

Kearney, Nebraska - Kearney Daily Hub, Monday,
August 29, 1927

**JOHN SHADA OF LEXINGTON
DIES AS THE RESULT OF A
BULLET WOUND; HOLDS SIX**

**Alleged Insulting Remark Terminates In a Near
Riot; One Dead, Two Severely Bruised; Over
Score Picked Up for Questioning.**

ARE HOLDING INQUEST.

A coroner's inquest is being held this afternoon, to determine possible guilt in connection with the death of John Shada last night and fix responsibility for the near-riot which led up to the fatal shooting.

County Attorney E.G. Reed and Sheriff William Flake doubt if the inquest can be concluded during the course of the afternoon, as scores of witnesses may be called.

All principals in the case, together with those held, will be called on the stand and officers were busy this morning, securing additional evidence and serving subpoenas.

STORY OF SHOOTING.

John Shada, 63, of Lexington, is dead, Gabriel Shada is in the hospital with severe head wounds, Ernest Noble shows the signs of being severely beaten, six young men are being detained by the authorities. and between twenty and thirty others have been questioned, all the result of an alleged insulting remark said to have been made by one group of young men to another.

Sunday members of the Syrian Orthodox church held baptismal services here, followed by a congregation picnic, the latter held on the Gibreal Shada place, about six miles east of Kearney. Members of sister congregations in various parts of the state were in attendance, in large numbers.

Late in the afternoon one of the group, passing along Central avenue, claims have been insulted by some young men. He challenged them, according to evidence assembled by County Attorney E.G. Reed and Sheriff William Flake; but instead jumped into his car and headed for the Shada place, pursued by his alleged tormentors. A fight followed, in which the aggressing force was worsted, before quiet could be restored by the older men on the grounds.

Noble, badly beaten, was taken into the house and his injuries dressed. Later he repaired to town and, according to his testimony, cautioned a larger group against going to the Gabriel Shada place, as they were planning. Police, aware of the trouble, but having no jurisdiction beyond the city limits, likewise advised the gathering crowd to break up and forget it. However, they later started for the picnic grounds, about ten car loads, according to the evidence secured.

Arriving at the Shada farm it was stated that John Shada and Rev. M. Yanney interceded, appealing to both factions to refrain from participating in any further trouble. Their efforts were in vain and within a short time fists, clubs and stones were flying through the air and the din was punctuated with several revolver shots.

According to information in the hands of the officers shots were fired on both sides, either three or five in all. With the firing both sides fell back, apparently realizing for the first time the seriousness of the situation

It was found that John Shada had been shot in the right jaw, the bullet apparently burying itself in the bone. Gibreal Shada had apparently been struck over the head with a club. Others were nursing a varied assortment of bruises about the head and body.

Shada's wound was at first thought to be trivial, but a hemorrhage developed and he died last night, about nine o'clock.

Immediately after the fight took place the county attorney and sheriff assisted by the police, proceeded to round up those involved. Nearly thirty young men were detained for questioning. Six of these, Victor Nutter, Ernest Noble, Buster Danberg, Leo Hart, Jim Denison, and Otis Miles are being held as material witnesses. The others were released.

A coroner's inquest is being held this afternoon, with the view of determining who was responsible for the near-riot and who inflicted the bullet wound which proved fatal to John Shada.

KEARNEY, NE - Kearney Daily Hub, Tuesday,
August 30, 1927

SHADA INQUEST IS
BEING HELD TODAY
No New Developments in Fatal
Shooting of Sunday.

County Attorney E.G. Reed and Sheriff William Flake were busily engaged this morning preparing for the inquest which is to be held in connection with the death of John Shada, who died from a hemorrhage, due to a bullet wound, received on Sunday night.

It was originally intended to get under way with the inquest Monday afternoon, but such a volume of data required assembling that the hearing was delayed until today, a few preliminary investigations were conducted by the officers. These continued during the morning hours, connected with the listing of witnesses and drawing up subpoenas.

The officers decline to make public any information, which their inquiry may have gleaned to date, but admit that no important information has been brought to their attention other than that acquired Sunday night.

Four young men are still being held as material witnesses at the inquest, Victor Nutter, Ernest Noble, Otis Miles and Jim Denison. All others have been released after being questioned, but in all probability will be called on the stand at the coroner's inquest.

Arrangements for the funeral of John Shada remain to be completed. Services will be in Kearney, instead of at his home in Lexington, it is understood, with burial taking place in the local cemetery.

**KEARNEY, NE - Kearney Daily Hub, Wednesday,
August 31, 1927**

**SHADA FUNERAL ON THURSDAY
Burial Is to Take Place in the
Kearney Cemetery.**

The funeral of John Shada, 53, will be held on Thursday afternoon, at three o'clock, from St. George's Syrian Orthodox church, on Fifteenth and Avenue G. Burial will take place in the Kearney Cemetery.

Mr. Shada came to the United States thirty-five years ago and located in Kearney twenty-nine-years ago, being engaged in various business enterprises while here. About seven years ago he removed to Lexington and built up a fine green house and florist business there.

The dead man is survived by his wife and nine children. Two of his sons, Simon G. and Nicholas, saw service in the world war. Another son, George, was with the National Guard in the Mexican border campaign and a fourth son, Albert, is at present a member of the National Guard.

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**KEARNEY, NE - Kearney Daily Hub, Thursday,
September 1, 1927**

**JURY RETURNS FINDINGS
IN JOHN SHADA CASE; TO
CONTINUE INVESTIGATION
Fail To Fix Responsibility For Firing Shot That
Killed Lexington Man; Inciting Riot
Charges To Be Filed**

FINDING OF THE JURORS.

The finding of the coroner's jury in the John Shada inquest, follows: "that on the 28th day of August, 1927, the said John Shada came to his death by reasons of a gunshot wound, which gunshot was fired by a person unknown to this jury; that the said killing was felonious and that said killing took place in Buffalo County, Nebraska, and we recommend this case for further investigation by the county attorney."

CONTINUE INVESTIGATION

Investigations conducted in connection with the killing of John Shada, Sunday night, were set in motion within a few moments after the case was brought to the attention of Sheriff William Flake and County Attorney E.G. Reed.

Scores of persons were questioned, four were held as material witnesses and the questioning and investigating continued until Wednesday morning, when a coroner's jury convened to hear the statements of nearly twenty witnesses.

The facts brought out during the course of the hearing were such as to preclude the bringing of any verdict other than that handed down by the jurors. No direct accusations, of sufficient importance to warrant placing a criminal charge against any of the participants, was offered, according to the county attorney.

It was self evident that some one had fired one or more shots, but who might have been responsible for the death of Mr. Shada, by discharge of a revolver, could not be determined.

However, the testimony throughout was of such nature that the coroner's jury felt unanimously that investigations of the officers should be further pursued, with the objective of determining, if possible, who might have been responsible for the slaying.

Much of the testimony was confusing and conflicting and will not materially aid the officers.

County Attorney Reed said it was his intention to prosecute for inciting a riot.

The jurors sitting in the case were: William Fay, John Pickens, D.W. Hecox, Gerd Gerdes, Pat Fitzgerald and Alfred Anderson.

Witnesses called were: Dr. A.D. Cameron, Charles George, George Hart, Sophia Williams, A.T. Shada, Clifford King, Charles Shada, Ernest Noble, Otis Nyles, Truman Kelley, Ed Panek, Rose Miller, Buster Danberg, Rev. M. Yanney, Victor Nutter, Floyd Elis, Warren Lawson and Arthur Merryman.

KEARNEY, NE - Kearney Daily Hub, Friday,
September 2, 1927

**MURDER CHARGE
HAS BEEN FILED
IN RIOT TRAGEDY**

**"Jim" Denison Is Held Upon the
Testimony of Chas. Shada;
Others May Be Involved.**

FACES MURDER CHARGE.

A charge of first degree murder was filed late Thursday by County Attorney E.G. Reed against "Jim" Louis Denison, in connection with the killing of John Shada, Sunday night.

This action was taken on strength of the testimony of Charles Shada, during holding of the coroner's inquest. He stated under oath that he saw Jim Denison point a gun and called to him: "Don't shoot, Denny, don't shoot. I know you." Denison made some retort and fired, according to this witness. It is upon the strength of this evidence that the county attorney filed his murder charge this morning.

TO FILE ADDITIONAL CHARGES

The county attorney says that further charges will be filed against members of the crowd which participated in the Sunday night riot, that between ten and fifteen young men will be charged with inciting and participating in a riot and in addition felonious charges will be filed against the ring-leaders, if any members stand out as such.

Confusing Testimony.

During the course of the inquest much confusing testimony was heard, in the effort to determine who might have fired the shot which resulted in the death of John Shada. Members of the group of boys from town, on the witness stand, contended that shots were fired by some man among the other group. But they were unable to identify anyone and differed greatly on their description of that party. All did state, however, that the gun user they claim to have seen apparently fired his shots in a direction different from that in which John Shada was standing. At least three witnesses say they struck this man over the head with a club.

No Gun Is Located.

Search of the youths rounded up Sunday night, after the shooting and many of those attending the St. George church picnic, failed to reveal any weapon. Since Sunday night every effort has been made to locate a gun, but so far without success.

Mr. Shada was struck by a bullet from a small caliber gun, not larger than a thirty-two, it is stated, the bullet entering the base of the right jaw. A hemorrhage resulted and his death followed.

Will Prosecute Case.

County Attorney Reed, assisted by Sheriff Flake are determined to prosecute the case to the limit on the strength of such evidence as they already have before them and what subsequent investigations may yield. Every possible effort will be made to secure convictions of those who participated in the Sunday night riot and those who acted as ringleaders in the demonstration which terminated fatally.

Attorneys T.F. Hamer and Ed P. McDermott are retained by the defense.

