

Slayer of Arbegust to Die, High Court Rules

Death Sentence of Frank Thomas, 70, Is Affirmed By Court of Appeals.

Frankfort, Ky., Nov. 21 (Associated Press).—The death sentence imposed on Frank Thomas of Louisville on a charge of murdering Lee J. Arbegust was affirmed by the Court of Appeals today.

The killing of Arbegust occurred on the Eighteenth Street Road November 26, 1921. The appeal from the death sentence imposed on Thomas was asked on the ground that the Jefferson Circuit Court erred in overruling a motion for continuance, which deprived the defendant of the opportunity of securing some of his witnesses.

The whole court sat in the case, the opinion being written by Chief Justice Rollin Hurt.

Thomas Sentenced January 25.

Frank Thomas was sentenced to death by the Jefferson Criminal Court January 25, 1922 for the murder of Lee J. Arbegust, which occurred in front of Lammer's Cafe, on the Eighteenth Street Road, November 26, 1921.

Arbegust was for years one of Thomas' best friends and had been instrumental in obtaining the latter's freedom when he was tried for the murder in 1916 of E. H. Powell, chief

of the County Police, shortly after Powell had succeeded Thomas in that office. Thomas had previously killed a negro while a county patrolman. He maintained he shot in self defense.

Today is Thomas' seventieth birthday. If he is electrocuted, he will be the oldest man in Kentucky to have been executed by the law.

The murder of Arbegust is said to have grown out of bad feeling following Arbegust's appointment as administrator of the estate of Louis DeMarsh, a former county patrolman.