

NEWS OF DISTRICT COURT

"Hoss" Case, McCullough vs Dunn, Submitted to Jury After Night's Session

PLAINTIFF GETS JUDGMENT FOR \$80

Action Brought by Missouri Pacific R. Co. vs Cass County to Secure Judgment for Land Appropriated, Submitted to the Jury.

The celebrated "hoss" case, McCullough vs Dunn, was submitted to the jury last evening about half past ten o'clock, after a trial lasting two days. The jury was out all night and until a short time after dinner today, when foreman Swearingin, informed the court that they had arrived at an agreement. The verdict was in favor of the plaintiff, awarding him damages in the sum of \$80 for the loss of a horse, purchased of the defendant.

This case attracted considerable interest on the part of the farmers residing in the vicinity of the parties to the suit, and many of them were present to hear the arguments, or to appear as witnesses. Those testifying in behalf of the plaintiff were: John Lloyd, Lorenz Mickel, Park Christy, Harry Beckner, Mrs. McCullough, Dr. A. P. Barnes, Dr. Lorimer of Friend, Neb., and Dr. Wilson of Blair, Neb. On the defendant's behalf, the following witnesses appeared: Wm. Sheehan, Wm. Ash, Wm. Dunn, Dr. H. Jensen of Weeping Water, Dr. A. T. Peters of Lincoln, Otto H. Carroll, Bert Cogler and W. D. Wheeler.

From the evidence introduced the case is summed up as follows: During a sale conducted by Wm. Dunn, the defendant, at Weeping Water, on the 17th of March, 1906, the plaintiff, Asa McCullough purchased a horse for the sum of \$152.50. After being in possession of the horse, but in a short time it developed a disease of the back, and in spite of treatment administered by the plaintiff and a veterinarian, the animal died on the 21st of March, four days after the sale.

An action was immediately instituted by McCullough to recover damages in the sum of \$162.50, and costs of the suit. A trial was had to a jury in the county court last October, and the issues found generally in favor of the defendant, and the costs taxed to the plaintiff, who appealed to the district court, and secured the trial which has been concluded in his favor. The plaintiff was represented by Matthew Gering, while the defense was maintained by Byron Clark and C. E. Tefft. The members of the jury to hear the case were W. A. Swearingin, A. Box, E. W. Livingston, Wm. Niday, C. C. Hennings, I. H. Dunn, Henry Creamer, Jno. Bramblet, W. C. Bartlett, Walter Barker, S. M. Cox and Henry Horn.

After disposing of the "hoss" case at a night session of district court, the next action to be taken up was that of the Missouri Pacific R. Co. vs Cass County, which began this morning after a jury had been selected. The plaintiff brings suit to secure payment for a tract of land appropriated by Cass county, for a road crossing the railroad tracks south of Murray. The plaintiff is represented by A. N. Sullivan, while County Attorney Rawls appears for the defense. A number of witnesses were examined this morning and the case submitted to the jury about 3 o'clock this afternoon.

In Honor of Miss Barton.

A very pleasant gathering occurred last evening at the Crabill home, when Miss Etha entertained a number of her friends, in honor of Miss Viva Barton, of Lincoln, who is visiting in this city. The evening was pleasantly spent in a musical and social time, the great part of which was derived from a contest, in which the young ladies attempted to make fudge in a chafing dish. Had there been a prize for the successful one, it would have been awarded to Miss Mable Trussler, who prepared a batch of sweets, after the others had failed.

At the conclusion of an enjoyable evening, after partaking of refreshments the merry-makers departed for home. Those present were Misses Blanche Murray, Alice Kerr, Ethel Smith, Margaret Maury, Leona Brady, Ethel Robinson, Edna Petersen, Zella Tacey, Ethel Leyda, Mable Trussler, Carrie Becker, and Mrs. E. H. Wescott and Mrs. Chas. Freese.

Impure blood runs you down—makes you an easy victim for organic diseases. Burdock Blood Bitters purifies the blood—cures the cause—builds you up. Little globules of sunshine that drive the clouds away. DeWitt's Little Early Risers will scatter the gloom of sick headaches and biliousness. They do not gripe or sicken. Recommended and sold here by F. G. Fricke & Co.

Visits Scene of Wreck.