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**KEARNEY, NE - Kearney Daily Hub, Friday,
September 2, 1927**

**SHADA FUNERAL YESTERDAY
Hundreds of Friends Pay Tribute
To the Deceased.**

Probably one of the largest funerals witnessed in Kearney was held yesterday afternoon when the services for John Shada, of Lexington, took place at the Syrian Orthodox church at three o'clock. The Rev. M. Yanney was in charge of the services, which were attended by nearly one thousand of the deceased's relatives and friends. A funeral procession two miles in length proceeded to the Kearney cemetery, where the burial took place. Three trucks loaded with flowers bespoke the love and friendship of the mourners for their friend.

Friends of Mr. Shada from ten different states over the country were in attendance, as well as numerous Nebraska men. Simon Shada; his son from Iron Mountain, Mich., was accompanied by a number of other relatives more distant and friends, all of them

prominent business men in Iron Mountain. Several friends came from Detroit, Mich., and other distant cities.

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KEARNEY, NE - Kearney Daily Hub, Saturday, November 26, 1927

COURT SESSION NEXT MONDAY Many Cases Listed For Trial On Jury Docket.

The jury term of the district court will get under way Monday Morning, December 28, with quite a large number of criminal cases listed for trial during the four days over which the calendar extends.

The last case on the docket is that of the State vs. Denison. No other defendants involved in that case are listed for trial during the present session of court.

The docket follows (excerpt):

Thursday, November 1.

Ross, receiver, vs. Dean.

Ross, receiver, vs. Bennett.

Ross, receiver, vs. Sorensen.

Estate vs. Lyon.

State vs. Denison.

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KEARNEY, NE - Kearney Daily Hub, Tuesday, November 29, 1927

EXPECT TO START THURSDAY Special Counsel Secured State vs. Denison Case.

In the case of the State vs. Louis "Jimmie" Denison, charged with first degree murder, the prisoner was arraigned Monday afternoon and plead not guilty. It is expected that the trial will get under way about Thursday, being the last case listed on the jury docket.

Announcement was also made that Judge W.A. Prince, of Grand Island, will assist the prosecution. The state's case will thus be

conducted by County Attorney E.G. Reed, Attorney Fred A. Nye and Judge Prince.

For the defendant there will appear Attorneys Tom Hamer, E.P. McDermott and Judge G.E. Sullivan, of Broken Bow.

Just what course will be followed by the prosecution or defense has not been determined, but both sides will be amply fortified with witnesses, it is assured. That some unexpected disclosures will be revealed appears certain and evidence of a surprising nature may be expected to be introduced.

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KEARNEY, NE - Kearney Daily Hub, Saturday, December 3, 1927

JURY PANELLED FOR JIM DENISON TRIAL Taking of Testimony Will Get Under Way Tuesday

The state case against Louis Denison, charged with the murder of John Shada, of Lexington, was called for trial today. District Judge B.O. Hostetler yesterday ordered the sheriff to call one hundred additional talesmen for prospective jury service, as many local citizens undoubtedly will be disqualified to serve. The jury will in all probability be secured by Tuesday, when the opening statements of the opposing counsel will be made and the taking of testimony begun. The cases against Ernest Noble and Victor Nutter, charged with aiding and abetting the murder, will follow the trial of the Denison case.

Louis Denison, better known in Kearney as "Jimmy," is charged with the murder of John Shada. The alleged crime took place during a small riot in which a number of Kearney boys were arrayed against a similar group of Syrian lads, who were gathered at the Gabriel Shada farm, south and east of the city.

Several of the boys were placed under arrest following the trouble and were tried and sentenced by the county judge. Those who were tried and received sentences were Warren Lawson, \$25 and one day in jail; Otis Niles, \$100 and ten days in jail; Freeman Kelly, \$25 and thirty days in jail; Sam Shoop, \$25 and one day in jail; and Chester Smith, \$50 and thirty days in jail. Smith is still

confined in the county jail. The others have served their sentences and have been discharged from custody.

The affray which led up to the alleged slaying of John Shada took place late in the afternoon, Sunday, August 28. According to the testimony of witness at the inquest and the two preliminary hearings that followed, the trouble began when several boys from Kearney passed a Syrian boy in a car and called him "dago." The latter showed fight and challenged the town boys. Noble accepted his challenge and in the fight that was staged at the Gabriel Shada farm, received what seemed to be the worst of the deal.

Following this fight, all of the town boys, except Noble, returned to Kearney and gave out the word that Noble had been "beat up" by the Syrians and they were holding him prisoner at the Shada farm. With a few of the boys as leaders a large crowd was soon gathered and the boys proceeded out toward the Shada farm, where members of St. George's Syrian church congregation were gathered and enjoying an outing. As the boys approached the Shada farm, the picnickers came out into the road to meet them and a free for all battle ensued, despite efforts of older men to prevent it. It was during this melee that three shots were fired, one of them striking John Shada, who with Rev. Yanney, was acting as a peacemaker. The wound resulted in his death the same night. The Kearney boys returned to town following the fight and later in the evening several of the leaders were examined and placed under arrest.

Following the coroner's inquest, the county attorney filed complaints against Denison, Noble and Nutter for participating in the shooting.

A large assemblage of people is expected to attend the sessions of court and from the array of legal talent upon the respective sides, a warm battle is to be expected.

**KEARNEY, NE - Kearney Daily Hub, Monday,
December 5, 1927**

**BEGIN TAKING
TESTIMONY IN
MURDER TRIAL**

**Defense Contends Shada Slain
By Bullet Fired By One of His
Own Group; Court Crowded**

OPENING STATEMENT.

Charging Louis "Jimmy" Denison with the unlawful shooting and killing of John Shada, E.G. Reed, county attorney, opened the case of the state of Nebraska versus Louis Denison in district court this morning. In his opening statement Attorney Reed laid the state's case before the jury, closing with the words, "We shall show beyond a doubt that Louis Denison fired the shot that caused the death of John Shada." Attorney Reed told the story of the alleged rioting that led up to the shooting as it will be shown by subsequent testimony of state's witnesses.

As a counter charge E.P. McDermott, defending the accused, said in his opening statement, "The evidence will show on behalf of the defendant that the hand that held the gun, that fired the shot that found lodgement in the being of John Shada was the hand of a man whose blood was the same as that which coursed the blood stream of his victim."

BIG CROWD ATTENDS.

Elias Yanney, deputy collector of United States internal revenue, who is stationed in Kearney, was called by the state as the first witness.

Mr. Yanney told his story of the battle that took place at the Gabriel Shada farm east of Kearney on Sunday, August 28, between a number of boys from this city and a number of Syrian boys, that led up to the alleged shooting and killing of John Shada, of Lexington. According to his testimony none of the Syrian men and boys were armed, either with firearms or with clubs, while the boys from town were carrying clubs, sticks and bottles. It was Mr. Yanney who called the sheriff following the shooting.

Although Mr. Yanney told in detail of the baptismal service which was the occasion of the crowd of Syrians gathering at the Gabriel Shada farm for dinner, and of the occupation with games and visiting during the afternoon before the alleged riot, it was not until he was cross examined, by T.F. Hamer, of the defense, that he intimated that there had been another fight at the farm earlier in the afternoon. It was during this fight that Ernest Noble, held by the state, charged with aiding and abetting the murder of John Shada, was hurt. According to Mr. Yanney's testimony the other boys who were with Noble ran away, leaving him in a group of Syrians at the farm. The Syrians took him into the house where he washed up and where he apologized to Mrs. Rosie Miller and to Mr. Yanney. He was then taken back to town by several of the Syrian boys.

Other witnesses called this morning were Harry Sawyer, surveyor and civil engineer, who had drawn a plan of the road into the Shada yard; Ivan Mattson, who had taken a number of photographs of the scene of the alleged crime; and Rev. M.M. Yanney, who was present at the time the notations were made for the plan. The plan and the photographs were listed as exhibits and submitted to the jury.

The interest that has been aroused concerning this case was manifest this morning by a crowded court room. Although the balcony was utilized, it was necessary for a number of spectators to stand throughout the most of the morning.

The following jurymen were named Saturday to serve in district court in the case of the state of Nebraska vs. Jimmy Denison: Casper Arnold, of Shelton; Fred Struble, of Ravenna; Martin Kielig, of Gibbon; D.A. Lynch, of Kearney; George M. Eldridge, of Pleasanton; W.J. Knoll, of Kearney; Charles Bishop, of Riverdale; Emil Hervert, of Ravenna; Frank Wink, of Ravenna; George Bombeck, of Gibbon; Elmer Mohring, of Poole; and E.E. McCartney, of Elm Creek. The entire day was spent selecting the jury. It being necessary to call sixteen talesmen in addition to the first twenty-four before twelve men were selected who were qualified to serve.

KEARNEY, NE - Kearney Daily Hub, Tuesday,
December 6, 1927

WITNESS TELLS OF
THREATS; GUNS ARE
SEEN AMONG GROUP

Experience of Mrs. Rose Miller
Told to the Jury.

As the case of the state of Nebraska versus Jim Denison proceeded Monday afternoon six new witnesses were called by the state's attorneys. The only sensational testimony of the afternoon was submitted by Mrs. Rose Miller, a Syrian, who claims to have been accosted by a number of the boys from Kearney as she was returning from the gathering at the Gabriel Shada farm.

According to Mrs. Miller, she was driving a Ford truck in which were her mother, Mrs. Albert Simon, and her six year old son, and was returning to Kearney when she met the procession of cars that was on the way out to the Shada farm. As she was an inexperienced driver, Mrs. Miller said she was going very slowly and finally stopped the car which she was driving. When the procession reached her, four boys got out of the leading truck or one of the cars that was following, and came over toward her car. Two of them jumped on the running board, she said, and one of them, with a revolver in one hand, threatened her, saying, "Do you see this gun? I won't kill you, dago, but I'll sure get a good many others."

