### K. T. Highway Again Brought Into Litigation

C. L. Stull Asks Restraining Order to Stop the Construction of the Highway.

From Thursday's Daliyroadway that will link up the good as the result of the breach of conroads from Omaha to Kansas City. tract.

An application from Mr. Stull through his attorney in the federal court at Lincoln yesterday afternoon Woodmen Hold for an injunction to stop the further work of making the roadway through the Stull farm was granted temporarily.

The injunction applies to the state department of public works, State Euglaeer Cochran, District Engineer E. H Douglass and the county of work on the road utnil the hearing is Lad on the matter. The court has see Friday, March 18th, as the date of the hearing of the case and to determine whether or not the injunction of Mr. Stull be made permanent.

The road on which the injunction is sought is that portion laid out summer. This readway was selected by the state and federal road mak- local Woodmen had arranged. ers as being a better route for a makes the road on the bottom east of of the time. On the application of the the board of county commissioners time.

The film showed the views of the of the purchase of the roadway and for the purchase of the roadway and which disclosed the fact that the woodmen are doing at this disclosed the fact the main part of the city and attend the main part of the city and attend that there had been a number of the would be a fine proposition for Plattsoffer made by the county to Mr. Stull for the purchase of the roadway and which disclosed the fact that the woodmen are doing at this disclosed the fact that the woodmen are doing at this disclosed the fact that the woodmen are doing at this time.

The film showed the views of the main part of the city and attend the main part of the city and attend the main part of the city and the fact that the woodmen are doing at this disclosed the fact that the woodmen are doing at this disclosed the fact that the woodmen are doing at this time.

The film showed the views of the main part of the city and attend the main part of the city and attend the main part of the city and attend the main part of the city and the could be a fine proposition for Platts-to some business. On his return a few hours later he was horrified to discover the lifeless body of the wife.

Mrs. Shoemaker was sixty-three that the woodmen are doing at this could even make the street. That the main part of the city and attend the main part of the city and which discover the later that the woodmen are doing at this time.

state for the value of the land.

Mr. Stull in his application for the sion. injunction alleged that the act of is one in which the owner of the tection and fraternal association. land should have declared null and

### GIVES INSPIRING ADDRESS

From Thursday's Daily-

The musical department of the Plattsmouth Woman's club met yes- of Mrs. J. S. Livingston in the Coro-We scott on high school hill and with usually large number of the mem-

Miss Vyral Fossier of the city schools also in the discussion of the plans who took as her subject that of "Or- of the society for the coming year chestra." explaining in detail the and for the advancement of the work different instruments that were used of the church in the community. The in orchestra work, their purpose, the ladies also planned in the supper scating of the various players with that will be served to the men of regard to the sound effects and as the church on next Tuesday evening. well by charts showing the different At the close of the afternoon Mrs. instruments and their uses.

eral tests as to sound judging by the the fitting close of a very delightful day and night to prevent the triumph members of the club in which they day. were asked to pick out the different instruments as selections were play-

ed on the Vivtrola. The meeting was one of the most From Thursday's Dallyprofitable that the music department | A. R. Noble, well known railroad has enjoyed and when the members man, is at his home here suffering departed for their homes it was with from a case of ptomaine poison which the feeling that it had been a real he suffered while out on the road on treat to them all. Miss Fossler gave his run. Mr. Noble was taken sick at a real contribution to the study of Omaha on Tuesday night and in sermusic that has been one of the most jous condition for some time but was valuable that the club ladies have able to recover sufficiently yesterday

### R. L. PROPST DOING NICELY

From Friday's Daily-

Propst will be glad to learn that he is the effects of the illness. progressing nicely from his operation on February 22 at the Good Samaritan hospital in West Palm Beach. He returned to Lake Worth Thursday, From Thursday's Dally-March 3, where he is making his Wilcox on North N street.

Omaha as soon as the weather warms which a great deal of interest is be up enough to allow his going, for a ing taken over the state. The club second operation. Miss. Mayola D. at their meeting on Monday voted to Propst, who is in Havana, Cuba, will send to the Cass county representa-

Ad column for quick results.

