

# The Plattsmouth Journal.

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## LOOKING BACKWARD TWENTY-ONE YEARS

Comical, Unique Law Suit Tried in Plattsmouth Twenty-One Years Ago. The Court Acts as Plaintiff's Attorney.

Commences Action Before Himself and Pleads for Plaintiff Before the Jury.

ISSAC PEARLMAN'S OLD COOK STOVE

Judge Willett Pottenger the Court's, and Also Plaintiff's Attorney.

In early pioneer days and especially in Plattsmouth, no lawyer was better known than Willett Pottenger who was drowned in the Platte river some years ago. In the early days, Judge Pottenger, as he was familiarly called for many years, was one among the leading lawyers of Nebraska territory and of the early days of statehood. He was thoroughly grounded in the principles of law, common, civil and statutory and as counsellor and advocate was the equal if not superior of Judge Samuel Maxwell, for many years supreme judge of Nebraska; of Turner M. Marquette, who was for many years prior to his death general attorney for the Burlington and Missouri River Railroad company; of Judge A. L. Sprague, now a leading attorney of Buffalo Gap; of Judge Samuel M. Chapman, for eleven years judge of our district court, and of many others throughout Nebraska who have become eminent and famous as lawyers. Pottenger's wit was quick, sharp, pungent. Many of the most intricate legal questions he would answer without the necessity of "looking them up." As a lawyer in the early days, Pottenger simply gravitated upward and most successfully too. He was regarded as an exceptionally safer counsellor and as an advocate his success was unexcelled.

But Pottenger finally drifted into active politics and this proved his greatest misfortune. He held an appointment to a government office at one time, in Salt Lake City, Utah, under President Grant. Something went wrong out there—he and the president had some misunderstanding and Pottenger had to come home. But he had become "sour" on the republican party and eventually drifted out of politics. He had lost his prestige as a lawyer, his property and age had become very evident in his physique. But the people of Plattsmouth—always charitable to the unfortunate, elected Pottenger justice of the peace, a position he held for many years. At the time in question, Pottenger had his office in a dirty, dingy room in the north part of the Fitzgerald block, now known as the Coates building. At this time Isaac Pearlman was starting in business on lower Main street. He had commenced to deal in second-hand goods, consisting principally of furniture and hardware. Among his customers was one John Phillips who died only recently. To him, in September, 1884, Pearlman sold a second-hand cooking stove for five dollars. The money was paid and the stove delivered. Some days afterward Phillips concluded he would rather own the five dollars than the stove. He tendered the old stove back to Pearlman and demanded the return of the five dollars. Pearlman had never been known to "go back" on his contracts and so he refused to take back the old cook stove or to give up the five dollars. He consulted the firm of Curtis & Ramsey who then had their office in the Weckbach block. Pearlman was advised, that as a matter of saving money, he had better take back the stove and return the five dollars; that if sued he would have to pay an attorney not less than five dollars to try his case in justice court. Pearlman said he would prefer to pay an attorney five dollars or even ten dollars rather than take back the stove and give up the five dollars; that while the stove was fully worth the five dollars, and even more, yet to do as Phillips demanded, would lay a bad example and injure his business.

A few days afterward Pearlman called on his attorneys and showed them a paper which proved to be a summons issued by Justice Pottenger from which it seemed that Phillips had sued Pearlman for the sum of five dollars for an alleged "breach of warranty" in the sale of the old cook stove. An examination of the "bill of particulars" filed in the case by Phillips, proved that the same was in Pottenger's handwriting and that he had commenced the case as plaintiff's

attorney, before himself as the court. Pottenger's well known ability for taxing all costs permissible under the statutes, as well as his promptitude in collecting the same were generally known.