The other boy, according to her testimony, then hit her arm with a bottle which he was carrying and told her to stop the engine of the car. Instead, she pulled down the gas and proceeded toward town. This boy she identified as Ernest Noble.

Although Mrs. Miller did not know the name of the boy with the revolver at the time of the incident which she related, she said that she could identify him.

"Is the defendant the man with the gun?" asked the attorney for the state.

"He's the very man," Mrs. Miller answered.

The other two boys who came toward her car were also armed, Mrs. Miller said, one carrying a shot gun and the other a rifle. She could identify neither of these boys, but she named Norman Bass as one of the boys in the truck.

Mrs. Miller's testimony became conflicting under the questioning of H.M. Sullivan, lawyer for the defense. At the preliminary hearing, Mrs. Miller said that the four boys got off from the truck that was leading the procession, while yesterday afternoon, she declared that only three of the boys came from the truck, the fourth coming from one of the cars in the rear.

The defense claims to be able to disprove Mrs. Miller's testimony. Mrs. Simon, her mother, was the next witness, and in a broken almost unintelligible English, partially corroborated her statements.

By the testimonies of Dr. A.D. Cameron and Vern Bower, the wound that was made in the person of John Shada by a gun shot was located as being one and one-half inches below the ear and an inch and one-fourth back of the angle of the jaw. According to Dr. Cameron, the shot proceeded in a forwardly direction and at approximately a level angle.

Other witnesses called during the afternoon were Floyd Elias, of Persia, Iowa, and Charles George, of Kearney, both of whom attended the celebration and who met the procession of Kearney boys on the Eleventh street road. Although several boys from the truck or the cars that were following accosted Mr. Elias, who was driving the car, neither he nor Mr. George, who was in the rear seat, identified the defendant as being among them.

With the exception of a few laughs, afforded by answers of the witnesses, the spectators that crowded the court room this morning, spent an uneventful half day. Following the burst of laughter, Judge Hostetler sent the bailiff into the audience, charging him to arrest the next disturber.

Witnesses called this morning were Gabriel Shada, at whose farm the riot took place; Charles George; Samuel George, his brother, from Lexington; James George, Samuel's son; and Sophia Kantaras. Each of these persons had attended the celebration at Gabriel Shada's farm and told the story of the rioting as they witnessed it. Conflicting testimony was submitted by Samuel George, who with his family, had met the procession of cars that was going out to the farm. According to Mr. George his son, James, who was driving the car, was forced to stop because the oncoming cars blocked his passage. Then, when asked by the defense, which started up first, his car or the Kearney boys' cars, he said that his car did. His son, James, corroborated all of his testimony and also endeavored to make clear his father's mistake.

The taking of testimony has proved difficult throughout the trial because of the inability of the Syrian witnesses to understand the questions clearly and to make themselves readily understood.

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KEARNEY, NE - Kearney Daily Hub, Wednesday, December 7, 1927

**TESTIMONY HEARD IS
CONFLICTING; SIMON
ON STAND TUESDAY
Continue to Take Evidence at
the Denison Trial.**

The court room which had become a little restless yesterday afternoon during the trial of the state case against Jimmy Denison, charged with the murder of John Shada, experienced a few moments of hushed silence during the testimony of George Simon. Twice during the time he was on the witness stand he commanded the full attention of the spectators with his sensational evidence.

George Simon was one of the first of the Syrian group to go down the road to meet the boys from Kearney, when the alleged riot took place at the Gabriel Shada farm August 28. He told his story of the celebration at the farm and the circumstances that led up to the rioting and the alleged shooting of John Shada. According to Simon's testimony Charles Gabriel and John Shada were the first on the scene and he, Simon, was following close behind. It was at this time that he heard Charles cry out, "Don't shoot, Denison, don't shoot. I know you." Three shots rang out immediately after his cry and he saw John Shada, facing south, and bent over, bleeding at the mouth and from the wound made in the side of his neck.

Simon named Victor Nutter as the boy that hit him over the head with a fence post, making a gash two inches long that bled profusely. Simon said he was twenty-five or thirty feet back of Charles Shada when he spoke Denison's name, and that there was no shouting so that the words came to him clearly. However, he did not see Denison at any time.

The second bit of interesting testimony came during the cross examination of Simon, when the defense attorney asked him if he had a gun, or had ever owned a revolver. At first Simon said he had never had a revolver and had never carried one, then qualified his

statement by saying he had one in his possession in Fremont, but it belonged to a man named Tom Burke, who worked for him.

"Didn't you tell me night before last that you had never had a revolver?" asked Mr. Hamer, defense attorney.

"Yes," Simon answered.

"Why did you tell me that?"

"I figured it was none of your business," said Simon, then adding, "I don't remember telling you I never had a gun of my own. I might have, I don't remember."

"Didn't you have a nickel plated revolver with an American flag upon the handle?" Attorney Hamer asked.

"No," answered Simon.

Several times during the cross examination yesterday, the state's attorneys objected to the manner of questioning of the defense attorneys, but in nearly every case the objections were overruled and the defense allowed to proceed in their own way.

Sophia Kantaras submitted testimony yesterday that conflicted with testimony she had given previously at the preliminary hearing. At that time she said she could not tell from which side the shots that she heard came from, while yesterday she said definitely that they came from the west.

Amen Shada, of Iron Mountain, Mich., son of Gabriel Shada, gave testimony corroborating George Simon's story of the rioting. He also told of hearing the deceased man say in the Syrian language, "I'm gone," a few minutes after he was shot.

Nicholas J. Shada, of Lexington, son of the deceased, also testified concerning the rioting, and mentioned seeing someone in the ditch along the north side of the road. His brother, George, was the next witness, testifying to being the boy in the ditch. He had been knocked out and fell into the ditch alone, he said. He also testified to hearing his father cry out in Syrian, "They've shot me."

Testifying this morning that he saw Jimmy Denison point a gun at John Shada and shoot, Charles Shada submitted the most sensational testimony of the Shada murder trial now before district court. Charles Shada told a similar story as that given by earlier witnesses concerning the celebration at the Gabriel Shada farm and the circumstances leading up to the alleged riot. He told of going down the road to meet the Kearney boys, following behind Gabriel and John, who were leading. Gabriel had his hands lifted up above his head, he said, and John was facing toward the south.

"Mr. Denison was standing a little west and well to the north of John," Charles testified.

"Did you see the defendant at that time?" asked the state's attorney.

"Yes," Charles answered.

"What did you see the defendant do?"

"He had a gun in his hand pointed at John Shada."

"How far was he from John?"

"Oh, ten or fifteen feet, I'm not sure."

"Did you speak to Denison?"

"Yes."

"What did you say?"

"I said, 'Don't shoot, Denison, I know you.'"

"What did Denison do then?"

"He fired on Mr. Shada."

"Did you hear the shot?"

"Yes, I heard the shot."

Cross examination of Charles Shada will continue this afternoon. Continued objections by W.A. Prince, state's attorney, were made concerning the method of cross examination used by H.M. Sullivan, defense attorney, on Charles Shada this morning. The majority of the objections were overruled by the court and Mr. Sullivan was allowed to proceed in his own manner of questioning.

A gruesome scene was related by Rev. M.M. Yanney this morning, when he told of digging up the body of the deceased on the night of November 17 or 18, and taking it down to Grand Island for a second post mortem examination. The body was taken to the St. Francis hospital in Grand Island, where an examination was held and x-ray pictures taken under the direction of W.J. Arrowsmith, of that city. Ira Anderson took the body to Grand Island, and returned it to the grave at three o'clock the next morning, the entire proceeding taking place after dark.

Mrs. Mary Shada, widow of the deceased, was the second witness called this morning. As her knowledge of the English language is very limited, the defense finally agreed to use her son, George, to act as an interpreter if necessary. It was necessary to use him but twice. In halting sentences Mrs. Shada told of the celebration and the alleged rioting that followed, breaking into sobs when her husband was mentioned. She told of meeting him in the road after he had been shot and helping him back to the yard.

"Did he tell you who shot him?" asked the state's attorney.

"Yes," she answered.

"Who did he say shot him?"

Defense attorneys objected to an answer to this question and the objection was sustained.

Later in Dr. Cameron's office, the deceased spoke again concerning the shooting, according to his widow.

"Did Dr. Cameron talk to John about who shot him?" asked the state's attorney.

"Yes," answered Mrs. Shada.

"Did John tell him about who shot him?"

"Yes."

"What did he say?"

Objections of the defense attorney were overruled, but no answer was given, as the state's attorneys decided to lay a better foundation for the statement with other witnesses. Mrs. Shada will be called to the stand later, at which time she will answer the question.

Despite the unusual cold of the day, a large crowd attended the trial this morning, though there were still vacant seats left in the balcony. The first of the spectators arrived long before nine o'clock, in order to secure the choicest seats.

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KEARNEY, NE - Kearney Daily Hub, Thursday, December 8, 1927

DOCTOR'S EVIDENCE HEARD AT TRIAL ON THURSDAY MORNING Technical Data Regarding the Course Taken By Bullet.

The foundation was laid yesterday afternoon by the defense attorneys for the impeachment of Charles Shada, important witness for the state in the trial of Jimmy Denison, charged with the murder of John Shada. During the morning Charles Shada had testified to seeing Jim fire the fatal shot. Under the cross examination of the defense attorneys, he denied testimony he had given during the preliminary hearing. At that time he testified to having seen "half a dozen others," including some women and Amby Shada, directly after the shooting, while yesterday he said he saw no one by John and Gabriel Shada. Attempt was made by the state's attorneys to explain the conflicting answers of the witness.