Superintendent Ed Bignell of Lincoln, who was engaged the greater part of yesterday, conducting an examination of the trainmen of the Burlington passenger No. 6, and the extra freight, which were in the rear end collision Monday morning, came in from Lincoln yesterday afternoon to continue the examination in this city. The scene of the wreck was visited and the signals inspected by the railroad officials, among who was S. D. Graham, superintendent of the semaphore system, and the case finally sifted down to a question of veracity of Engineer Rockwell of the passenger and Yardmaster C. S. Johnson. The former asserted that the caution signal was not set against him when he passed that point on the morning of accident. The signal was found to be in the proper position several minutes after the wreck, as Yardmaster Johnson declared he had set it, before the passenger was due. The evidence of the engine crew of switch engine 500 and of Dave Wallengren and "Posey" Messersmith corroborated Mr. Johnson's testimony.

REPUBLICAN EXTRAVAGANCE

The Omaha Bee Calls Upon the Financial Manipulators of the State to Halt.

Unless the legislature cuts down the appropriations and cuts deep Nebraska is going to find itself mortgaged worse than it has ever been, for the appropriations are away and beyond the dreams of any conservative business man, says the Omaha Bee. The salary bill alone carries a total of \$1,900,200. Two years ago there was appropriated \$1,910,947, showing a little decrease this year. The total of the salary bill and the current expense bill is \$2,793,760 for the biennium. On a 5-mill levy, based on a grand assessment of \$321,000,000 for 1907 and \$329,000,000 for 1908, which is the way the university regents figure it, the total revenue to be paid the state for the biennium will be \$3,250,000. This will leave for the deficiency claims bill, for the claims bill and for all permanent improvements and special appropriations \$456,240. There is serious talk of cutting out the appropriation of \$100,000 for the addition to Kearney Normal school and let that institution worry along for two years more at least with the same capacity it now has and the same sentiment prevails regarding the enormous amount of money the university wants from the general fund. It is believed under business management the university can well get along with what money will be raised under the 1 mill levy and there seems to be an impression that it is not necessary to give the university 1 cent out of the general fund. Hon. Peter Mortensen, who probably knows better than any other Nebraskan the condition of Nebraska finances, said the university could get along well without taking a cent out of the general fund, and he said also it would not be necessary for the Kearney school to build a \$100,000 addition. He was a member of the State Normal board and he handled the university money, so is in a position to know.

To be Married This Evening.

A marriage license was issued this afternoon to Otto A. Puls and Miss Anna West, two of Cass county's popular young people. The happy event will occur this evening at the Christian church in this city, Rev. A. L. Zink, officiating.

Independence.

Every man in the world can and should be independent, no matter what his vocation is. If he knows how to keep his body strong and healthy, his mind clear, his conscience pure; if he knows how to practice self-denial and self-control; if he strives for better education, he always can rely on himself. In the first place he must be healthy, because struggle without health and strength is absurd or worthless. If you remember that good health is impossible without a good stomach, you will understand why Triner's American Elixir of Bitter Wine should always be at hand. It is without question the best remedy for the stomach and the whole alimentary tract. It will regulate the digestion and then make new blood, the foundation of the health of both body and mind. Pure blood will make you independent, courageous and sociable. Use Triner's American Elixir of Bitter Wine in all cases of indigestion, nervousness, tired feeling and blood diseases. At drug stores. Jos. Triner, 799 S. Ashland Ave., Chicago, Illinois.

Found at Last.

J. A. Harmon, of Lizabeth, West Va., says: "At last I have found the perfect pill that never disappoints me; and for the benefit of others afflicted with torpid liver and chronic constipation, will say: take Dr. King's New Life Pills." Guaranteed satisfactory. 25c at F. G. Fricke & Co., druggists.

Two days' treatment free. Ring's Dyspepsia Tablets for impaired digestion, impure breath, perfect assimilation of food, increased appetite, Do not fail to avail yourself of the above offer. Sold by Gering & Co's drug

MAY FIGHT TWO-CENT RATE

The Probabilities Are That the Railroads Will Take the Matter into the Courts.

A special from Chicago says: W. B. Biddle, traffic manager of the Rock Island-Erisco system said he would not be surprised if the railroads should take the question of reduced passenger fares into the courts. "I know this matter has been discussed informally," he said, "but I am not prepared to say that any definite line of action has been determined upon. The action of the Nebraska legislature placed us at a serious inconvenience. We did not have time to revise our rates. All we could do was to notify our agents of the passage of the law and instruct them to conform with its provisions in computing fares in Nebraska. In that territory the cost of operation is much greater than it is in the east, and there are other conditions with which we have to contend that the legislatures of several states seem not to have taken into consideration. Look what they did in Wisconsin. It is only an example of what should be done in every commonwealth. A commission was appointed to inquire into the advisability of enacting the 2-cent fare law. It continued its investigation eight months and reported that a 2-cent fare law in Wisconsin would be unjust."

