

MAN LOCKED IN JAIL INDICTED ON RIOT CHARGE

Cosgrove Alleged to Have Led Assault on Mayor—Sheriff Had Him All the Time.

As another among a multitude of examples of glaring incompetency and total unreliability of the Omaha police department under the leadership of Commissioner Ringer and Chief Eberstein, an indictment was returned by the grand jury yesterday against Max Cosgrove charging assault on Mayor Smith the night of the court house riot.

The witnesses against Cosgrove, who, according to the sheriff and his deputies, was in jail when the mayor was attacked, were Police Capt. Henry Haze and six other policemen.

A point that has never been brought out clearly before is that Police Commissioner Ringer and Chief Eberstein remained secluded in the county jail when the fury of the mob was at its height.

This statement was made by the jailer when he explained who really was in jail when the police claim Cosgrove was attacking the mayor.

Cosgrove's indictment follows the ridiculous testimony submitted against a reporter for The Bee in the grand jury room recently by the same Captain Haze, who was discharged from the police department under a former administration for indecent conduct towards women.

Arrested by Haze. Despite the fact that Haze himself arrested Cosgrove at 6:30 o'clock on the night of the riot and took him to the county jail, and despite the fact that Haze should have known the man was a prisoner in the sheriff's custody until noon the following day, Haze went before the grand jury and helped bring the indictment.

Other policemen who swore against Cosgrove in the grand jury room were Thomas Baughman, George F. Sheehan, M. E. Anderson, C. W. Crandall, Edward Brinkman, and Sam Morris.

In Jail With Mayor. According to the statement of Sheriff Mike Clark and his deputies, Cosgrove was in the county jail with Mayor Smith for several hours before the mayor was attacked by the mob. Cosgrove was in the county jail when Deputy Sheriff James Lindsey escorted the mayor to the east entrance to the court house, when the crowd seized him as he stepped across the door sill.

Neither Sheriff Clark nor any of his deputies, who declare they will swear to their statements on the witness stand, were called before the grand jury. Neither were the jail records consulted to ascertain whether or not Cosgrove was released after he was arrested by Captain Haze, according to the sheriff.

Saw Him Repeatedly. "I know positively that Cosgrove was brought to the county jail about 6:30 o'clock," declared Sheriff Clark. "I saw him repeatedly during the night and the man stood right by my side when the negro was seized on the rear staircase."

Mayor Smith was attacked about 9:40 o'clock, and the negro was not captured by the mob until an hour or more later. For this reason, it was pointed out, that it would have been an impossibility for Cosgrove to have been in the mob at the time an attempt was made to lynch the mayor.

Jailer Tells Story. "I know absolutely that Cosgrove was in the county jail from 6:30 o'clock until noon the following day," declared Jailer Sherman Clayton. "He could not have been in the mob which attacked the mayor, because he was scarcely out of my sight during the entire time. Mayor Smith was in the jail with him for hours, and so were Commissioner Ringer and Chief Eberstein."

Deputy With Prisoner. "I saw Cosgrove when Haze brought him in," said Deputy Sheriff Harry Doworsky. "I saw him repeatedly throughout the evening and night. I saw him on the roof in the laundry and in the corridors of the jail. I saw him when he was locked up after the riot was quieted. I know he was not anywhere but in jail until noon the following day. It was my understanding that Cosgrove, with a number of others early in the evening, began things to look so bad, walked into the courthouse. They were arrested and brought to the jail with the first bunch of prisoners locked up as a result of the rioting."

"I saw Cosgrove when he was brought to jail by Haze," said Deputy Sheriff Charles Hoye. "and I saw him at intervals throughout the night. I was with him in the laundry and on the roof. I saw him before Mayor Smith left the building, and I saw him afterwards."

The jail records show that Cosgrove was released at noon the day after the riot. This is said to have been done with the knowledge of Officer Haze, the arresting officer. Later he was rearrested and indicted on the testimony of policemen, who were accused of cowardice, neglect of duty and incompetency.

Frank T. Hamilton Will Probated in County Court. The will of the late Frank T. Hamilton, president of the Omaha & Council Bluffs Street Railway Co. and prominent Omaha capitalist, who died suddenly October 11, was probated yesterday in county court.

Charles W. Hamilton and Fred E. Hamilton, brothers, qualified as executors under bonds of \$1,000 each.

An application for an allowance of \$2,500 a month for the benefit of the widow and children yesterday cites the estate to be worth "upwards of \$500,000."

Accused Bee Reporter Will Demand Immediate Trial On Riot Charge, He Declares

Indictment Against J. Harry Moore Only Another Instance of Glaring Stupidity of Police Officials—Frame-up Story Is Made So "Perfect" It Is Absolutely Ridiculous.