The court was converted into a class in physiology for a short time yesterday, when Dr. W.J. Arrasmith, of Grand Island, exhibited

a number of diagrams of the front, larynx and oral cavity of a human being, explaining them to the jury. Dr. Arrasmith is the physician who conducted the autopsy on the body of John Shada in Grand Island recently. He submitted six x-ray pictures which he took of the head, neck and chest of the dead man, and by use of them showed the jury where he had located a small piece of the bullet by the jaw. He also submitted the piece of the bullet for their examination.

In explaining the x-ray pictures to the jury Dr. Arrasmith pointed out what he believed to be the course of the major part of the bullet, which according to him, struck the angle of the jaw, a portion of it splitting off. This portion was found, but the major portion of the bullet, he believed, continued inward and upward, going in back of the tongue and above the soft palate, into the mouth. Here it was either spit out or swallowed or passed into the lungs. The fact that earlier witnesses had testified to seeing the deceased bleeding at the mouth immediately following the shooting, was further indications that the bullet passed into the mouth.

Dr. Arrasmith was asked by the defense how the course of a bullet could be determined by the x-ray machine, which shows only solid substances. He explained this fact by saying that the course could be outlined by the grease from the bullet and the tiny lead particles that might be left by it.

Mrs. Charles Shada testified yesterday afternoon, corroborating the evidence submitted by her husband earlier in the day concerning the positions of Gabriel and John at the time of the shooting. Considerable discussion took place between Mr. Prince and Mr. Sullivan concerning the necessity of using an interpreter for Mrs. Shada. Eli Yanney was finally employed as an interpreter, but several times the witness displayed her knowledge of what was being said by answering the attorney before his question was translated to her.

Rev. M.M. Yanney, who had testified earlier in the trial concerning the exhuming of the body of John Shada, yesterday told his version of the alleged rioting at the Gabriel Shada farm. He was not on the scene at the time of the shooting, but went down the road on hearing the shots. He then acted as a peacemaker between the two factions, according to his testimony yesterday.

Dr. Lester M. Stearns, who conducted the first autopsy on the body of John Shada, was called this morning as the first witness for the defense. Dr. Stearns told of his examination of Mr. Shada before his death, locating the wound as one and one-fourth inches below and one and one-fourth inches back of the lobe of the ear. At the

time he first examined Mr. Shada he was at the home of his brother in Kearney and was in a distressed condition. There was some blood coming from his mouth, but Dr. Stearns was of the opinion that it was from abrasions that the man had made with his hands, as he was clawing at the inside of his mouth. There was a hemorrhage into the tissues in the floor of the mouth, which had forced the tongue up to the roof of the mouth. It was this that distressed the man so, and he indicated that he wanted it cut open.

Dr. Stearns examined the inside of his mouth with his fingers and thumb, trying to locate the bullet, and he testified that to his knowledge there was no wound into the oral cavity at that time. Any blood that was being discharged was coming from the abrasions made by the wounded man.

Dr. Stearns submitted x-ray pictures taken by himself of the head of the dead man, the day following his death. By these pictures he located the piece of the bullet that he afterwards extracted from the jaw.

Attorney Prince, of the prosecution, showed Dr. Stearns the x-ray picture submitted by Dr. Arrasmith yesterday, showing what the latter believed to be the course of the bullet, and asked him to give his interpretation of it. Dr. Stearns believed the shadow to be air, probably admitted by his probing of the wound.

"Do you swear you caused the tract by your probing?" asked the state's attorney.

"No," answered Dr. Stearns.

"Might it have been caused by the bullet?"

"I couldn't say."

Dr. Stearns said that he believed the course of the bullet would have been destroyed by his probing and his incision, made to locate the bullet.

Dr. Royal F. Jester, associated with Dr. Stearns, corroborated the latter's testimony, he having acted as an assistant during the examination of the body and the x-raying.

Testimony submitted by several of the state's witnesses earlier in the trial that there had been no guns on the Gabriel Shada farm a few days previous to the alleged rioting and shooting, was contradicted this morning by Frank Husemoller and Floyd Brown, witnesses for the defense. Husemoller and Brown are linemen for the Kearney Telephone company and on the Friday preceding the Sunday on which the trouble took place, they were working on the line a few hundred feet west of the Shada home. Husemoller, who was on a pole, told of seeing a Ford truck come from the west and enter the Shada yard, in which there were a woman and two young

men. One of the boys was in the rear of the truck and was holding a shotgun.

The three got out of the truck and went into the Shada house, and a few minutes later three different young men came out of the house. One of them had a .22 calibre revolver and began shooting at a tin can or cob. Husemoller testified that the gun was bright and shiny. He heard four or five reports, and judged them to be from .22 calibre shorts. Floyd Brown corroborated part of Husemoller's testimony, but as he was on the ground he would not see who was firing the shots, though he heard them clearly. Cross examination of Brown will continue this afternoon.

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KEARNEY, NE - Kearney Daily Hub, Friday, December 9, 1927

**TESTIFY SAM
SHADA FIRED
PISTOL SHOT**

**Other Witnesses Say Denison In
Ditch at Time; Knocked
Down By Club Wielder.**

Saw Sam Shada Shoot.

New testimony as to who did the shooting at the Gabriel Shada farm at the time of the fatal injury of John Shada, of Lexington, was given in district court yesterday afternoon, when Clifford Chamberlain and Lloyd Saylor, witnesses for the defense took the stand. These two men, day laborers in Kearney, were present at the time of the alleged rioting and shooting, and testified to seeing Sam Shada come down the road to meet the Kearney boys. When they were within about thirty feet of him, according to Chamberlain, he fired a revolver three or four times, pointing the gun to the northwest of him.

Stopped Two Cars.

Testimony of boys who actually participated in the rioting was given for the first time yesterday, when Arne Mattson and Clifford King were called by the defense. Young Mattson told of accompanying Galon Peaker, John Panek, Casey Merryman, Ingve Mattson and Toots Denison in Toots' car, to the scene of the trouble.

On the way out there, the procession stopped three times before the final stop, he said. The first time was when a boy fell off the truck and they stopped to pick him up. The second and third times were when they stopped the two cars of Syrians who were leaving the Shada farm.

"Did you stop Mrs. Rose Miller and her mother?" Arne was asked.

"No, sir," he answered.

"Did any of the boys in the truck have guns?"

"No, sir."

Denison in Ditch.

The procession of cars stopped within about 200 yards of the Gabriel Shada farm, Arne said, and the boys got out. A number of Syrians, carrying clubs and sticks, were coming down the road to meet them. There was lots of confusion and shouting. The Kearney boys picked up their sticks and clubs after they reached the scene of the trouble, he stated.

"Did you see Jim Denison?" he was asked.

"Yes, sir,"

Arne testified to hearing the three shots, after which the Kearney boys ran back to the west.

"Where was Denison when the shots were fired?"

"He was in the ditch fighting with someone when the shots were fired."

During the cross examination, Arne admitted having a club in his hand himself.

"What were you going to do with that club?" the state's attorney asked him.

"I had that club in self defense," he answered.

"Why did you go out there?"

"Out of curiosity."

Conflicting Testimony.

Yesterday Arne testified to hearing the shots come from the east of him and a little south. His statement to State Sheriff Condit was produced, in which he said he "couldn't say" from which direction they came.

When Clifford King took the stand, Judge Hostetler warned him that the testimony might be used against him and that he need not go into the story of the shooting at all. The boy thought a second or two and then said, "I'll tell it all."

Young King, who rode out to the farm of the truck, corroborated Arne's testimony as to the number of stops made and also as to seeing Denison in the ditch at the time of the shooting. He was one of the boys that stopped the two Syrian cars, and he admitted seeing one of the boys hit a Syrian. He also admitted "cussing them."

Denison came up when they stopped the second car and, according to King, kept the boys from attacking the Syrians.

Testimony was given by King that conflicted with that he had given during the preliminary hearing. At that time he testified to seeing the gun in the hands of a Syrian and that it was an automatic. Yesterday he said he couldn't describe the man who held the gun, while in the preliminary hearing he gave a rather detailed description of him.

William Maeder, employed by the Tollefsen-Elliot Lumber company, gave testimony yesterday that conflicted with statements made previously by Charles Shada. According to Maeder, Shada pointed out Victor Nutter to Sheriff Flake shortly after the shooting occurred, saying, "There's the boy that did the shooting."

Morning Testimony.

Witness after witness was called this morning for the defense and testified that Mrs. Rose Miller was not stopped or detained by the Kearney boys who were going out to the Gabriel Shada farm. In her testimony earlier in the week, Mrs. Miller said the boys stopped her and her mother and threatened them with guns, identifying Jim Denison as the boy with the revolver.

The following witnesses for the defense, boys that were in the procession, testified that they stopped no one in an improvised Ford truck such as Mrs. Miller was driving: Otto Peters and Charles McDonald of Pleasanton; Samuel Shoop, Robert Mitchell, Hardy Wells, Ingve Mattson and Casey Merryman.

Samuel Shoop and Robert Mitchell testified to seeing Denison strike a Syrian over the head with a stick, knocking him to the ground. They also said that they saw Denison in the ditch at the north side of the road fighting, at the time they heard the shots. Shoop admitted that the Kearney boys were looking for a fight, answering "yess" to the question, "So you went out there to clean up the Syrians?"

Shada Fired Shots.

Young Mitchell identified Sam Shada as the man who fired the last two shots. He didn't see him fire the first one, he said. Attorneys

for the state produced the statement made by Mitchell at the inquiry following the shooting, wherein he said he couldn't identify the man that held the gun. The boy admitted saying this but gave as his reason that he was afraid he would be held as a witness and his father had told him not to go to town that day.

Casey Merryman, the last witness called this morning, corroborated the statement of the other boys concerning the number of stops made by their procession, the fact that none of the Kearney boys had guns and that they didn't stop Mrs. Miller on the road. Cross examination of this witness will continue this afternoon.

