

The Plattsmouth Journal.

VOL. XXXIII.

PLATTSMOUTH, NEBRASKA, THURSDAY, OCTOBER 1, 1914.

NO. 79.

HANDS DOWN DECISION IN WUNDERHOLM CASE

Supreme Court in the Matter of Wanderholm vs. C. B. & Q. Railway Company.

The state supreme court has handed down a decision in the case of Wanderholm vs the C. B. & Q., in which it finds for the defendant and reverses the case which was tried here some two years ago. Mr. Wanderholm was employed at the pumping station by the Water company and was killed by a west bound Burlington train while he was walking up the track on his way to work. The widow sued here and received a judgment from the jury before which the case was tried for \$3,500. The decision of the supreme court is as follows:

1. If a railroad company fences its right of way through a small town and posts a conspicuous notice that the grounds so fenced are private and that it is dangerous to walk thereon and warning trespassers to keep out the fact that employees of the company know that certain persons are in the habit of going through the fence and walking along such right of way in going to and from their business, and that such employees of the company have never personally forbidden such custom, will not constitute an invitation to so use the right of way and the railroad tracks thereon.

2. Under such circumstances the transaction of the business of the company in the ordinary way, or the running of a passenger train on substantially its schedule time along such right of way, or running such train from 9 to 12 minutes behind its regular time, or upon one of the two tracks upon such right of way generally used by trains running in the opposite direction, will not constitute negligence on the part of the company.

3. In such case a person going through such fence and walking along the right of way assumes the risk of accident and undertakes to avoid the danger he might incur from the ordinary transaction of the company's business.

4. If the defendant's engine struck the plaintiff's decedent and caused his death, and the engineer was so situated that he could not see the track before his train, so it became the duty of the fireman, when not otherwise engaged to keep a lookout for objects on the track, it being a stormy day with snow flurries in the air, and the engine emitting clouds of steam and smoke, and there being no evidence as to when or where the decedent went upon the track, the fact that the fireman did not see the decedent before he was struck by the engine is not proof that he was neglecting his duty at the time, or that the defendant was guilty of negligence, which was the proximate cause of the accident.

5. The trial court correctly instructed the jury that there was no evidence that the defendants failed to sound the whistle or ring the bell and that "the railroad company had the right to operate its westbound trains on its eastbound track, and also its eastbound trains on its westbound track if it saw fit to do so."

Death at County Farm.

R. A. Hansman or Dovrak, a resident of the county farm west of this city, passed away there Saturday after an illness of some duration and was buried yesterday at the cemetery west of the city. He was a native of Bohemia where he was born July 2, 1862, and was taken to the farm the 10th of September to receive treatment. His former home was at Pottsville, Pennsylvania.

Relative Reported Very Low.

The news has been received here by the relatives of the serious illness of W. B. Mayes, at his home in Beatrice, and his condition has greatly alarmed the relatives and friends of this gentleman. He has been sick for some time past, but only in the last ten days has his family felt alarmed over the outlook. Miss Irene Jess and Fred Jess, sister and brother of Mrs. Mayes departed yesterday afternoon for that place to be at the bed side of their brother-in-law. Mr. Mayes only recently returned from a sojourn at a health resort, but which failed to give him relief.

SHERIFF GONE AFTER TONY HUTCHISON WHO DESERTED HIS FAMILY

From Tuesday's Daily.

Sheriff Quinton departed this morning for Marysville, Missouri, where he had learned Tony Hutchison, the man wanted here for wife desertion was under arrest. Hutchison was located at Hastings, Iowa, last Saturday by the authorities and the sheriff made a trip over to that place only to find that the bird had flown and getting scent of the coming of the sheriff had gotten himself hence, and the sheriff at once sent out the notice to be on the lookout for the man to the towns near Hastings with the result that a response was received from Marysville where the man was placed under arrest. He will be brought back here to stand trial for his crime. It will be remembered that Mrs. Hutchison died about two weeks ago at Weeping Water where she and her two children had been deserted by her husband, who skipped for parts unknown. The children were taken by the Nebraska Children's Home where they will be cared for.

DEATH OF A FORMER PLATTSMOUTH LADY IN SEATTLE, WASHINGTON

From Tuesday's Daily.

A letter was received in the city yesterday by Frank Rauen announcing the sad news of the death of his sister, Mrs. J. J. Hine at her home in Seattle, Washington, on Wednesday, September 23rd. Mrs. Hine was formerly Miss Rosa Rauen and was a daughter of Mr. and Mrs. Peter Rauen, who for years were residents of this city. She was born in Germany some sixty-five years ago, and came here when a young woman with her parents who located in Plattsmouth where the Hine family resided for a long period of years, removing in September, 1908, to the Pacific coast, where they have since resided. The death of Mrs. Hine will be learned here with the greatest of regret by the many old friends who will extend to the bereaved family their deepest sympathy in their loss. The brother was much shocked with the news of the passing of the sister. The father and mother of Mrs. Hine passed away in this city a number of years ago.