Pearlman immediately applied for a change of venue to Justice Stiles' court, which was granted and a continuance for thirty days granted on Pearlman's application. Pottenger prepared a transcript for the change of venue as provided by law and also taxed to Pearlman certain costs, amounting to about \$7 which Pearlman would have to pay before he could get his case out of Pottenger's court. The day of trial arrived; the transcript was ready for delivery on payment of said sum. Ramsey, appearing for Pearlman, informed the court that his client had concluded not to take the change of venue but would try the case in his court but demands a jury. Pottenger, as the law provides, selected the names of eighteen of the best citizens of Plattsmouth among them being those of the late James M. Patterson, our postmaster, C. H. Smith and Gene Lewis. The court, acting as plaintiff's attorney, "struck" names on behalf of the defendant until the number was reduced to six. This number constituted the jury, but three of them claimed exemptions and were excused, leaving Patterson, Smith and Lewis to whom by agreement between the court as attorney for plaintiff and Ramsey for defendant the case was tried. Pottenger, as attorney for plaintiff put Phillips on the witness stand and proceeded to examine him in chief on behalf of plaintiff. When Ramsey thought the questions asked plaintiff by the court acting as his attorney, were incompetent, immaterial and irrelevant, the court, as plaintiff's attorney promptly overruled the objection. When Ramsey cross-examined plaintiff and the court, as plaintiff's attorney thought any question incompetent, irrelevant and immaterial, then the court as plaintiff's attorney, would object and promptly sustained the objection.

Pottenger finally rested his case and then Ramsey put Pearlman and his wife on the witness stand. The same line of examination continued—that is Pottenger would object to certain questions and sustain the objections and when Ramsey would raise an objection to Pottenger's questions, the court as plaintiff's attorney would promptly overrule the objections.

Testimony was finally closed and the case ready for an argument. Pottenger as the court and also as attorney for plaintiff, opened the argument to the jury. He explained fully and in detail the principals of law governing "breach of warranty" cases. Ramsey followed, insisting that there was not a word of testimony showing that Pearlman had ever "warranted" the stove; that the testimony of both Pearlman and his wife showed they were both present when the bargain was made; that Phillips made a careful examination of the stove and could see and knew absolutely, just what he was buying. After Ramsey concluded, Pottenger closed the argument on behalf of plaintiff, after which the jury retired to a small room adjacent to the court room to "consider of their verdict."

After the lapse of about fifteen minutes, a knock was heard on the door of the jury room. The court opened the door and the jury filed in. After being seated the court inquired, "Gentlemen have you agreed upon a verdict?" Mr. Patterson, as foreman, replied, "we have your honor." The verdict was handed to the court. For some time it seemed the court was unable to read the verdict. Pottenger adjusted his spectacles and readjusted them and as often apparently tried to read the verdict. At last the court read—"We the jury, duly impaneled and sworn in the above entitled cause, do find the issues in favor of defendant."

J. M. PATTERSON, Foreman.

**A Neat Job.**  
The Plattsmouth Telephone company has just gotten out a new directory which is complete up to date, but the company is putting in so many new 'phones that they will soon be compelled to furnish another one. The Plattsmouth Journal did a neat job in printing it.—Nehawka Register.

**Don't be Imposed Upon.**  
Foley & Co., Chicago, originated Honey and Tar as a throat and lung remedy, and on account of the great merit and popularity of Foley's Honey and Tar many imitations are offered for the genuine. These worthless imitations have similar sounding names. Beware of them. The genuine Foley's Honey and Tar is in a yellow package. Ask for it and refuse any substitute. It is the best remedy for coughs and colds. F. G. Fricke & Co.

## FOUND DEAD ON SUNDAY MORNING

The Lifeless Body of a Well Known Citizen Found in His Own Door Yard.

CAUSE OF HIS DEATH IS UNKNOWN

The Coroner's Jury Finds no Evidence Whatever of Violence.

Sunday morning the lifeless body of Frank Maure was found near a pile of wood in his own door yard by his son. It seems that the young man had to go to the house to see how his father was getting along, as he had seen nothing of him since Friday evening, when his dead body was discovered.

The coroner was immediately notified who empaneled a jury and proceeded to the house to hold the inquest. They found the body lying near a wood pile where he had apparently gone for fuel. The verdict was "that he came to his death by means unknown to the jury, and find that there was no violence of any kind."

The deceased and his wife had some disagreement several months ago, since which time they have not been living together, and the deceased occupied his late quarters all by himself, consequently no one can tell what time he died. But it is the general opinion that he died sometime during Friday night or Saturday morning. For some time Mr. Maure had not been in what you might call his right mind for several years, taking queer spells at times. For many years he worked in the Burlington round house, and in 1891 was badly injured in the blowing up of the boiler of an engine. For the injuries received the company paid him \$2,800. This money was placed on deposit in the Citizens bank, and when that bank failed he lost nearly the entire amount. This, together with his injuries is thought to have effected his mind somewhat.