The defense had subpoenaed Mrs. Miller yesterday, but she did not appear. The sheriff was sent for her again this morning, but her physician says that she is unable to appear in court.

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KEARNEY, NE - Kearney Daily Hub, Saturday, December 10, 1927

**CASE WILL GO
TO JURORS IN
THE AFTERNOON
Heard Arguments of Attorneys at
Morning Session: Touch the
Evidence High Spots.**

NEARING THE CLOSE.

The case of the state of Nebraska versus Jimmy Denison, charged with the murder of John Shada, of Lexington, will in all probability be in the hands of the jury by four-thirty this afternoon. The court opened this morning with the closing arguments. County Attorney E.G. Reed and Fred Nye speaking for the prosecution and H.M. Sullivan and E.P. McDermott for the defense. Mr. McDermott will complete his argument immediately after noon, and W.A. Prince and T.F. Hamer will wind up the case.

According to Mr. Reed, a verdict of first degree murder will be asked against the defendant, but the death penalty will not be asked. The jury will be instructed that they can return a verdict of second degree murder or manslaughter under this charge.

Reed Opens Argument.

County Attorney Reed opened the argument for the state this morning, explaining to the jury their duty in rendering their verdict in this case. He reviewed the case to them, going over all of the testimony that has laid the state's case in a favorable light. Both he and Mr. Nye emphasized the fact that the Syrians are of the same race as the so-called Americans, and are in truth, Americans. He also emphasized the fact that the testimony of Charles Shada, alleged eye witness to the crime, was not impeached.

Sullivan Addresses Jurors.

In the thirty minutes that H.M. Sullivan talked to the jury he touched but generally on the case in hand. He spoke most highly of the Syrians as a race, especially the younger generation that had been born and reared in the United States, under the influence of American schools and institutions. Mr. Sullivan emphasized that facts and circumstances are more convincing than the words from the mouth of any witness, pointing out the facts that the shot entered the head of the deceased from the rear, that there was a pistol in the Shada house, and that George Simon also was the possessor of a gun.

Mr. Nye, speaking for the prosecution, brought out the fact that a number of the principals in the rioting were never put on the witness stand, alleging that the defense was afraid to let these boys speak. Mr. Nye emphasized the fact that this is an extraordinary murder case because of the fact that so many participated in it. He charged the jury that they would be upholding this mob spirit if they do not render a fair verdict.

Idleness Trouble Maker.

Mr. McDermott, the most forceful speaker of the four men, asked the jury to remember that this is a first degree murder trial and not a trial of intolerance of blood and religion. He too, spoke highly of the Syrians, mentioning Eli Yanney and Gabriel Shada as citizens that any race could be proud of. According to Mr. McDermott, even if all the evidence submitted by the state were true, the defendant could not be convicted to first degree murder.

Mr. McDermott did not try to excuse the boys for the rioting, but gave as a reason for it their youth and the fact that they had nothing else to do that Sunday afternoon.

There was no ball game, no picture shows, for these boys to attend, and when the opportunity for some excitement presented itself they were ready for it, he stated.

Begin Their Rebuttal.

The state's attorneys began their rebuttal yesterday afternoon in the case against Jimmy Denison, charged with the murder of John Shada, the defense having called all of their witnesses for the case in chief. Freeman Kelly, Galon Peaker and Dorman Bass testified yesterday afternoon for the defense.

Each of these three boys know Mrs. Rose Miller by sight, or saw her testify earlier in the trial, and each of them denies she was stopped on the Eleventh street road by the boys who were going out to the Gabriel Shada farm on the day of the fatal shooting.

Kelly Testifies.

Freeman Kelly testified to seeing Jim Denison hit a Syrian over the head with a club and identified George Shada as the boy he was fighting with in the ditch at the time the shots were fired, so that the third shot was lower himself, and said he threw it at one of the Syrians who was after Denison. Kelly also testified to seeing the man who fired the shots and identified Sam Shada as the man. He added one piece of new testimony when he said that he saw a Syrian woman pull Sam's arm down after the second shot was fired, so that the third shot was lower than the first two. *[Transcriber's note: the incongruities of the above paragraph can probably be attributed to typesetter's error; a missing or transposed line.]*

Although at the preliminary hearing Kelly said he was unable to describe the man whom he saw shoot, he gave a clear description of him yesterday. When questioned regarding the change, he said that he had thought it over and now could describe and identify him with certainty.

Merryman Had Revolver.

Galon Peaker also identified George Shada as the Syrian with whom Denison was fighting in the ditch. He heard the shots fired, but did not see the man that did the shooting.

George Merryman was the first rebuttal witness called by the state. Merryman testified to being on the Shada farm the Thursday or Friday before the Sunday on which the trouble took place. On this day he had a revolver and together with two young Syrian boys was shooting at cans and cobs. His story coincided with that told by Husemoller and Brown, telephone linemen, with the exception of the time. Merryman said he was there about five or five-thirty, while the telephone men set the time at three or three-thirty.

Never Shot a Gun.

Simon and Willie Williams were the next two witnesses, both of them testifying to coming to the Gabriel Shada farm on a Ford truck with their mother on the Thursday or Friday before Sunday, August 28. Simon was one of the boys that shot the gun with Merryman.

Mose Shada, brother of the deceased, took the stand yesterday and testified that he was playing cards with Sam Shada on the afternoon of the rioting and that neither of them left the yard until after the shooting took place. They met John coming back into the yard, injured. Sam Shada testified to the same story.

To the question, "Have you ever shot a revolver?" Sam answered, "No, never in my life."

According to Moses and Sam, they were playing cards with Amen Shada and Carl Deeb just prior to the trouble. Amen Shada has testified earlier in the trial that he was down near the scene of the fighting. When questioned yesterday concerning Amen, both witnesses said they believed he left earlier. Amen then took the stand and said that Casper Casper took his place in the game a few minutes before the trouble occurred. Carl Deeb corroborated his testimony.

Did Not Hear Shada.

Nick Roghair, Deputy Sheriff Williams and Sheriff Flake were called as rebuttal witnesses yesterday. All three of them testified that they did not hear Charles Shada say "There's the boy that did the shooting," pointing at Victor Nutter, which testimony was given yesterday by William Maeder. According to Maeder, Charles Shada said the foregoing statement on the evening of the trouble, and in the presence of Sheriff Flake.

Sheriff Flake testified that he heard nothing of the kind.

"Would you be sure that the incident didn't escape your attention?" he was asked by the attorney for the defense.

"I didn't hear it," he answered.

"Don't you think it might have escaped your attention?"

"Yes, sir."

KEARNEY, NE - Kearney Daily Hub, Monday,
December 12, 1927

**BROUGHT VERDICT
OF MANSLAUGHTER
IN DENISON CASE
Motion For New Trial Is to Be
Filed By Defense.**

Motion for a new trial will be filed immediately in the case of the state of Nebraska versus Lewis Ford Denison, attorneys for the latter announced this morning. If a new trial is denied the case will be carried to the supreme court.

This decision was made following the rendering of the verdict of manslaughter against the defendant by the jury Sunday morning at nine-thirty. The jury went out at five-thirty Saturday afternoon at the conclusion of seven hours of arguments by the attorneys for the state and for the defense. At nine-thirty Sunday morning the defendant heard the verdict of manslaughter.

Under the law the verdict of manslaughter carries a sentence of from one to ten years in the penitentiary. As defined in the instructions which the court gave to the jury just before final adjournment, manslaughter is the unlawful killing of a person in a sudden quarrel, or unintentionally while committing an unlawful act.

The charge of first degree murder filed against the defendant included also charges of second degree murder and manslaughter. First degree murder, the jury was instructed, is the unlawful killing of a person purposely and of deliberate and premeditated malice. Such a verdict carries a sentence of life imprisonment or death. Second degree murder is the unlawful killing of a person done purposely and maliciously, but without deliberation and premeditation. A second degree verdict carries a sentence of ten years to life imprisonment.

Victor Nutter and Ernest Noble, held on the charge of aiding and abetting the killing of John Shada, are still confined in the county jail. Their cases will come before the district court during the session in April.

KEARNEY, NE - Kearney Daily Hub, Tuesday,
December 13, 1927

MOTION FILED THIS
MORNING FOR NEW
TRIAL FOR DENISON
Attorneys For Defense Ask That
Verdict Be Set Aside.

Motion for a new trial in the case of the state of Nebraska versus Lewis Ford Denison was filed in the district court this morning by Attorneys T.F. Hamer, Ed P. McDermott and H.M. Sullivan, lawyers for the defense. If the motion is refused by Judge B.O. Hostetler, the case will be appealed to the supreme court, the attorneys said.

The reasons given by the defense that the verdict of manslaughter be set aside and a new trial granted include some unusual statements as well as the usual reasons given for asking a new trial. These latter include such reasons as because of newly discovered evidence, errors of law occurring at the trial, misconduct of the jury, misconduct of the attorneys for the state, misconduct of the witnesses for the state and the erring of the court in giving instructions to the jury.

Other reasons given for asking a new trial are as follows.

"Because of irregularity in the proceedings of the court whereby the defendant was prevented from having a fair trial and particularly because of the misconduct of John N. Dryden, who during the argument of the case on behalf of the state by W.A. Prince, special prosecutor, occupied a seat upon the rostrum beside the presiding judge, B.O. Hostetler, and in the presence of the jury and throughout said argument nodded and smiled his approval to the jury of the argument made.

"Because of irregularity in the proceedings of the court and misconduct upon the part of Kenneth Dryden and Robert Huston, who during the argument of said case occupied a position upon the rostrum beside the presiding judge and who in the presence of the jury nodded and smiled their approval of the points in the argument by counsel for the state, W.A. Prince.

"Because the court erred in permitting the witness W.F. Flake to testify over the objection of the defendant that he had not arrested Victor Nutter on the 28th day of August, 1927 because of

anything said to him concerning said Nutter by the witness Charles Shada.