P. S. Eustis, passenger traffic manager of the Chicago, Burlington & Quincy railroad said a thorough system of accounting has been inaugurated to show the precise earnings under the new law. A strict account of earnings will be kept and comparisons with the revenues of preceding years will be made.

Officials of the Harriman and Hill lines in Omaha say they know nothing positive about any intended legal action that is to be taken until positive data as to any possible loss resulting from the railroad legislation is obtained. They assert that the railroads will give the new law a fair trial before any action is taken, and are of the opinion that any report of possible litigation is a trifle premature.

NOTICE OF CITY ELECTION.

The qualified electors of the City of Plattsmouth, Nebraska, are hereby notified that an election will be held in the said city on the 23 day of April, 1907, for the purpose of electing one Councilman from each of the five wards of said city. Also two members of the School Board for the district in which said city is located.

Also the electors are requested to vote for or against the following proposition: Shall the city council of the City of Plattsmouth contract for city lighting for streets, and public grounds in said city? Those voting for the proposition will vote "yes;" those voting against the proposition will vote "no."

Polling place in first ward, in public library; second ward, Turner hall; third ward, A. O. U. W. hall; fourth ward, Council Chamber; fifth ward, Bach's store. The polls will open at 9:00 a. m. and close at 7:00 p. m. By order of the City Council.

Attest: HENRY R. GERING, Mayor.

W. B. ELSTER, City Clerk.

Manzan Pile Remedy put up in convenient, collapsible tubes with nozzle attachment so that the remedy may be applied at the very seat of the trouble, thus relieving almost instantly bleeding, itching or protruding piles. Satisfaction guaranteed or money refunded. Sold by Gering & Co. Drug-gist.

Got Caught in Machinery.

The relief of Coughs and Colds through laxative influence, originated with Bee's Laxative Cough Syrup containing Honey and Tar, a cough syrup containing no opiates or poisons, which is extensively sold. Secure a bottle at once, obtain a guarantee coupon, and if not fully satisfied with results, your money will be refunded. Sold at Gering & Co's drug store.

While working with a gasoline engine of his own invention, which is stationed in Knapp's machine shop on south sixth street, Roy Boyd got his left hand caught in the machinery last evening. Before the hand could be withdrawn Roy was hurled about the air, for a time spinning around on his head, and finally landed in a heap free from the machinery. The left hand was quite seriously sprained and bruised but fortunately no bones were broken.

KODOL digests what you eat and quickly overcomes indigestion, which is a forerunner of dyspepsia. It is made in strict conformity to the National Food and Drugs Law and is sold on a guarantee relief plan. Sold by F. G. Fricke & Co.

Send us your picture and \$1.00 and we will make you 25 genuine photograph post cards. OLSON PHOTOGRAPH CO., 225 Coates Block, Plattsmouth, Neb.

A full set of Teeth \$5

Gold Crowns and Bridge Teeth \$3.50 up. Porcelain Crowns \$3.50 up. Fillings 50c up. Teeth Extracted Painless. New set same day.

BAILEY, The Dentist, Established 1889, Patton Bldg. OMAHA.

Sudden Death of Theo. Jahn.

Theo. Jahn, one of Elmwood's loved and respected citizens, suddenly passed away at his home here Wednesday evening from heart failure. He had done the evening chores, came in to the house, sat down and was talking, when he became unconscious. Medical aid was at once summoned, but to no avail, his death occurring at eleven o'clock without regaining consciousness. His sudden death has cast a gloom over the community.

Funeral services will be held from the Catholic church at 10:30 tomorrow morning.—Elmwood Leader Echo.

CAR SHORTAGE COMPLAINTS

Transportation Companies Get Behind With Roads Too Bad for Delivering Grain.

Many complaints are heard about car shortage, says the Lincoln Journal. The movement of grain at this time is not nearly so heavy as the offerings should make it, because of inability to get cars. With better roads the marketing by farmers will increase and the congested condition of the elevators of the state will be aggravated.

A banker says that a number of Nebraska grain men have suffered losses because the railroads could not move their grain in time to fill delivery contracts. If elevator men are unable to handle the business later on when the farmers begin hauling grain to market a serious condition of affairs will result.

A man familiar with the situation said yesterday: "The railroads should begin rushing empties westward now and should make every effort to clear the elevators of grain at this time while the country roads prevent the farmer from doing a great deal of marketing. Now is the time for the railroads to relieve themselves of trouble later on. The weather has been almost ideal for railroading, and yet the roads have been such that the farmer could not do a great deal of hauling. With these conditions existing the roads have not been able to move the business offered, and have been getting farther behind on orders for cars. One thousand grain cars distributed over the lines of railroad in Nebraska today would hardly make a showing, and within three days the demand for cars would be just as strenuous as now."