Enjoy Fine Fishing Party.

From Wednesday's Daily.

Yesterday Messdames Ward Clark, Joe Wales, Ed. Weaver and C. P. Richards motored out to Cedar Creek in the Interstate car of Fred McCauley and enjoyed a most delightful time there in fishing and a general good time. A most delightful lunch was served to add to the pleasures of the occasion and the event was voted one of the greatest of pleasure.

Attorney A. L. Tidd was among the passengers this morning for Lincoln where he was called to look after some matters of business in that city for the day.

DEATH OF MRS. N. S. PIATT, AT GLENWOOD

Mrs. N. S. Piatt, Former Resident of Plattsmouth, Passes Away at Glenwood, Iowa.

The following from the Glenwood Tribune gives the particulars of the death of Mrs. N. S. Piatt at her home in that city on Wednesday night last. Mr. and Mrs. Piatt resided in Plattsmouth for a number of years, and the friends here will learn with great regret of the death of this most estimable lady, and extend to the bereaved husband their deepest sympathy in this hour of grief:

Mrs. N. S. Piatt of Glenwood died last Wednesday at her home on Locust street, south of Sharp. The funeral was held Friday afternoon from the residence, conducted by Rev. Thompson of the Christian church.

Mr. and Mrs. Piatt have lived in Glenwood for twenty-five years. Until the last few years their home was one door north of the cold storage house on Locust street.

She was 68 years and 20 days old at the time of her death, and was born in Auglaize county, Ohio—the youngest of a family of six boys and two girls. Her maiden name was Catherine J. Campbell, and one brother still survives her—P. R. Campbell of Gawker City, Kas.

She was married to Nathan S. Piatt in 1873. She had six brothers in the civil war.

Her husband survives her and also two sons—G. A. Piatt of Malvern and H. E. Piatt of Pacific Junction.

She united with the Free Methodist church at an early day in her life, and had tried to be consistent in her home, among her neighbors and in all her dealings with mankind.

The pallbearers were five of her nephews and a grandson—C. H. Campbell, J. W. Campbell, Bert Rager, W. E. Lewis, Fred Clinger-Smith and Nathan Sweetwood.

Among those from a distance present at the funeral were John Wentz of Missouri Valley (a son-in-law) and his son, Charles, and daughter, Mrs. Pearl Reed; Nathan Sweetwood and Wilda Filer of Omaha (grandchildren); Henry Campbell of the Bluffs, and Fred Clinger-Smith of the Bluffs.

Mr. Piatt will probably sell his home soon and make his home with his children.

LAST BASE BALL GAME OF SEASON BETWEEN RED SOX AND AVOCA, SUNDAY

On next Sunday the fast Avoca baseball team will be here to stage with the Red Sox the last baseball game of the season, and the event will prove one of the best of the season, as the visitors are "some" ball team, and during their appearance here in the tournament displayed splendid form. The Avoca team also while here made a big hit with the residents of this city, as they are a bunch of gentlemen as well as good, fast ball players, and it is a pleasure to witness a game in which they take part. The Sox will all be on hand to go up against the visitors and will do their utmost to finish with a win one of the best seasons the ball team here has held. The fans of the city should turn out to bid the ball team farewell for the season of 1914 and assist them in winning the game with the Avocates.

Try the Journal for calling cards.

Will Take Up School Duties

The board of education has been notified by Miss Anna Daniels that she will be able to take her work as science teacher in the city schools on next Monday for the first time this term. Miss Daniels has been forced to remain at her home in Stanton, Nebraska, for the past ten weeks by the fatal illness of her brother, who was overcome by the heat there and who passed away at Stanton last week. Miss Kathryn Windham has been acting as the teacher in the absence of Miss Daniels.

IN WRECKING OLD SMOKE STACK RUNS ONTO SEVERAL CANNON BALLS

The firm of J. H. McMaken has been very busy the past few days in wrecking the old smoke stack on the Hotel Riley as well as placing the new stack in position both of which were quite difficult jobs and required considerable work and skill on the part of the men doing the work. Mr. McMaken has also been engaged in some improvements at the K. S. hall in the west part of the city, they are doing some excavating for a basement that will be put in there by the society as their present hall is altogether too small for the large membership of the organization and the basement will go quite a ways in providing for the accommodation of those who belong to this thriving society. While engaged in excavating at this place Mr. McMaken ran out what he thinks is several old cannon balls used in the artillery of an early day, but just how they came to be found at that place is a mystery that is hard to understand. It would appear that an old cistern or well formerly existed where the balls were found and they were probably thrown there to prevent them being used at some time in the distant past. They vary in size from five to three inches and are prized very much by Mr. McMaken who will add them to his collection of relics.