"Because the court erred in permitting the witness W.F. Flake to testify over the objection of the defendant that the witness Charles Shada had talked to him of the defendant shortly after the shooting of John Shada, deceased.

"Because the court erred in refusing to permit the defendant to show by the witness William Maeder that instantly following the shots one of the boys from Kearney cried out as he was running back, "the Dagoes shot."

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**KEARNEY, NE - Kearney Daily Hub, Monday,
December 19, 1927**

**RECORD REPORT
ON THE RULING
Court Sets Forth Reasons For
Denying New Trial.**

EDITOR'S NOTE.

Ruling on the motion for a new trial in the case of the state vs. Lewis Ford Denison, Friday afternoon, Judge B.O. Hostetler, is district court denied the petition of the defendant.

There follows a verbatim report, of the court's summing up of the defense causes for action and his deductions.

The court: "In passing on the motion for new trial in this case the court makes the following statement for the record:

This case covered a period of time of seven days. The first day was taken up in obtaining a jury; five days were used in the taking of testimony, and one day for arguments of counsel and the instruction of the court.

During the twenty-four years that this court has served on this bench he has never seen larger crowds attending a trial than attended this trial. Practically all the time all of the seats were occupied and people stood in the aisles and were even permitted to occupy the space reserved for members of the bar; consequently, during the trial the court admonished the audience that they must not applaud anything that happened in the court; that they must refrain from all expressions of approval or disapproval; and the

court even went so far as to threaten anyone who violated this order with imprisonment; and the court says that for so many people as were present, splendid order was maintained during the entire trial of the case, and that he personally saw no act of misconduct on the part of anyone. As to the expressions on the faces of those in the audience, the court is, of course, unable to determine. The constitution guarantees to every defendant a public trial, but if the court is compelled to control the expressions that play upon the faces of those in the audience, then public trials would be a farce, because everyone who attends a trial regularly may be observed, perhaps, at times, by the expressions on their face, to indicate their approval or disapproval of certain things that may take place. In other words, it is the court's opinion that a public trial could never be had and finally ended if new trials were to be granted because of the expressions that play upon the faces of certain persons in an audience of perhaps seven hundred people such as attended this trial.

The court feels that every right was granted and given to this defendant that he was entitled to under the law. He was defended by three of the ablest criminal lawyers in the state of Nebraska, who left no stone unturned or anything undone on his behalf. He was allowed to be surrounded by his friends in the place where the members of the bar usually occupy the seats. Members of his family and his friends were allowed to sit within the bar, and witnesses for the defense were allowed to occupy space that properly belonged to the bar; and they occupied not only all the chairs but sat upon the tables; they took positions in the court's private chamber so that the court himself had no place to go; and the court made no objection, but allowed everyone to be present and to observe the trial, and it is the opinion of the court that an absolutely fair trial was had in this case.

Now, as to the charge made in the motion for a new trial as to the conduct of the jury, the court has this to say: That he is personally acquainted with each member of the jury who served in this case; that he has known them for many years; that they were men of character and men of integrity, and that these jurors gave the very closest attention to all of the evidence that was introduced in the case. As to the charge made that Juror McCartney took notes, the court says that from his position on the bench he could readily observe the actions and conduct of the jurors in the case. At some times during the trial and just as the court was about to adjourn the jury for an afternoon or morning recess, he noticed that Juror McCartney had a pencil and a notebook in his hand; at that time

there was no witness testifying; that immediately the court dismissed the jury for their recess and he went to the juror and personally told the juror that while many of the states of this Union hold that it is proper for a juror to take notes during a trial, yet in this state it was probably safer and better that he should not take notes and the court instructed the juror to take no notes whatever during the trial and not to use any notes that he had taken, if any, in the jury room, either for his own benefit or the benefit of the jury; and the juror told the court that he had taken no notes while any witness testified; that he had only written down the names of several parties. That after the time the court observed carefully and the Juror McCartney made no further notes whatever.

The court further observes that at each time the court adjourned during the trial that he admonished the jury particularly that they should converse with no persons; that they should not discuss the case with one another; that they should listen to no conversations held by any outside parties; that they should keep their minds free and clear from anything and everything that might influence their judgement in the trial of the case; and they were also admonished at each of said times that they must not make up their minds until the evidence had all been submitted and the arguments of counsel all made and the instructions of the court given. It is the belief and opinion of the court that the jury scrupulously and conscientiously obeyed these admonitions and that if there were expressions on the faces of those in the audience, that the jurors were of sufficient manly fibre to disregard such matters in arriving at their verdict in the case.

The court instructed the jury that they must determine the case solely upon the evidence in the case, and he told them in the last instruction given that the liberty of the defendant should not be lightly frittered away; that they must look entirely and alone to the evidence in the case and the law and instructions as given them by the court, and that they must find their verdict in accordance therewith. And during the entire trial no one representing either the state or the defendant or any other person ever called the attention of the court to any misconduct on the part of any of the jurors or the audience attending the trial.

During the arguments in the afternoon of the last day of the trial there was a very large attendance of people present, and they crowded up to the judge's stand on the south side thereof, many people standing there. During the argument the court observed Kenneth Dryden and Mr. J.C. Tye, who is a partner of defendant's chief counsel, Thomas F. Hamer, sitting in a window some five or six

feet removed from the court, and he also noticed Robert Huston standing with others at the south side of the court's bench. These young gentlemen are members of the bar of Buffalo county and are young men of splendid character, in whom the court has every confidence and whom he knows would not commit any violation of the law or be guilty of any misconduct, and he observed nothing in their actions but what was perfectly proper and right.

That during the trial the Hon. John N. Dryden came into the court room; every seat where a member of the bar had a right to sit was occupied; there happened to be a vacant seat back of the court on the judge's rostrum and the court permitted said John N. Dryden, who is the senior member of the bar of Buffalo county, to take that seat; that the court and Mr. Dryden did not discuss the merits of the trial; that Mr. Dryden simply occupied the seat upon the rostrum as a spectator, without any interest whatever in the result of the trial; that the court observed that he listened carefully to the arguments of Thomas F. Hamer and of Mr. Prince; that at no time did the court observe Mr. Dryden do anything other than would be expected of a man of his character and standing both before this court and the supreme court of this state. The attempt to cast reflection upon the conduct of Mr. Dryden is disregarded by this court, because he is satisfied that Mr. Dryden in every way conducted himself in the manner that an officer of the court should conduct himself, and the court finds no cause for complaint.

Upon the question of newly discovered evidence, that might be expected after a long trial of this kind, with so many witnesses testifying and the excitement that prevails due to such a trial. However, the laws of this state provide that a new trial shall not be granted unless the court is satisfied that the evidence newly discovered would result in a different verdict than that which was rendered. The supreme court has also said that such motions should be received with extreme caution; that somewhere, sometime, there must be an end to litigation; and if new trials are constantly granted upon newly discovered evidence and objections of that kind there will never be an end to litigation.

This case was tried, as I have stated before, for about seven days; it has cost the taxpayers of Buffalo county perhaps somewhere near five thousand dollars, and it is not the opinion of the court that this newly discovered evidence, disputed as it is by the state's testimony, would make any difference in the result and the verdict.

The court for the purpose of ascertaining something about the nature of the sentence that he ought to inflict inquired of jurors after the case had been tried and after the jury had been dismissed,

and he learned that the jurors stood one for murder in the first degree, seven for murder in the second degree, and four for manslaughter; that not a single juror voted at any time for acquittal. And with the jurors having that state of mind it is the opinion of the court that even if the testimony that is now offered by the defendant as newly discovered evidence were introduced, that it would not have changed the verdict in any way. The supreme court of this state has said that the jury in criminal cases are the absolute judges of the facts, and if there is evidence upon which to base their verdict the supreme court will not interfere with their decision. Under our constitution they are a part of the judicial system; they are the tryers of the facts, and when they have spoken it is the duty of the court and of the people who wish to see the laws of their country enforced, to respect that decision.

The motion for a new trial will be overruled."

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From WHO'S WHO in NEBRASKA

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1940**

(Judge)

HOSTETLER, BRUNO O.: Judge of District Court; b Cedar Falls, Iowa May 20, 1861; s of David Hostetler+Elizabeth Schaffer; ed U of Iowa, grad with honor, awarded PhB, 3 years later selected to deliver masters oration of his class, & recd MA, 1885 ent law coll, LLB 1887; marr. Margaret B Miller Nov 24, 1887 Waverly, Iowa; d Florence M (Mrs Anan Raymond); 1887-1904 gen law prac, Kearney; 1903-judge of dist court; dean in service of all dist & supreme judges of Neb; has tried 17 murder cases, 10,000 lawsuits, 2,000 divorce cases, of his decisions 97 percent have been final; presided at trial of Mother Bloor & other communists Sept 22, 1934; recd telegram from communists in ND demanding release of prisoners; in response he wired, "I will not be deterred in the performance of my duty as judge by all the reds from Russia to hell"; pres Farmers Mutual Ins Co; 1898-1902 mayor, Kearney; pres Neb Dist Judges Assn; BPOE 984; IOOF; hobbies, books, painting, travel, has been to Alaska & Europe twice; off Courthouse; res 2108 1st Ave, Kearney.

(Prosecuting Attorney)

REED, ELDRIDGE GERRY: Attorney; b Warren Co, Ia Sept 11, 1890; s of William Reed+Sarah Jane Blankenship; ed Warren Co., Iowa; Guide Rock HS; Creighton U, LLB 1916; marr. Vern Irene Dunbar Nov 27, 1913 Tilden; s Byron Wendell; d Doris, Margaret (Mrs Lloyd Fleming); 1 year tchr Warren Co. Iowa; 1 year tchr Webster Co; 1 year supt of schs Miller; field man for Occidental B & L Assn, Omaha; traveling representative for Nash-Finch Whol Groc Co., Kearney; 1920- atty; past city atty; 8 years Buffalo Co. atty; past pres Buffalo Co. Bar Assn; Neb St Bar Assn; past dir C of C; past pres Cosmopolitan Club; high priest RAM, prelate KT; IOOF; steward & lay representative Meth Ch; hobbies, travel, fishing, hunting; off Farmers State Bank Bldg; res 1914 7th Ave, Kearney.

