

MALLEY COLE CLAPP HEARING JUNE EIGHTH

Defendants Under \$100,000
Bond Each.—Details of Indictments Returned by Grand Jury.

the other two are of the alleged C. Clapp were brought before Judge Ballard of the district court at Carson City Saturday last for arraignment on the seven indictments against them returned by the grand jury.

P. A. McCarran appeared for Malley and Cole. Clapp stated that he had not retained counsel. Lester Summerfield and N. J. Barry appeared as special counsel for the state to assist the district attorney and the attorney general in the prosecution.

Following the reading of the indictments Attorney McCarran gave notice of demurrer. Judge Ballard set June 1 as date for hearing the demurrer and June 8 or 9 as the date for the prosecution to answer the same. It is expected that the defendants will enter pleas about June 9.

In each of the true bills returned by the grand jury one of

the other of the trio is directly accused of the crime mentioned in the indictment, while the other two are indicted for aiding and abetting in the alleged felonies. In each true bill the name at the head of the indictment is the alleged principal, and the names of the other two are of the alleged abettors. The indictments were drawn by the attorney general and his two special assistants, L. B. Summerfield and N. J. Barry of Reno. Witnesses who appeared before the grand jury were: E. C. Peterson, state controller; J. H. White, secretary to the governor; G. B. Spalding, George Wingfield, W. G. Greathouse, secretary of state; Daniel J. Sullivan, George B. Thatcher and George Russell, who has been appointed state treasurer.

The first indictment charges misappropriation by treasurer, as defined by section 6660 of the revised laws of Nevada, and accuses Ed Malley as principal, and Cole and Clapp as abettors. It sets forth that Malley during the years 1919 to 1926, and to and including May 7, 1927, was state treasurer, and that during that time he had in his custody and under his control moneys, funds and securities of the value of \$516,322.16, belonging to the state of Nevada, and that on or about May 7, 1927, Malley converted and appropriated such funds to his own use and to

uses not authorized by law, willfully and unlawfully, fraudulently and feloniously. In the same true bill Cole and Clapp are charged with aiding and abetting and encouraging, inducing and procuring Malley to commit the crime of alleged misappropriation. The bill sets forth that the defendants committed said crime in a secret manner and that the alleged misappropriation was not discovered until May 7. The penalty, on conviction, for this crime, is from one to fifteen years in the state prison, and a fine of \$5000.

The second true bill returned into court by the grand jury named H. C. Clapp as the principal defendant, and charges using a bank to injure, deceive and defraud, as defined by section 648, revised laws of Nevada, 1912. This bill sets forth that Clapp, during 1927 and up to and including April 24 of this year, was cashier of the Carson Valley Bank, and that on April 24 he did willfully, unlawfully, fraudulently and feloniously convert the Carson Valley Bank and the people of the state of Nevada, with intent, etc., to deceive officers and directors of the bank, make, utter, publish, pass and deliver to Malley a certain check for \$399,257.27, endorsed as a cashier's check, "well knowing that no moneys or other consideration had been paid, given or deposited to or with said Carson Valley Bank or to or with any other person, firm, association or corporation for the use or benefit of said Carson Valley Bank for said check or instrument in writing, and he the said defendant, H. C. Clapp, then and there well knowing that said check or instrument in writing in the treasury of the state of Nevada with the purpose and intent thereby to cover and conceal the fact that he, the said defendant, Ed Malley, had theretofore in said county of Ormsby, state of Nevada, converted and misappropriated moneys funds and securities of the state of Nevada to the value of \$399,257.27." This bill charges Malley and Cole with aiding and abetting Clapp. Conviction means a prison sentence of not less than one nor more than twenty years, and a fine of \$5000.

The third true bill makes the same accusation as the second, Clapp being the principal defendant and Malley and Cole charged as abettors, the amount of the cashier's check in this instance being \$67,065. The fourth bill also charges using a bank to injure, deceive and defraud, with Clapp the principal defendant again and with Malley and Cole charged with aiding and abetting. The amount involved in this count is \$39,999.89.

These last three true bills, numbers two, three and four, set forth that the respective numbers of the cashier's checks were 6992, 6994 and 6603. At the time of the discovery of the shortage, George Wingfield, president of the Carson Valley Bank, stated that the cashier check stubs in the bank called for the amounts of \$130, payable to J. W. Adams; for two dollars, payable to George Jones, and for \$125, payable to S. C. Smith. The three purported cashier's checks named in the indictment call for a total of \$516,322.16, the amount alleged in the first true bill to have been misappropriated by Malley, aided and abetted by Cole and Clapp.