Reorganize Missionary Society. A meeting of the Presbyterian ladies was called at the home of Mrs. J. M. Roberts Friday afternoon for the purpose of organizing a missionary society. It was decided to reorganize the old society which dates back to the year 1879. This was done, there being 11 members and the following officers were elected for the ensuing year: Mrs. H. G. McClusky president, Mrs. J. M. Roberts, vice-president, Mrs. C. L. Rundstrom, secretary, Mrs. D. C. Morgan, treasurer, Miss Carrie Baird secretary of literature. It was also decided that the society shall hold its meetings on the last Monday of the month and that the program shall begin at 2:30 and close promptly at 4. It was agreed that as a rule, refreshments would not be served, only on occasion of some special meeting. The course of study for the year lies in the hands of the program committee, Miss Arnold and Mrs. Farley will be submitted to the of the society at the next meeting. The executive committee met at the close of the session and appointed the standing committees, giving each member something to do. The new society will be immediately enrolled in the Presbyterian and Synodical societies, to which it is auxiliary and every effort will be made to keep the organization in line with the higher organizations in method of work and efficiency.

Card of Thanks.

We desire to extend our most sincere thanks to our many kind neighbors and friends for their kindly assistance and words of sympathy and for the beautiful floral offerings during the illness and death of our beloved mother. Mrs. A. L. Huffer, Mrs. W. E. Huffer, Mrs. B. P. White.

DAN CUPID AGAIN GETS IN HIS WORK

Miss Lottie Wunderlich and Mr. Clayton Rosencrans United in the Holy Bonds of Wedlock.

Yesterday afternoon at 3:30 at the rectory of St. Luke's church in this city, occurred the wedding of Miss Lottie Wunderlich of Nehawka and Mr. Clayton A. Rosencrans of this city. The wedding was a very quiet one owing to illness in the family of the groom. The service used was the impressive Episcopal ring service and was performed by the rector with all the beauty of the church. Following the ceremony the young people motored to Omaha where they made a short visit and returning home will start to house-keeping in the home already prepared by the groom for his bride on Chicago avenue.

Both of these young people are very popular, and well known throughout the county where they have made their homes during their lifetime, and the news of their marriage comes most pleasantly to their hosts of friends.

The bride is the daughter of Mr. and Mrs. John Wunderlich of Nehawka, near which locality she has been reared to womanhood and where she has been engaged as a member of the teaching force of the county schools there. She is a young lady of more than the usual charm of personality and Mr. Rosencrans is to be congratulated on securing such a charming helpmate. The groom is the oldest son of Mr. and Mrs. W. E. Rosencrans of this city where for the past few years he has been engaged in the ownership of a barber shop and has been quite fortunate in his business ventures. To the newly weds the best wishes of their friends for a long and happy married life will be extended.

NEXT SUNDAY TO BE OBSERVED AS A DAY OF PRAYER

Sunday, October 4th is the day set apart by President Wilson for the purpose of calling this nation to devote itself in prayer for peace among the warring nations. It has been arranged by the Protestant churches of the city, to conduct services on that day in the interest of prayer to God, that he might so influence the minds of the warring nations, to bring a speedy termination of the war. This call is a direct plea to every person who believes in the efficacy of prayer, to unite his efforts in a prayer for peace. Prayer is our only means of soliciting God's power to our aid, when our own efforts have proven futile and powerless. America has stood as a nation that loves peace more than war. She has proved to the world that she does not care for power. America stands for altruism. Now that we have set a day apart to pray for these nations, goes to prove our sincerity in desiring national friendship rather than strife and hatred. Let us prove ourselves loyal Americans and believers in God, by a united effort in prayer Oct. 4th by being in attendance at service on that day.

Signed: Rev. W. S. Lette, Rev. A. G. Hollowell, Rev. F. M. Druliner, Rev. H. G. McClusky

Rev. F. M. Druliner and wife were among the passengers this morning for the metropolis, where they will spend the day visiting there with their son Tracy at the hospital.

Former Plattsmouth Boy Here.

John Sherman, a son of C. W. Sherman, a former publisher of the Plattsmouth Journal, arrived in the city this morning for a short visit here with his old friends and in looking over the old home where he was reared to manhood.

Mr. Sherman has been located in New York, but is now enroute to Los Angeles, Cal., where he expects to reside in the future. He will visit with his father at his home in Oregon while enroute to California, and will endeavor to persuade that gentleman to go with him to Los Angeles to live in the future. It has been quite a number of years since Mr. Sherman was here and he notes a great many changes for the better in the city and its surroundings.