A boomerang appears to be waiting for the police in the attempt to fasten complicity in the court house riot upon J. Harry Moore, a reporter for The Bee, who has incurred the hostility of the various officials and members of the force by exposure made by him in his capacity of newspaper man.

"I'm going to demand an immediate trial," said Mr. Moore yesterday. "If they think they can get away with anything like this they are mistaken. Can you imagine, anyway, a set of police officials framing up on a reporter for a newspaper because they do not like a paper that publishes all the news?"

Three Men Out of 20,000. In the first place the identification of Moore is made by only three men, all of whom are under police domination, two of whom have confessed or have been convicted of rioting, and one of whom is a notorious bootlegger and all-around crook, who has been endeavoring for months to gain the good graces of the police department, or members of it, in order to acquire immunity for the practice of his profession.

Out of the 20,000 or more people around the court house the night of the riot, only these three could be found by the police to testify they saw Moore.

And this, in face of the fact that Moore is known to hundreds of people in Omaha, and it would have been impossible for him to have been in the crowd, or anywhere near it, without scores recognizing him, and calling him by name.

Paraded the Street, in Charge. According to the apparently well coached story of two of the witnesses, Moore is described as inciting a group to "burn down the court house."

"He did all the talking," said Morris, one of the prisoner witnesses. "He led the crowd of us down the street, telling us to 'come on.'"

"He carried a can of the gasoline himself," says Morris. "The can of gasoline was lugging a can of gasoline down Seventeenth street, as alleged, and calling to the crowd to 'come on' constituting himself the figurehead of such a parade on such a night, without anybody in a crowd of 20,000 recognizing him except these two boys, neither of whom ever saw him before, according to their own statements, is not only preposterous, but stupid and ridiculous."

It is more than nonsensical to those who know Moore, owing to the fact that he is quiet and retiring to a degree.

Moore Leading a Crowd. Moore leading a crowd, waving his arms and shouting to them to come on, and lugging a can of gasoline, in the manner of the excited, half hysterical adde pated youths of that night is a spectacle that could be conceived by none, except an ignorant Omaha police official.

The very stupidity of such a tale gives an unerring clue to its authorship, as those knowing the man will readily agree that no one could conceive such a thing, or would be foolish enough to conceive of it, except those responsible for similar exhibitions and manifestations of wooden-headedness on the part of the police department.

Ernest Morris and Harold Thorpe, the two young men who allege they saw Moore leading a group of incendiaries, carrying gasoline to start a fire in the court room basement, when interviewed in the county jail Thursday were halting in their stories, plainly ill at ease, could give no description of Moore, nor could they recognize any description of him, and could make no definite statement until they had been confronted with him. Then their eyes fell, both were abashed, and apparently found it impossible to give a straight look into the eyes of the man they accused. Both were silent and apparently "fraid" to talk until prodded by Moore, who accompanied the writer.

"I never saw either one of you two boys before, and I don't believe either one of you ever saw me before," said Moore.

"I did," mumbled Thorpe, nervously rolling a cigar in his mouth. "You're the man, all right."

"And do you identify me, too?" Moore questioned Morris.

"Yes," answered the other, his manner sullen and embarrassed, "you're the man."

Moore Not in City. The hitch in the story is brought about by the fact that, what has not been known, Moore was not in the city the night of the riot until a late hour. When informed of this the eyes of the boys gave a momentary flash as if startled, and then Morris quickly said:

"Well, the people that said he wasn't here could be lying just as well as anybody else."

Whether or not this could be the fact, says Moore, will be brought out when the names are given of the men who were with him during the time the police hope to show he was at the court house, Moore stating that the men in question bear reputations not assailable by statements of such as the two prisoners.

The story of the two police witnesses, as told by Morris, is as follows:

"We don't know anything about the man Moore, nor where he works, nor his name. We never saw him before the night of the riot and never saw him again afterward until he came into the office of Captain Hayes in the city hall, where we had been taken to identify someone.

We didn't know him by the name of Moore or any other name. "When I saw him I identified him instantly," broke in Thorpe. "I knew him the minute he entered the door of Captain Haze's office."

"The night of the riot," continued Morris, "we were standing with a crowd of twelve or fifteen at Seventeenth and Douglas streets. The man called Moore was in the crowd and doing all the talking, saying that the only way to get the negro was to burn the court house. He led the crowd to the Nicholas filling station at Seventeenth and Davenport streets, where we filled some cans, taking the gas without paying for it. The man called Moore carried a can. We went back to the court house, and I saw Moore pour his can into the basement room. I didn't see him touch a match to it, and don't know who set the stuff on fire."