BURLINGTON REDUCES TIME

To Add Six Hours to No. One's Time, According to Chicago Reports.

The running time of fast trains on western roads is to be lengthened and these trains will be given a considerable amount of local work to do, according to reports from Chicago, says the Lincoln Journal. It is said that Burlington No. 1 will be given six hours more time in which to make the run from Chicago to the mountain terminal, if plans under discussion are adopted, and that No. 6, the east-bound limited, will also be given more time in which to do local work. The time of Northwestern and Union Pacific fast trains is also to be reduced, and the present situation in regard to speed is to be maintained relatively. The Rock Island, which recently made such a fast spurt to get in on the agreement, and its trains will be slowed down.

Discussing the matter under consideration by the vice presidents in charge of operation, the Chicago Record-Herald says:

"Although no understanding has been reached, there is a general feeling that the time of the fast trains between Chicago and Omaha and Kansas City should be lengthened by about two hours; the time of the fast trains between Chicago and Denver by five or six hours, and the time of the fast trains between Chicago and the Pacific coast by nearly half a day."

"The Burlington's fast train between Chicago and Denver, for example, now makes the run in twenty-seven and one-half hours, and it is proposed to place it on a schedule of thirty-three hours, or even slower. If this is done corresponding reductions will be made in the time between the other cities mentioned."

"The saving in expense by such a rearrangement in schedules would result in a saving in the cost of operation of the trains affected and would also make it possible to take off a large number of local trains. With lengthened schedules it would be possible to do the local work with the fast trains."

It is claimed the railroads will make a number of moves to secure greater economy in operation, and that the present service will be maintained. Restrictions and rate legislation is given as the cause for this move on the part of the roads.

Funeral of C. W. Hicks.

The Lincoln Star of yesterday says: "The funeral of Charles W. Hicks who was killed last Saturday by a Burlington train on North Fourteenth street was held this afternoon at 2:30 o'clock at the home of his daughter, Mrs. Henry Carr, near Greenwood, Neb. Burial was in Camp Creek cemetery."

LIFE INSURANCE

CASE IN PROGRESS

Heirs of Anton Sebasta Suing Supreme Court of Honor for \$1,000.

THE QUESTION OF SUICIDAL INTENT

Jury Returns Verdict for \$42.50 in Damage Suit of Missouri Pacific vs Cass County.

The case of John Sebasta, sr., et. al. vs The Supreme Court of Honor has occupied the attention of the court and jury today—the action being a suit to recover judgment for \$1,000 on a death benefit certificate, issued to Anton Sebasta, who died in July, 1903.

The question involved in the litigation is in regard to committing suicide—it being advanced by Attorney Tidd, on behalf of the defense, that the deceased man ate a quantity of matches with a suicidal intent, and that death resulted from phosphoric poisoning. This, as alleged, released the defendant from paying the benefit certificate, which contained a suicidal clause.

A further argument is advanced that the plaintiffs—the parents, brothers and sisters of the deceased Anton Sebasta, are not named as beneficiaries in the benefit certificate, but that a cousin, Fred Shaffer, is named as such. The contention of the plaintiffs, represented by Matthew Gering, is that Shaffer is not the legal heir of the deceased. Several prominent physicians, among whom are Dr. Hungate, of Weeping Water; Dr. J. S. Livingston and Dr. J. H. Hall, were called to testify in regard to the symptoms and general effect of phosphoric poisoning upon the system.

The jury after being out but a short time on the \$1,000 damage suit of the Missouri Pacific vs. Cass county, returned a verdict awarding the plaintiff the sum of \$42.50. The action grew out of a refusal on the part of the county board to allow a claim of \$1,000 filed by the Missouri Pacific for damages to its highway, by the construction of a public road crossing its tracks. In a trial had before Judge Jessen the plaintiff secured a judgment for one cent, when they appealed to the supreme court, which held that the railroad was not entitled to damages for putting in the crossing, cattle guards, and whistling posts, but could recover judgment for the land confiscated. The road in question was laid out by County Surveyor Hillton in 1905, and is located on the north line of section two in Liberty precinct. After the decision of the supreme court, the case was returned for trial in district court to determine the value of the land taken by the county from the Missouri Pacific. During the argument before the jury, A. N. Sullivan, the attorney for the plaintiff, estimated the land (four-tenths of an acre) at about \$100 while the county conceded only \$40, as a consideration for the land.