GEORGE EVERETT, INJURED BY GAS PLANT EXPLOSION, SLIGHTLY IMPROVING

From Wednesday's Daily.

The latest reports from the bed side of George Everett who was so severely injured Sunday by the explosion of the gas plant at his farm home southeast of Union indicates that he is slightly better although his injuries are frightful and he is still in a very dangerous condition. Just what caused the accident will probably never be known as neither Mr. Everett or his brother have any knowledge of anything around the establishment that might cause such an explosion of the gas. Mr. Everett has a broken wrist and leg as well as having the right hand broken and cuts and gashes over his face. The best of medical assistance is being given him, and it is hoped that he may be able to recover from the effects of the frightful accident but even if that is possible it will be months and months before he is able to be around to any extent.

The accident has cast a profound gloom over the entire locality where Mr. Everett has resided for years and his friends are anxiously awaiting the outcome of the accident.

A Pleasant Day.

Last Sunday after attending services at the M. E. church in Mynard, the relatives, and friends, gathered at the home of Mrs. Martha Wetenkamp, where the afternoon was spent in general conversation, as well as having plenty of good things to eat.

Those present were: A. A. Wetenkamp and family; Roy Howard and family; M. E. Wiles and family of Weeping Water; W. S. Wetenkamp and family; Arthur Wiles and family of Weeping Water; Grandma Gibberson, of Weeping Water; Mrs. W. T. Richardson and Mrs. Rev. C. A. Randall.

A LARGE KODAK ENLARGEMENT AT WEYRICH & HADRABA'S DRUG STORE

One of the largest kodak enlargements ever shown in this city is on exhibition at the store of Weyrich & Hadraba, the local representatives of the Eastman company. It is a picture entitled, "Grandmother looking over some of the kodak pictures long ago." The enlargement is 28x38 and is a most beautiful piece of work, absolutely without a flaw and shows the possibilities that can be secured from the enlarging of pictures taken by the kodak. It is certainly a work of art and has attracted a great deal of attention from everyone along the street. It is the center of a window display of the machine turned out by the Eastman company, of which Weyrich & Hadraba have disposed of a great many.

Wedding stationery at the Journal office.

FINE MEETING AT THE PRESBYTERIAN CHURCH

Dr. Charles Herron of Omaha, Delivers Splendid Address to the Christian Endeavor Society.

One of the most interesting meetings that has been held in the history of the Christian Endeavor society of the Presbyterian church in this city was held last evening at the parlors of the church. The affair was most delightful in every way and one that will be long remembered most pleasantly. Some two weeks ago the society held a contest which they were divided into two classes to try and see which could secure the largest attendance and the losers were to give the winners a banquet. The fact that there were so many of the members to be looked after decided the society to make it a general festival meeting in which both the winners and the losers would assist in the arrangements and as a result they had the pleasant meeting last evening.

The chief attraction of the evening was the address delivered by Dr. Charles Herron of the Omaha Theological seminary who was in Europe at the time of the outbreak of the great war on that continent. He had gone there on some bible studies and was in Switzerland at the time of the starting of hostilities between Germany and France, but for several days were unaware that war had been declared. He stated in his address that the first intimation he had of a state of war was when handbills were distributed throughout the part of Switzerland where he was stopping in which the reserves of that country were called to arms to protect their borders from invasion from the warring nations. As soon as he found out the facts he attempted to secure transportation to the coast, but the railroads of the country were all in use by the government, and it was several days before he was able to reach Constance, from where he finally managed to reach Paris which was stirred by the war news and filled with Americans attempting to reach their homes in this country. The French were fortifying the town against the Germans and aeroplanes were constantly flying over the city to ward off an attack by hostile airships. He was finally able to reach the coast from where he secured passage on one of the French steamers for America. On the trip over he found that the capacity of the boat was crowded, and every space used to care for the Americans who were anxious to find safety in their native land.

At the close of the interesting address the members of the society and their friends were served with a very delicious two-course luncheon that was most thoroughly enjoyed and brought to a close a most interesting evening, and one filled with great pleasure and from the remarks of the speaker the audience received a clear insight into the conditions existing in Europe at the present time. Dr. Herron returned this morning to Omaha after being an over night guest at the home of Rev. H. G. McClusky and family.

H. M. Soennichsen's Piano Contest

The following are the winners in the piano contest conducted by H. M. Soennichsen, and which came to a successful close last night:

- 1st Prize—Miss Gretchen Pein, Segerstrom Piano.
- 2nd Prize—Christian church, Piano certificate.
- 3rd Prize—Miss Mabel Ledgeway, Piano certificate.
- 4th Prize—Miss Vergie Campbell, Piano certificate.
- 5th Prize—Miss Bessie Wiles, Piano certificate.

The Journal ads pay.