With Clapp named as the principal defendant, and Malley and Cole as abettors, the fifth true bill accuses the trio of embezzlement from a bank, naming Clapp as cashier of the Carson Valley Bank, from 1919 to April 24, 1927, inclusive, as having embezzled moneys, funds and securities to the amount of \$516,322.16, and charging Malley and Cole with aiding, abetting, encouraging and inducing the alleged embezzlement. The bill sets forth that this embezzlement was not discovered until May 7, 1927. This crime, on conviction, provides a prison sentence of not less than one nor more than twenty years and a fine of \$5000.

George A. Cole is charged with forgery in the sixth of the seven bills, the others being charged aiding and abetting in the alleged crime. This indictment charges that Cole, while still state controller, on December 31, 1926, drew a controller's warrant for the sum of \$292,700, that he delivered the same to Clapp, and that he failed to make a true, or any, entry in the records and accounts of his office of the warrant. This warrant, according to the exhibit made to the grand jury, was drawn against the state school fund and charged to the purchase of bonds on the face of the warrant. Malley and Clapp in this bill, are accused of aiding and abetting in the alleged forgery. The penalty for this, upon conviction, is from one to fourteen years.

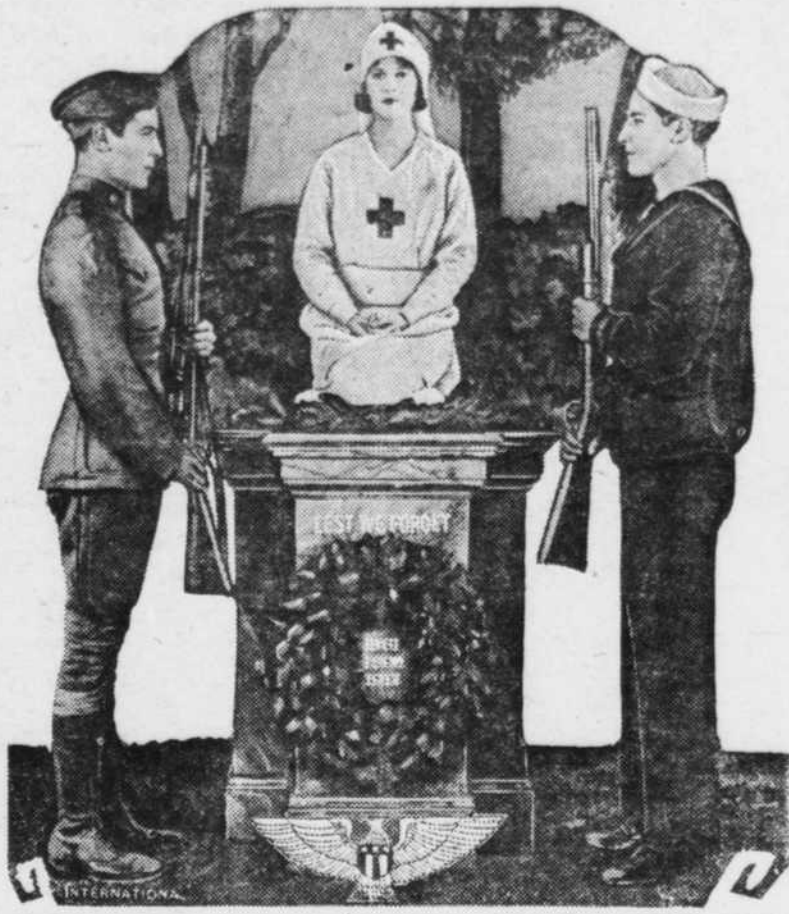
In the final of the seven bills Cole is directly charged with "receiving a controller's warrant to the controller's own use and benefit." In this bill Cole is charged with having received the same warrant mentioned in the sixth indictment, calling for \$292,700, to his own use and benefit. For this crime, on conviction, the penalty is from two to fourteen years, and a fine of not less than \$500 or more than \$1000.

Doubtless the nicest thing about Bucharest, from a middle-aged queen's viewpoint, is the last syllable.

Venice, California, patterned after its Italian namesake, is to drain her canals, fill them in and pave them. It was inconvenient walking back from gondola rides.

Whatever became of the old-fashioned girl who used to spend Saturday mornings breathing in to lamp chimneys and cleaning them with an old newspaper.

"The Brave Who Have Died"



On Memorial Day Every Citizen Should Join in Tribute to Those Who Have Passed That We Might Live.

Showed Way at Chateau-Thierry

U. S. Divisions Pushed Far Ahead of French Shock Troops.

From the War Diary of Maj. Gen. James G. Harbord in the Saturday Evening Post.