Mr. Maure was 49 years of age and leaves a wife and four children namely: Fannie 26 years of age, living in Wisconsin; Frank aged 18, and Mary and Anna aged 7 years, all of this city. The funeral will occur tomorrow morning at 10 o'clock from St. John's Catholic church, the services to be conducted by Rev. Father Bradley. The remains will be interred in the Catholic cemetery.

## HIS LEFT LIMB AMPUTATED

William Hassler Finally Consents to Have the Foot and Ankle Severed.

Seven years ago Willie Hassler, then a bit of a boy, broke his left leg. This, however, did not seem to give him any particular trouble as time passed, but one year ago last June while playing ball he had the misfortune to slip and fall and rebroke the limb almost identically in the same place, since which time he has been a cripple, getting around with the aid of a cane and part of the time necessitating the use of both cane and crutch. His parents have thought for some time of having the limb amputated, but it has been deferred from time to time in the hopes that he might recover the use of the limb without going through such an ordeal, but without avail.

Monday Dr. Livingston, with the aid of Dr. Cook, performed the operation and amputated the limb between the ankle and knee, and it is thought the young man will pull through the terrible effects of the operation.

Willie Hassler is one of Plattsmouth's brightest young men, genial and courteous to everyone, and his friends are everyone he knows. The Journal is glad to know that the amputation was a most successful one, notwithstanding the loss of his foot. Yet the time had arrived when it became necessary to have the work done, and his friends are gratified to know that it has been well done, and that he will in time recover from its effects.

## For All Kinds of Piles.

To draw the fire out of a burn, heal a cut without leaving a scar, or to cure boils, sores, tetter, eczema and all skin and scalp diseases, use DeWitt's Witch Hazel Salve. A specific for blind, bleeding, itching and protruding piles. Stops the pain instantly and cures permanently. Get the genuine. Sold by F. G. Fricke & Co., Gering & Co.

## THE FUNERAL OF HON. J. W. BARNES

Funeral Services at the Home of His Son, Dr. C. B. Barnes, in Tecumseh.

Hon. J. W. Barnes, who was stricken with apoplexy a week ago Saturday, and whose funeral occurred at the home of his son, Dr. C. B. Barnes, in Tecumseh, Neb., Sunday afternoon, was a pioneer citizen of Cass county, living here in Plattsmouth for many years. He came to Cass county fifty years ago, and located at old Mount Pleasant, where he lived for sometime and taught school. Here it was that he married his first wife, who died many years ago.

He removed from Mt. Pleasant to Plattsmouth where he became connected with the surveyor general's office. For two years he represented this county in the state legislature. During the administration of President Grant the deceased was a collector of internal revenue, with headquarters at Beaver, Utah. Later he was inspector of government surveys in Nebraska. His family resided in Lincoln for some time, and later at York, Neb.

Mr. Barnes was well known to all the old-timers of Plattsmouth and formerly owned property in the neighborhood of Heisel's mill. The funeral was largely attended by friends from various parts of the state. All his children being present. The Masons had charge of the services, of which order he had been a member for many years.

## A GREAT BIG SUCCESS

The Annual Meeting of the Superintendents and Principals of the State at Lincoln.

Superintendent E. L. Rouse returned from Lincoln Sunday evening, where he has been in attendance at the annual Superintendent's and Principal's Association. Mr. Rouse was president of the association and responsible for the program and success of the meeting. From reports in the state papers it is learned that it was the most successful meeting held for years. More than 120 persons were present at the opening session Thursday evening. The attendance Friday was more than 200, and at the banquet Friday evening there were 175 plates.

Upon the program appeared about 30 of the leading school men of this state, and only one of them failed to respond when called.

Some of the leading subjects were "Qualifications for High School Teachers," "Music in the Public Schools," "Relationship of the Principal to his Teachers and to his Board of Education," "Judging a Teacher's Work" and "Normal Training in the High Schools Under the New Law."

