

HOGUE TESTED Ex-Municipal Judge Is to be Called as Witness.

SUBPENA HAS BEEN ISSUED Charge of Keeping Open After Hours Against Proprietors of Taxedo Saloon Will be Heard Fought Case.

Ex-Municipal Judge H. W. Hogue will be the star witness of the city in the case against the proprietors of the Taxedo saloon, charged with keeping their establishment open in violation of the ordinance.

At 3 A. M., August 4, Mr. Hogue was present in a rear room of the liquor dispensary, and in order to secure, if possible, a conviction in the case, Deputy City Attorney Fitzgerald has found it necessary to issue a subpoena for the former Judge.

Yesterday morning Judge Cameron asked Deputy City Attorney Fitzgerald and Attorney John P. Logan when they wished to try the case of McGinn and Johnson, proprietors of the Taxedo, and it was finally agreed to hear them Friday morning.

It is presumed that a hot fight will be waged between the city and defendants, as the latter have been so frequently in court and have so often been convicted of the offense now charged, that it is understood they will lose their license if they fail to establish their innocence in this case.

It is understood that the defendants will set up as a defense the alleged fact that ex-Judge Hogue was a member of a party in a rear room of the saloon, and that they refused to vacate when it came time for business to be closed. It is said the defendants will contend that they acted in good faith, and that they were misled by the police, who, it is said, were in the saloon, reported to Captain Bailey the alleged violation of the ordinance.

The defense will also make inquiry, it is said, as to why the police did not take any action in the matter from August 4 to August 16.

A little game of "freeze-out" or draw-poker, engaged in by William Russell, V. C. Jackson, Louis Cohen and John F. Kettner, the latter a citizen of the city, received an airing. N. Burrebach, charged with permitting gambling in his saloon, the Gem, 19 Third street, was on trial with the others. Considerable evidence was introduced after which Judge Cameron announced he will render a decision tomorrow morning.

Kettner admitted participating in the poker game, which was held at the saloon through which entrance is gained. He said that he was just wandering around last Sunday night to see what he could find in the line of amusement, when he thought he would get a beer at the Gem.

"Do you play any poker?" asked the bartender, according to Kettner's story. "I seldom do," was the reply Kettner says he made.

Then Proprietor Burrebach butted in, and suggested that it would be a nice thing for Kettner to go upstairs and try his hand at a little game, and Kettner, being in an idle frame of mind, went to make a long story short, he said, he entered the game, remained with it for about one hour and quit \$12 shy. He had but 20 cents when he concluded to quit.

Kettner felt pretty "sober" when he got outside and thought over his loss, so he went to police headquarters and told Captain Moore of the poker game. In plain clothes, Police Sergeant Johnson came hurried to the scene, and "pinched" the whole bunch of players.

Burrebach and Cohen, two defendants, took the stand and swore that no poker game had been played that night, but they both got mixed in their stories and finally admitted they played about an hour.

Cohen denied ever seeing Kettner, but Burrebach admitted he sent Kettner upstairs, but denied telling him he could play poker up there.

For one year J. F. Huffman had been operating a pharmacy on Sixth street, between Davis and Everett streets, unlicensed, although he possessed no certificate of registration, as required by law.

In some manner, the Examining Board ascertained this, and caused his arrest. Huffman was arraigned on the charge before Judge Cameron, and entered a plea of guilty. He was fined \$100, and he said that he would be unable until next December to secure the necessary registration, but that he will immediately place a registered pharmacist in charge of the drugstore.

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