(Defense Attorney)

McDERMOTT, ED P.: Attorney; b Shelton, Neb Dec 6, 1890; s of Edward J McDermott+Mary Lacey; ed Shelton HS; Creighton U. LLB 1910; marr. Madge A Michael June 22, 1920 Oakland, Cal; 1910-14 Buffalo Co atty; 1916-18 prac law, Kearney; 1918-23 Kearney city atty; 1923- prac law Kearney; one of orgs Amer Leg, Kearney, past comm & ch mbr, 1919-21 first natl committeeman, mbr bonus bill

corn, spoke before ways & means corn in U S house of representatives; 1921 nominated Earl Cline of Lincoln as natl comm; Buffalo Co, Neb St & Amer Bar Assns; C of C; BPOE 984; KC; St James Cath Ch; Dem, 1916 candidate for congress 6th dist; hobbies, golf, bucking horses; res Kearney.

(Clerk of District Court)

HENNINGER, GUY NELSON: Brigadier General, Adjutant General; b Shelton, Neb July 16, 1894; s of Stephen Arnold Douglas Henninger-Elizabeth J Quest; ed Shelton HS 1914; U of N, BSc 1918; Sigma Tau; m Mae L Marshall Aug 30, 1922 Lexington; d Vernelle J, Barbara M; 1919-21 mgr Shelton Milling Co; 1930 adm to Neb bar; 1921-34 Buffalo Co clk of dist court; 1935-39 Buffalo Co atty; 1939- adjt sen, NNG; during World War, enl Jan 25, 1918 Fort Omaha, disch Feb 17, 1919 priv flying cadet, commd 2nd Lt air corps ORC Feb 1919; 1923-27 1st Lt, 1927-33 capt, 1933-36 maj, 1936-39 Lt col QMC, 1939- adj gen, NNG; Neb St Bar Assn; Rotary, Lincoln, past VP at Kearney; U of N Alumni Assn; BPOE 984, past exalted ruler, past dist dep, grand exalted ruler 1930-31; AF&AM, Shelton, past secy; hobby, aviation; off State Capitol; res 2054 South, Lincoln.

(Witness, Photographer)

MATTSON, IVAN H.: Photographer; b Goteborg, Sweden Jan 7, 1895; s of Herman Mattson-Ida Persson; ed Sweden; Kearney HS 1914; KSTC 1914-15; m Ebba Olson Aug 21, 1929 Kearney; reared cousin, Robert Young; 1905 came with parents to Kearney; while in sch emp in Anderson Photographic Studio, Kearney & after leaving sch emp in Anderson Studio until 1920; 1920- owner & opr Mattson Studio, Kearney; past mbr city coun 8 years; 1939- mayor; 1935 senator representing Buffalo, Sherman & Kearney Cos in Neb legislature, chmn municipal affairs corn; 13 years mbr NNG, first sgt; treas Neb St Photographers Assn; C of C; Cosmopolitan Club; Kearney Country Club; rnbr Kearney Drama League 15 years; First Luth Ch, bd mbr; hobbies, dramatics, athletics; off 2203 Central Ave; res 2215 8th Ave, Kearney.

(Father and Son Mentioned in Misconduct Objections)

DRYDEN, KENNETH HOLMES: Attorney; b Kearney, Neb Aug 3, 1897; s of John N Dryden-Helen Holmes; ed Kearney HS 1916; Neb Wes, BA 1920; Columbia U, LLB 1923; Phi Kappa Tau; Phi Delta Phi; m Hallie Smith June 14, 1928 Kearney; d Margaret Ruth, Martha Kay; 1923 adm to Neb bar; 1923-31 atty with father in firm of Dryden & Dryden, Kearney; 1931-33 in indep law prac; 1933- atty

in firm of Dryden-Jensen; during World War, 1918 instr in USSC, U of N, mbr SATC Neb Wes; past secy Buffalo Co Bar Assn; Neb St & Amer Bar Assns; C of C; past pres Cosmopolitan Club, 1939-40 internatl pres; AF&AM; trustee Meth Hosp, Omaha; trustee Neb Wes; Meth Ch, mbr gen bd of edn at Chicago; trustee Neb conf, trustee Meth Ch of Kearney; hobby, stamp collecting; off Fed Anthex Bldg; res 2304 6th Ave. Kearney.

» » » ◇ « « «

BUFFALO COUNTY DISTRICT COURT DOCUMENTS

CASE #10939 (State of Nebraska versus Lewis Ford Denison) and
CASE #10962 (State of Nebraska versus Ernest Noble and Victor
Nutter)

INFORMATION.

DISTRICT COURT

Buffalo County, Nebraska

The State of Nebraska, Plaintiff

vs.

Lewis Ford Denison, Defendant

INFORMATION FOR

Murder in First Degree

State of Nebraska

County of Buffalo

I, W.F. Flake, Sheriff of the County of Buffalo in the State of Nebraska, do hereby certify that on the 26th day of November, 1927, at 5:30 o'clock P.M., I gave and delivered to Lewis Ford Denison, the defendant in the above entitled cause, a true and certified copy of this information, with all the endorsements thereon. Witness my hand this 26th day of November, 1927, (signature) W.F. Flake, Sheriff

State of Nebraska

County of Buffalo

E.G. Reed, being first duly sworn, upon his oath says that he is the County Attorney in and for Buffalo County, in the 12th Judicial District of the State of Nebraska, and that the allegations and charges against the defendant Lewis Ford Denison in the within information are true as he verily believes.

(signature) E.G. Reed, County Attorney
Subscribed in my presence, and sworn to before me, this 26th day
of November A.D. 1927
(signatures) Guy N. Henninger, Clerk of the District Court
by B. Worlock, Deputy

WITNESSES

Elias K. Yanney	Rose Miller
Albert Shada	Dr. W.J. Arrasmith
Sophie Williams	W.C. Condit
["Williams" crossed out and "Kantaras" written in]	
Chas. Shada	Gabrial Shada
Nicholas Shada	Chas. George
George Simon	W.G. Daggett
Rev. M.M. Yanney	William Hawkins
Amen Shada	Julius Bass
Mary Shada	George Shada
Harry Sawyer	Ruby Shada
Ivan Mattson	Verne Bower
Mary Shada	Floyd Elias
John Shada	Emory Preddy
Arthur F. Merryman	Clark Seath
Dr. A.D. Cameron	W.F. Flake
Micah Anderson	John Anderson
Elizabeth Simon	Samuel George
James George	Anna George
Richard George	

» » » ◇ « « «

(official stamp: "FILED Nov 26 1927 Guy N. Henninger Clerk of the
District Court Buffalo County, Nebr.")
State of Nebraska
County of Buffalo
In the District Court of the 12th Judicial District of Nebraska, in and
for Buffalo County.
The State of Nebraska, Plaintiff
vs.
Lewis Ford Denison, Defendant

INFORMATION

BE IT REMEMBERED, That E.G. Reed, County Attorney in and for Buffalo County, and in the 12th Judicial District of the State of Nebraska, who prosecutes in the name and by authority of the State of Nebraska, comes here in person into Court for the State of Nebraska, gives the Court to understand and be informed that Lewis Ford Denison late of the county aforesaid, did, on the 28th day of August A.D. 1927, in the County of Buffalo and State of Nebraska aforesaid, did then and there being, did then and there unlawfully, feloniously, maliciously, purposely and of his deliberate and premeditated malice, shoot one John Shada with a revolver, with the intent then and there of him, the said Lewis Ford Denison, him the said John Shada to kill and murder, and as a result thereof, he, the said John Shada died on the said 28th day of August, 1927. The said defendant thus committed murder in the first degree; contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Nebraska.
(signature) E.G. Reed, County Attorney.

» » » ◇ « « «

(official stamp: "FILED Dec 2 1927 Guy N. Henninger Clerk of the District Court Buffalo County, Nebr.")

IN THE DISTRICT COURT OF BUFFALO COUNTY, NEBRASKA
State of Nebraska, Plaintiff

vs.

Lewis Ford Denison, Defendant

MOTION TO ENDORSE WITNESSES ON INFORMATION

Comes now the State of Nebraska and by its attorney, E.G. Reed, County Attorney in and for Buffalo County, Nebraska, shows to the Court that since the filing of the information in above matter that the State has discovered the following witnesses who will be material witnesses in the trial of above matter on behalf of the State, and asks leave of the Court to endorse same on the information to-wit: Elizabeth Simon, Samuel George, and James George, and Anna George - Richard George.

STATE OF NEBRASKA BY

(signature) E.G. Reed

County Attorney, Buffalo County, Nebraska.

NOTICE

To T.F. Hamer, and Edward P. McDermott, Defendants in above matter:

You will take notice that the State of Nebraska will ask leave to endorse the names contained in the above motion upon the information forthwith or as soon as the attention of the Court can be called thereto.

Dated this 30 day of November, 1927.

(signature) E.G. Reed, County Attorney

Received copy of above notice and motion this 30 day of November 1927.

(signature) Ed P. McDermott

» » » ◇ « « «

(official stamp: "FILED Dec 11 1927 Guy N. Henninger Clerk of the District Court Buffalo County, Nebr.")

VERDICT OF JURY.

THE STATE OF NEBRASKA, Plaintiff

vs.

