWELVE OF THEM ARE RUNNING VERY, VERY CLOSE

Leading Contestants!

- Anna May Sandin Plattsmouth
- Bernard Galloway Plattsmouth
- Helen Clement Plattsmouth
- Charles Howard Murray
- Marie Meisinger Plattsmouth
- Wilber Hall Plattsmouth
- Mae Wilson Murray
- Gladys Groff Plattsmouth
- Helen Wurga Plattsmouth
- Vivian Livingston Plattsmouth
- Pat Roddy Union
- George Waldo Nehawka
- Mary Sedlak Plattsmouth
- Clara Wickman Plattsmouth
- Helen Warner Plattsmouth
- Minnie Pankonin Weeping Water
- Florence Terryberry Cedar Creek

Saturday Will Be Old Magizane Day!

Five hundred votes will be given for each pound of old magazines brought in Saturday—if you have some old magazines which are no good to you, either bring them in yourself, or, if you will call your favorite candidate, she, or he will be glad to call for them. All magazines must be tied up in bundles, with a heavy string or piece of wire. Catalogs will be counted the same as magazines.

Specials for this Week!

Each one of the three stores who are sponsoring this contest and Harvest Carnival are offering many wonderful bargains for Saturday, as well as all of the remainder of the week. See the Show windows at Wescott's—The Ladies Toggery and Bates Book Store—

All of these windows are crammed—jammed full of wonderful bargains, many of them worth three and four times the special price at which they will be sold. It would take an advertisement as large as this whole paper to list and describe all of these big specials, and for this reason we ask you to see them in these six windows. Your choice of any articles—

—88c—

Wednesday's 88 cent day went over so big that we are continuing it through the remainder of the week. Many new and extraordinary items have been added to take the place of those entirely sold out.

See big Special Program at Parmele Theatre on this page—

PITS CRIMP IN HOPE OF NEBRASKA HUNTERS

Lincoln, Aug. 22.—A word of warning went out Thursday to Nebraska sportsmen in advance of the hunting season.

Contrary to belief in certain quarters, Frank B. O'Connell, state game warden, asserted, there will be no open season this fall for shooting either prairie chickens or grouse.

Nor will the season be opened again until October 15, 1931, and will only be open on each uneven year thereafter, in compliance with recently revised game laws.

Heretofore, O'Connell explained, the season for hunting these birds has been each fall from October 1 to November 1, but now a penalty of a \$25 fine and \$10 damages for each bird shot awaits hunters who ignore the law.

Warden O'Connell also announced that instead of a more extended field of operations for hunters of pheasant this fall, the territory may be more limited than last year.

Of nine counties which permitted this hunting last year, but one, Valley, has indicated a willingness to open the season this fall. Four other counties, however, Nance, Morrill, Knox and Boone, may be opened, he said.

REDUCE SALT RATES TO SOUTH DAKOTA

Pierre, S. D., Aug. 26.—General reduction in rates from Kansas and Michigan salt fields to virtually all points in South Dakota, effective on or before Nov. 15, 1929, were announced Monday by the state board of railroad commissioners.

Sacrifice Sale of Furniture

Furniture of three good homes—Builders of the Missouri River bridge leaving town. The entire furnishings of these homes to go at great sacrifice. There is Living Room, Dining Room, Kitchen and Bed Room Furniture as well as Axminster and Congoleum Rugs—also Refrigerator and Sewing Machine. Everything in this lot goes without reservation.

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