"What time was this?" Morris was asked. He hesitated, and said he couldn't tell.

"Was it after dark?" He hesitated again. "Yes," he said. "It was after dark. I got there myself about 7:30. It was about 8 or 9 o'clock."

"May Get Out Soon." It was then that a significant slip occurred in the recital of the prisoner Morris, apparently lending support to the charge of Moore that the entire attempt is a "frame-up" to retaliate upon him for police exposures.

"You were sentenced to 90 days each by Judge Redick?" Morris was questioned. A grim smile spread over the prisoner's features, and he glanced slyly sidewise.

"Yeh," he answered, "90 days; that's what they say, but I don't know whether they'll stay that long or not, you can bet on that."

"Why? Did Captain Haze say he would help you?" The prisoner shut up like a clam, and Thorpe jerked his head around to sharply eye his companion and the questioner.

"Nix," said both, in a breath. "Captain Haze didn't promise us anything."

Reluctant to Give Addresses. Both the boys appeared reluctant to talk about themselves, their business, or to give personal details or addresses, answering questions only after consideration, as if concluding that it would be better to give replies.

Ernest Morris stated that he had lived in Omaha a year. He said he had come here with his mother, who still lives here. He gave his home address as 533 South Twenty-second street, and said he had worked for the Omaha Transfer company.

The address does not appear in the city directory. Harold Thorpe said he was an Omaha boy, his parents living in Omaha, that he had been employed by "Groth," a groceryman, and that his parents lived at 2904 Farnam street.

Moore did not recognize the prisoners, on seeing them in the jail, and gave his story in the presence of the two boys as follows:

"One day about a week ago Captain Haze told me he had a man in his office he wanted me to look at. I went up to the office later, as requested, and as I came in Captain Haze shook hands with me, and said the man wasn't there. I noticed two men sitting in the office at the time, but paid little attention to them. I presume that they were the two prisoners, and that I was called in so that they could get a look at me. Captain Haze probably went through the handshake so as to identify me to the two men."

Moore looked at the two prisoners and said:

"That's the way it was, wasn't it? You two were the men sitting there when Captain Haze took me by the hand."

Morris was silent, and Thorpe shrugged his shoulders.

The Greatest Medical Authorities in the World have made public statements in which they endorse the value of such ingredients as are contained in Father John's Medicine.

These great physicians say in substance, that these ingredients "are beneficial notably in wasting diseases and those maladies which are connected with or have their origin in debilitating and wasting diseases and in colds."

This means that if you are weak and run down the pure food elements of Father John's Medicine are exactly what you need.

To detail here the statements of these various authorities would require too much space, but if you desire to see these statements in more complete form, write to Father John's Medicine, Lowell, Mass., and we will be glad to give the names of the authorities quoted, with brief excerpts from their public statements.

Father John's Medicine is a pure and wholesome body builder, contains no alcohol or dangerous drugs.

Next Week is Children's National Week. Watch for Our Special Features.

Children's Day at Burgess-Nash

The Children's MILLINERY Section Presents Unusual Opportunities to Save 300 Hats THE FOR Small Girl Offered Saturday at 1/4, 1/3 and 1/2 Off Regular Price

There are: Beaver Velvet Plush Silk Felt Duveltyne hats to frame the piquant faces of the younger tots. They have drooping brims, rolled brims and no brims at all, and trimmed in the most gulleful flowers, feathers, fur and ribbon that youth can fancy.

Saturday from 10 to 12 the Last DOLL CLOTHES SEWING CLASS. Children's School and Dress GLOVES in a Large Variety

"BEAR" BRAND UNION SUITS FOR CHILDREN. A COSY union suit with button holes the most active youngster in the world can't tear or stretch.

ON SATURDAY WE FEATURE An Enormous Sale of BOYS' SUITS



WE HAVE taken several hundred boys' suits from our regular stock, which we feel must be reduced, and have priced them exceptionally low. They are the very latest models and designs, made of all-wool materials, splendidly tailored. Great variety of patterns from which to select. Every suit is specially priced at \$9.45-\$12.45-\$14.45-\$18.45

Junior Overcoats. Teaching son to always appear neat and clean is as important as encouraging a pleasing manner. Our clothing will give him that appearance that will make you proud of him. We are now showing many Junior coats in Gray Blue Brown Mixed Plain Brown Made with convertible collar and belt all around. Priced at \$12.95-\$15-\$18 up to \$35



BURGESS-NASH COMPANY. Children's Hair Bobbing on the Fourth Floor. EVERYBODY'S STORE