Entertained at 6 O'Clock Dinner.

The hospitable home of H. N. Dovey was the rendezvous of a number of young gentlemen last evening, when they were entertained at a 6 o'clock dinner, in honor of George Dovey, who was celebrating his fifteenth birthday. At the hour designated a merry dozen of stags were seated around the festal board, where amid much merriment an elaborate repast was partaken of with much relish. The birthday cake caused some excitement, when it was made known that various prognostic ingredients were to be found therein: The button fell to Bruce Rosencrans; a dime was exposed in the portion of cake held by Edwin Fricke; a penny in that piece secured by Wayne Murphy; while the pretentious ring was found in Jack Patterson's possession!

At the conclusion of an enjoyable evening the participants wished George many happy returns, and journeyed homeward. Those to assist in the occasion were Messrs. Paul Morgan, Edwin Fricke, Wayne Murphy, Raymond Travis, Frank Smith, Bruce Rosencrans, Earl Hassler, Tom Swearingin, Jack Patterson and Milford Bates.

Entertains Aid Society

The Ladies' Aid society of the Christian church, met at the residence of Mrs. A. J. Graves, corner Ninth and Granite streets Wednesday afternoon. The time was pleasantly spent in social conversation and a reading by Mrs. E. L. Rouse, subject: "The Jamaica Earthquake." They had as their guests Mr. and Mrs. VanHorn, who have recently returned from their wedding tour in the west. The groom the ladies a nice treat of confection, very in honor of the occasion which was very much appreciated. A delicious lunch was served by the hostess, Mrs. A. J. Graves, which was enjoyed by all present.

Solid gold and filled watches at Crabill's jewelry store.

For Sale.

Upright piano, mahogany color, and in first-class shape. Will be sold in thirty days. Call at Journal office.

Better Begin Thinking About That NEW HAT Of Yours



Our Name in Your Spring Hat is the only guarantee you need

E. C. Wescott's Sons...

"Where Quality Counts."

MILLINERY ANNOUNCEMENT

The Popular Department Store of M. Fanger Announces Their Opening for Saturday, March 23d.

As the Spring millinery season is near at hand the big Department Store of M. Fanger is as usual to the front with one of the largest lines of Spring millinery ever brought to Cass county, and announces his opening for Saturday, March 23d, which means a great deal to the careful purchaser in ladies' headwear in all lines. The many successful seasons in the past has encouraged Mr. Fanger to place in a much larger line this season than ever before. The styles are always right and the prices strictly in keeping with the goods offered.

Selling and purchasing millinery are two separate and distinct trades, and Fanger knows his business when it comes to buying, and the goods sell themselves. Do you think that we would be able to open a store in Omaha, where the strongest competition west of Chicago exists, if we were not correct when it comes to the latest styles? Our expert trimmer, Miss Mabel Birch, is from Missouri, and the goods will be "showed!"

In the front part of our store we will have on display during our opening one of the largest hats ever worn or seen by any woman in Cass county.

Mr. Fanger also wishes to announce that he selects his own goods direct from the big houses in New York, and his trimmer obtains the latest styles in the trimming line, thus you are not buying goods from traveling salesmen who usually place the best of their line in the larger houses and in large cities; here you get the goods direct from where the styles are created.

Remember the opening day is Saturday, March 23d, which may seem a little late to you but when you see the line it will explain why it has taken so long to prepare for the opening day. Call and see what we have whether you buy or not.

A Large Lemon.

Mr. and Mrs. Ivan White of Rock Bluffs were in the city today, and they made the Journal a brief call. They had just received from their granddaughter, Mrs. J. Grow, a mammoth lemon weighing one pound and two ounces. Mrs. Grow lives at the little hamlet of Mansfield, near Fort Worth, Texas, and the tree from which this one was picked contained twenty-four, and is six feet in length. She has other lemon trees, and Mrs. Grow wanted to show her grandparents that lemons can be successfully grown in that country.

In County Court

A petition to probate the will of the late Joseph Graham, formerly engaged in the hardware business in Avoca, was filed in county court today. The estate is valued in the neighborhood of \$20,000, including both real estate and personal property.

A petition to probate the will of the late Mary A. Raynard, who resided south of Rock Bluffs, was also filed in county court today.

A marriage license was issued to Fred Meisinger, aged 22, and Miss Teresa Marier, aged 17, both residents of Mynard.

Ring's Little Liver Pills thoroughly clean the system, good for lazy livers, makes clear complexions, bright eyes and happy thoughts. Sold at Gering & Co's store.