## Injured in a Runaway.

James Gamble was quite badly injured in a runaway near Murdock Wednesday. In company with one of the Rodgers boys he started to attend the hog sale near Louisville. When a little ways from Murdock the team he was driving became frightened at a R. F. D. mail wagon. The two rigs collided, throwing Mr. Gamble over the dashboard onto his head. The team ran a mile or so before Mr. Rodgers succeeded in stopping them. Mr. Gamble, who was rendered unconscious by the fall, was picked up and taken to Murdock where a surgeon attended to his wounds. One ankle was severely injured, as was also his neck, besides he was terribly bruised all over his body. He was brought home Wednesday night, and at last accounts was getting along as well as could be expected. It was a very close call and Mr. Gamble is thankful the accident was no worse.—Elmwood Leader-Echo.

## County Treasurer Wheeler

W. D. Wheeler darkened door our, and with that suave manner of his extended a hand that has never, in our long acquaintance, been raised in oppressing his fellow man—we believe he never intentionally wronged any man. Some say he has collected delinquent taxes! Is that his fault? Didn't the legislature pass the scavenger law and the county commissioners compel him to enforce it? Cuss them—they are the fellows to look to for having compelled you to clear the title to your home. Experts have been over his books and found every dollar of the people's money safe in the vault—it's more than can be said of some republican treasurers. He will be the same everyday, good natured Billy Wheeler whether the people retain him or not. He will say nothing against his opponent but kind words.—Nehawka Register.

## DEMAND FOR GAME LICENSES

State Game Department Will Issue 6,000 Licenses as Compared With 4,000 in 1904.

Game Warden Carter says that the demand for game licenses this year is much in excess of what it has been in the past and the total will probably be 6,000, as compared with 4,000 last year. This is regarded as an indication that the people of the state are determined to obey the game law, says the Lincoln News. To begin with the department sent out as many as last year, about 4,000, and since that time the available surplus of 1,000 was speedily exhausted. There has been considerable delay in complying with the further demands of the county clerks because of the necessity of waiting on the lithographs for a new supply.

This heavy demand for licenses is due in a considerable measure to the large amount of game this season. People who have never before been tempted to go out with a gun are betting themselves to the hunting fields. The total number of licenses issued does not represent the number of persons shooting game by any means since it leaves out of account all of the local people who may go out into their own counties without this state permit.

Carter says that ducks have never been more plentiful in the state and chickens are also found in great numbers. The flight of mallards has just commenced and the canvasbacks are expected within a short time. What makes this news of more interest to sportsmen is the expert opinion of Carter to the effect that the heavy rains which has left the ponds and lakes well filled will result in delaying the departure of the wedfooted quarry for the south much beyond the usual period, thereby prolonging the period of the huntsman's joys.

## At Home in Crete.

C. W. Weckbach and wife arrived in Crete Friday evening. After their marriage in Los Angeles, September 19th, they have been enjoying an extended honeymoon along the coast, at the Portland Exposition and through the Northern states. On their arrival in Lincoln last Thursday they were given a reception by the mother and sister of the groom at the home of the former. Careful preparations had been made for the occasion which proved to be a very elaborate affair. Many out of town guests were present, among those from Crete were Dr. and Mrs. M. O. Johnson, Mr. and Mrs. G. M. Murphy, Ralph Murphy, Mr. and Mrs. Geo. L. Meissner and Miss Gertrude Rademaker.

Mr. and Mrs. Weckbach have gone to housekeeping in an east Crete cottage. Next spring they will build a home of their own on an excellent building site at the corner of Eleventh street and Pennsylvania avenue.—Crete Democrat.

## A Swindling Scheme.

A smart fellow has just been arrested in Chicago for swindling many business men and farmers in the middle west during the last two years. His game was to sell beautiful woolen and silks at a small price and then agree to have them made up at an equally low figure. He would deliver the goods to a branch house to be made up. The goods were duly turned back to the swindler, and, of course, that was the last ever heard of them, for he had in the meantime collected pay for the goods and for the making up. He could well afford to promise to do the work for half price, for he had no goods except the single samples he carried. He has been arrested and is now in Chicago, where he gave the name of Davenport.