Lewis Ford Denison, Defendant

Regular November Jury Term, A.D. 1927,

to-wit: December 11, 1927

WE, THE JURY IN THIS CASE, being duly impaneled and sworn, do find and say that we find the defendant, Lewis Ford Denison, not guilty of murder in the first degree in manner and form as charged in the information, and we further find and say that we find the defendant, Lewis Ford Denison, not guilty of murder in the second degree in manner and form as charged in the information, but we do further find and say that we find the defendant, Lewis Ford Denison, guilty of manslaughter in manner and form as charged in the information.

(signature) Charles E. Bishop, Foreman

» » » ◇ « « «

(official stamp: "FILED Dec 30 1927 Guy N. Henninger Clerk of the District Court Buffalo County, Nebr.")

IN THE DISTRICT COURT OF BUFFALO COUNTY, NEBRASKA

State of Nebraska, Plaintiff

vs.

Ernest Noble and Victor Nutter, Defendants

MOTION

Comes now the plaintiff, the State of Nebraska, in above matter, and by its attorney, E.G. Reed, County Attorney, in and for Buffalo County, Nebraska, and moves the court for permission and leave to reduce the charges in above matter from the present charges pending to that of Manslaughter, and for leave and permission to file a new and amended information setting out the latter and lesser charges of Manslaughter.

The State of Nebraska, Plaintiff, By

(signature) E.G. Reed

County Attorney in and for Buffalo County, Nebraska, attorney for plaintiff.

» » » ◇ « « «

(official stamp: "FILED Mar 17 1928 Guy N. Henninger Clerk of the District Court Buffalo County, Nebr.")

STATE OF NEBRASKA County of Buffalo

In the District Court of the Twelfth Judicial District of Nebraska, in and for Buffalo County.

The State of Nebraska, Plaintiff

vs.

Ernest Noble and Victor Nutter, Defendants

AMENDED INFORMATION

BE IT REMEMBERED, That E.G. Reed, County Attorney in and for Buffalo County, and in the Twelfth Judicial District of the State of Nebraska, who prosecutes in the name and by authority of the State of Nebraska, comes here in person into Court at this, the January term, A.D. 1928 thereof, and for the State of Nebraska, gives the Court to understand and be informed that Ernest Noble and Victor Nutter late of the county aforesaid, did, on the 28th day of August, A.D. 1927, in the County of Buffalo and State of Nebraska aforesaid, then and there being, each of them did then and there being, did then and there one John Shada then and there being, unlawfully and feloniously kill and slay, that said defendants and each of them thus committed manslaughter. That such killing and slaying was so committed by said defendants and each of them by reason of their

having on said 28th day of August, 1927, procured, aided and abetted one Lewis Ford Denison to so kill and slay the said John Shada, which he at such time, place, manner and form did in pursuance of such procurement, aiding and abetting; contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Nebraska.

(signature) E.G. Reed, County Attorney

» » » ◇ « « «

INFORMATION.

DISTRICT COURT

Buffalo County, Nebraska

The State of Nebraska, Plaintiff

vs.

Ernest Noble and

Victor Nutter, Defendants

INFORMATION FOR

Manslaughter by Accessory by Aiding and Abetting

State of Nebraska

County of Buffalo

I, W.F. Flake, Sheriff of the County of Buffalo in the State of Nebraska, do hereby certify that on the 17th day of March, 1928, at 8:30 o'clock P.M., I gave and delivered to ["Ernest Noble and" is crossed out] Victor Nutter, the defendant in the above entitled cause, a true and certified copy of this information, with all the endorsements thereon. Witness my hand this 19th day of November, 1928,

(signatures) W.F. Flake, Sheriff
by D.J. Williams, Deputy Sheriff

[NOTE: something happens during this period, where Victor Nutter is named on the case documents but is deleted or crossed out or is not present at court. The reason is not currently known.]

State of Nebraska

County of Buffalo

E.G. Reed, being first duly sworn, upon his oath says that he is the County Attorney in and for Buffalo County, in the 12th Judicial District of the State of Nebraska, and that the allegations and

charges against the defendants Ernest Noble and Victor Nutter in the within information are true as he verily believes.

(signature) E.G. Reed, County Attorney

Subscribed in my presence, and sworn to before me, this 17th day of March A.D. 1928

(signatures) Guy N. Henninger, Clerk of the District Court
by B. Worlock, Deputy

WITNESSES

Dr. A.D. Cameron	Rev. M.M. Yanney
W.F. Flake	William Hawkins
Arthur F. Merryman	George Simon
Clara Scott	W.G. Daggett
John Shada	Nicholas Shada
Mary Shada	Chas. George
Floyd Elias	Chas. Shada
Ivan Mattson	Gabriel Shada
Vern Bower	Sophie Williams
["Williams" crossed out and "Kantaras" written in]	
Harry Sawyer	W.C. Condit
Ruby Shada	Albert Shada
Mary Shada	Dr. W.J. Arrasmith
Geo. Shada	Elias K. Yanney
Amen Shada	Rose Miller

Ernest Noble Arraigned March 17, 1928 and entered plea of guilty to aiding and abetting of Manslaughter.

(signature) Guy N. Henninger, Clerk of the District Court.

» » » ◇ « « «

(official stamp: "FILED Mar 17 1928 Guy N. Henninger Clerk of the District Court Buffalo County, Nebr.")

IN THE DISTRICT COURT OF BUFFALO COUNTY, NEBRASKA.

THE STATE OF NEBRASKA

VS.

ERNEST NOBLE AND VICTOR NUTTER.

COMMITMENT

Now on this 17th day of March, 1928, this cause came on for hearing, the defendant Ernest Noble being present in court. Having been arraigned as required by law said defendant plead guilty to the

charge of Manslaughter by aiding and abetting, as set out in the Information. Being asked if he had anything to say why the sentence of the court should not be pronounced upon him, he made no sufficient answer.

IT IS THEREFORE CONSIDERED BY THE COURT that defendant be imprisoned in the Penitentiary of the State of Nebraska at hard labor for one year, and that he be given credit on said sentence for six months and eighteen days, the time he has been imprisoned in jail, leaving the time he is to serve five months and twelve days.

It is further considered that defendant pay the costs of prosecution.

(no signature) Bruno O. Hostetler, Judge

» » » ◇ « « «

(official stamp: "FILED Mar 19 1928 Guy N. Henninger Clerk of the District Court Buffalo County, Nebr.")

NEBRASKA STATE PENITENTIARY

LANCASTER, NEB., Mar. 17, 1928

TO THE CLERK OF COURT:

This Doth Certify, That W.F. Flake, Sheriff of Buffalo County, Nebraska, did on the day of the date hereof, deliver to me at the Penitentiary, at Lancaster, the body of Earnest Noble...who was tried, convicted, and sentenced at the --- Term, 192-, of the District Court of said County, held at --- Neb., --- 192-.

(signature) W.F. Fenton, Warden of the Penitentiary.

[missing items are due to Fenton declining to fill in preprinted blanks]

» » » ◇ « « «

(official stamp: "FILED Feb 5 1929 Guy N. Henninger Clerk of the District Court Buffalo County, Nebr.")

FORM F

MANDATE

In the Supreme Court of the State of Nebraska

Sitting at Lincoln, January Term, 1929

TO THE DISTRICT COURT OF THE Twelfth JUDICIAL DISTRICT, sitting in and for the County of Buffalo GREETING:

WHEREAS, in a late action before you, wherein The State of Nebraska was Plaintiff and Lewis Ford Denison was Defendant...the said plaintiff recovered a judgment against said defendant upon a transcript of which record and proceedings in your said Court, the

said defendant prosecuted error to the Supreme Court of the State of Nebraska, upon a trial of which cause in said Supreme Court during the September Term, A.D. 1928, it was considered by said Court that the judgment rendered by you be affirmed at the costs of said defendant taxed at \$31.30.

NOW, THEREFORE, You are commanded, without delay, to cause execution to issue carrying into effect your said judgment in the manner provided by law.

WITNESS, The Hon. Charles A. Goss, Chief Justice, and the Seal of said Court, this 4th day of February 1929.

(signatures) Chas. B. Letton, Clerk

By Geo. H. Turner, Deputy

» » » ◇ « « «

1-15-01

QUESTIONS REMAIN:

1) Why does it seem as if Victor Nutter was dropped from the case? Why does the case carry his name as co-defendant, yet he was not served with papers, sentenced or sent to prison as Ernest Noble was? Perhaps newspaper articles from late 1928 or early 1929 would tell. It seems as if Victor Nutter was married and had a child already by March 1929 (see below). Marriage records need to be found in Buffalo County.

2) What sentence (and where) did Jim Denison serve?

3) It seems as if Jim Denison's father was no longer proprietor of the Midway Hotel by 1929 or 1930 (according to a Kearney Directory). He had become a poultry farmer. Since he had been at the Midway since 1906 or so, did he lose the position because of his son's legal troubles, or because of the Depression?

Some research was done on the defendants in each case. Nothing yet on Denison or Noble. However, the whereabouts of Victor Nutter were found by searching the Social Security Death Index and afterwards Masonic Memorial Park Cemetery Index in Thurston County, Washington (near Olympia):

NUTTER, Victor H. b. 11 Jun 1907 d. 29 Jul 1974 age 67
born Gibbon, NE, husband of Esther Bell

NUTTER, Esther (Bell) b. 7 Sep 1912 d. 24 Apr 1998 age 85
born Kearney, NE

NUTTER, Jack b. 14 Mar 1929 d. 8 May 1965 age 36
born Kearney, NE

NUTTER, Leon E. b. Apr 1947 d. 24 Jan 1980 age 32
born (WA?)

Esther was the daughter of Hampton and Maude (Standish) Bell of Kearney.

Hampton Bell died in Thurston Co., WA in 1970 but does not seem to be buried in the same cemetery as his daughter's family. No other info on Maude.

Research continues.

» » » ◇ END ◇ « « «