THE famous First Moroccan division of the French army was to attack in the center; the American First division, already a day in place, was to attack on its left; the American Second division, ours, on the right. This attack by three divisions was to push eastward toward the highway which ran from Soissons to Chateau-Thierry, and cut off the great salient which the Germans had made in the last days of May by their attack between Soissons and Rheims, which had been pushed as far south as the Marne, and which they were now trying to widen.

The Moroccans are the best shock and assault troops in France, reserved always for work requiring dash and desperate bravery, and were evidently in this fight not only for their own fine qualities but to set the pace for the amusing but unprofessional Americans, of whom some French staff officers are still apparently doubtful. The Moroccans are North African Moslems with white officers.

On the left of the First American division was another French colonial division, while still another was on our right. Thus we had three French colonial divisions, the only French troops who wear khaki, and our own two American divisions.

Went Forward With French. Off south of us, extending below the Marne, was the Sixth French army prepared to conform to our movements on the eighteenth, and to press the Germans on the Marne front. East of the salient and opposite to us were French and American troops pressing toward us to help pinch off the great salient. Actually the one Moroccan and the two American divisions were to deliver the main attack and all other were to conform to our movement.

Our men in the Second division had had no sleep for two nights they were to attack over terrain devoid of water except what they carried, and had only their reservations. The attack began at the appointed hour of 4:35 a. m. It was one of my hands when they went over the top, and there was nothing to do but pray for victory and wait for news. I had told the divisions that we were side by side with the best shock troops in France, and that if we were left behind or faltered, we were dishonored. The division in 36 hours had been transported from the Marne to the neighborhood of Soissons. Severed from the control of its responsible commander, it had been reformed, and under the most trying conditions, carrying such of its machine guns as it had been able to get to the front, it more than justified the confidence placed in it.

Pushed Ahead of Moroccans. The day was clear, bright and hot, and its story is not a long one. By two o'clock the division had advanced six kilometers into the German lines and had captured more than 50 cannon and 2,000 prisoners. During the initial stages of the attack the rear echelons had been gotten up; the medical contingents arriving were pushed forward and established dressing stations at points indicated in the attack order.

As the attack advanced, the division headquarters were moved to Verte Feuille Ferme, on the eastern edge of the forest, where the road to Soissons emerges from it. From here stretched eastward the great undulating plain that slopes upward to the heights crowned by the Soisson-Chateau-Thierry road. It was St. Privat reversed. The Germans were on the defensive and the victorious assault was being delivered by American regulars.

Both brigades (of the Second division) were pushing steadily forward. In their rapid advance the left of the division had passed the Moroccan division on our left and

put it en echelon. By night we had 3,000 prisoners, 11 batteries of German artillery, hundreds of machine guns, and dozens of Minenwerfers, had pushed the enemy before us six miles, and were a mile ahead of the best shock troops in France—the fanatical Moslems from Morocco.

True American Spirit. But some of the best men America ever produced had watered with their blood those sunny slopes and wooded crests. The losses were heavy, but the effect for the allied cause was worth it all, even if every member of the division, from the commander to the last recruit, had died that day.

Nothing in all history is finer than the spirit with which these men went forward, tired, hungry and thirsty and pushed the Germans back. At Gettysburg when Pickett's charge was failing on July 3, 1863, the high tide of the Confederacy broke and receded at a little stone wall on the heights, over which few men went. At the very spearhead of the charge was a dead Confederate captain of whom it is said that on reaching the wall he stood on it a moment in the withering Union fire, and turning waved his hat at his men and shouted: "Come on, you—! Do you want to live forever?" That was the spirit in which the marines, the Ninth and Twenty-third Infantry, went toward the Soissons-Chateau-Thierry road on this 18th day of July, 1918.

Marks Jewish Graves



Early in the war the graves of all "doughboys" who fell in battle or succumbed to wounds or illness were indiscriminately marked with white wood crosses. Because the Jews did not acknowledge this symbol of Christianity, the War department acceded to the request that graves of Jewish soldiers be distinguished by the "Star of David," the emblem of Judaism. So today the graves of Christian soldiers are marked with crosses while those of the Hebrew faith are indicated by stars. For the same reason, during the war the collar insignia of the chaplain of Jewish faith was changed from a cross to a shepherd's crook.

War Chaplains Honored. A bronze tablet has been placed in Arlington National cemetery in tribute to 23 army chaplains who were killed in action or died in the World War. The unveiling took place in the presence of the secretary of war, a large group of regular army chaplains and clergymen who formerly were in the military service and relatives of the men honored.

ILLUSION

The park; July. Children romping over the grass at play. Form line; as in another day. Lads scarcely older ran; and plunged to lie. Forever underneath another sky.

That statesman with the staid, serious expression is the great dictator, to whom the king is explaining the theory of divine right?



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