## Plans to Get Rich

are often frustrated by sudden breakdowns due to dyspepsia or constipation. Brace up and take Dr. King's New Life Pills. They take out the materials which are clogging your energies and give you a new start. Cures headache and dizziness too. At F. G. Fricke & Co.'s drug store; 25c, guaranteed.

## Full of Tragic Meaning

are these lines from J. H. Simmons, of Casey, Ia. Think what might have resulted from his terrible cough if he had not taken the medicine of which he writes: "I had a fearful cough that disturbed my night's rest. I tried everything, but nothing would relieve it until I took Dr. King's New Discovery for consumption, coughs and colds, which completely cured me." Instantly relieves and permanently cures all throat and lung diseases; prevents grip and pneumonia. At F. G. Fricke & Co., druggists; guaranteed; 50c and \$1.00. Trial bottle free.

## JESSEN SUCCEEDS TUCKER

Nebraska City Judge Appointed to the Arizona Bench.

A special from Washington, under date of Monday says: The president has accepted the resignation of Eugene A. Tucker, associate justice of the supreme court of Arizona, to take effect the 14th inst. To succeed him the president has appointed Judge Paul Jessen of Nebraska. The tender and acceptance of the resignation of Judge Tucker are believed to be the result of the recent investigation conducted by the department of justice which grew out of charges filed by leading members of the bar and citizens.

In speaking of the appointment of Judge Jessen, the Lincoln Journal adds: "Judge Paul Jessen, the newly appointed associate justice of the supreme court of Arizona, was not at his home at Nebraska City yesterday, being absent in California, and whether or not he will accept has not been announced. His friends assert that he will accept the position. It is said the resignation of Judge Tucker was anticipated and that Judge Jessen consented to have his name go before the president. Senator Burkett of Lincoln was instrumental in securing the new appointment. Judge Jessen has been active in Nebraska politics for several years and has been outspoken as an anti-pass machine man. He was a warm friend of the late United States Senator M. L. Hayward. His services on the district bench demonstrated his ability as a jurist and his high standing in the district was evidenced by the fact that his political opponents did not nominate a candidate to oppose him when he was a candidate for re-election. Two years ago Judge Jessen was a candidate for the nomination of governor."

## That "Office Boy."

Editor Farley of the Plattsmouth News, whose attention the Courier called to a violation of the postal laws by circulating advertising matter in his paper containing no mark to indicate that such was a supplement to the regular edition, plays the baby act by laying the whole thing on the "office boy." No one who reads the News will deny that the "office boy" did it. The entire publication would indicate that the "office boy" is much in evidence in the News office. Had Mr. Farley acknowledged that the "office boy" wrote the libelous slush two years ago about Sheriff McBride he would have been saved the humiliation of having the district court and later the supreme court brand him and his paper as untruthful. Is he would take time enough from his labors at his chicken ranch to fire that "office boy" and get some one to look after his business who knows that Uncle Sam does not give free circulation to advertising matter just because the publisher is friendly to the advertiser, and explanation would not be necessary. The incident which the Courier referred to last week was not the first time the "office boy" made this mistake. Many things appear in the News which bear the ear mark of the "office boy" not the much abused little fimp with ink stained fingers, but he with the title of "attorney" affixed to his name. That is the kind of an "office boy" that makes trouble for the chicken fancier.

Brother Farley says the Courier being unfriendly, sought to do him an injustice. Brother Farley should not let a little incident like this cause him to imagine that we are unfriendly. We like him. Yes we do. He is so inoffensive. All the bad things are done by the "office boy."—Louisville Courier.

## Judge Travis.

The many friends of County Judge Travis will regret to learn that he is confined to his home and that he is threatened with an attack of typhoid fever. It is very unfortunate for the judge to be sick just at this time as it makes it impossible for him to make a canvass of the county in the interest of his candidacy for re-election for county judge for the second term. Judge Travis has made a good official and has done just what the Courier said he would do two years ago—he has been the judge and no one has dictated how he should conduct his office. He is a democrat, but he is a gentleman for all of that. He has many friends in both political parties who will regret to learn of his illness and wish him a speedy recovery.—Louisville Courier.

Girls, if you want red lips, laughing eyes, sweet breath and good looks use Hollister's Rocky Mountain Tea. The greatest beautifier known. 35 cents Tea or Tablets. Gering & Co.