#### SUES FOR \$5,000 DAMAGES

This morning in the office of the clerk of the district court there was filed an action entitled Wallace Walker vs. Martha Gakemeier in which the plaintiff asks damages in the sum of \$5,000 for the failure of the defendant to complete a contract alleged to have been made for the rental of farm land of the defendant to the plaintiff. It is alleged that on August 21, 1926 the plaintiff and defendant entered into an agreement as to the rental of a farm from March 1, 1927 The new King of Trails highway to March 1, 1928. That the plaintiff which has been partiolly completed had moved part of his personal propscross the Platte bottom, on the erry onto the farm of the defendant philosopher? 'What is your favorite this city is again to face a series of rented the farm to another party and of fiction? lawsuits that will further hamper to the great loss of the plaintiff. the completion of this much needed The plaintiff asks damages of \$5.000

# **Great Meeting** in This City

Cass and enjoins them from further Present "The Hour Glass" to a Large Audience of Several Hundred Persons at Hall.

From Friday's Dailyture, "The Hour Glass," a picture of any of these men from the speak- city he discovered the body of Mrs. where the party had remained over the Modern Woodmen of America, was for interesting and honest thought living room of the home, death hav- also testifying of an auto trip to Ne the line of the Missouri Pacific rail- witnessed here on Wednesday eve- his place as a philosopher, we cerroad and which it was expected to ning by an audience of some 300 tainly agree with the speaker. get in shape for travel the coming friends which was a part of the great

highway and escaping the mud that teresting picture and invited the tion of that city street. One resident morning stated she felt a great deal stopping there which was offered to the best of the be members and friends in to have a on that street had to be pulled out better and was able to sit up and en- support the testimony of Mr. Austin the new road, a mud hole a great deal fine social evening and to see in the of the mud holes last night; today, joy her breakfast with the husband in the case. The deposition had both motion pictures some of the things if there were a fire it would be very and as she seemed so much improved the direct and cross-examination of state department of public works to that the Woodmen are doing at this questionable whether the fire truck the husband decided to run down to the lady and which disclosed the fac

was refused on the grounds of not ducted a great fight for the past the south side of the city is a vitalbeing sufficient for the land. Apprais- fifteen years against the great white ly serious one. ers were then appointed and set the plague and with the greatest of revalue of the land that would be sults in saving the lives of thous-

that was present to attend the occa- Captain," gives us more kick!

taking the land for the roadway is a been one of the leading fraternities trod, violation of the constitutional right of the city and have a very large The quiet ailes of prayer, of the owner of the land, in taking membership in Plattsmouth and the And love, of man, I bear. the property without regard for the surrounding territory which they can rights of the owner, and that the well feel proud of and which hos had I trace your lines of argument price paid was insufficient for the a steady growth each year among the Your logic linked and strong. land and that the whole proposition residents who find in this order pro- I weigh as one who dreads dissent,

### ST. MARY'S GUILD MEET

From Thursday's Daily-

Yesterday afternoon the member of the St. Mary's guild were most pleasantly entertained at the home terday at the home of Mrs. E. H. nado apartments and with an una large number of the members pres- bers in attendance on the occasion. The ladies spent the time in sewing The address of the evening was by on many articles of needlework and

J. S. Livingston served dainty and Miss Fossler also carried on sev- delicious refreshments that came as

### SUFFERS FROM POISONING

to come on home and will recuperate here. The illness has been a severe

### FAVOR TEACHER TENURE

The local Woman's club has gone home with Mr. and Mrs. Charles E. recvord as favoring the teacher's tenure act which is one of the measures Mr. Propst is expecting to go to now before the legislature and in accompany her father north.-Lake tive and the state senator their indorsementof the measure and urging Advertise your wants in the Want for the benefit of the Nebraska teach- marriage was witnessed by Donald A.

## **Public Service** Requires Purely

Secretary of Chamber Also Discusses the Condition of Streets in South Part of City.

has produced? Who is your favorite enjoyment was derived.

Will Durant in The American Magazine names his choice of the world's ten greatest thinkers—they are; Confuscius, Plato, Aristotle, Thomas Aquinas, Copernicus, Bacon, Newton, Voltaire, Kant and Darwin. He also gives another list that would run the first ten a close race: Democritus, Epicurus, Marcus Arelius, Abelard, Galileo, Spinoza, Ieibnitz, Schopenhauer, Spencer and Nietzsche.

The above two paragraphs were written Saturday last for today's article and was especially delighted last night to hear a most brilliant sermon wherein the question was From Saturday's Dallyraised why Jesus was ommitted from This morning at 11:30 when S. H. having acted as the pilet of the cur this list of thinkers. It was most Shoemaker returned to his home at in which the two had ridden, going ably shown that Jesus as a philos. 11th and Oak streets, after a short to Peru and meeting the lady the The presentation of the motion pic- opher and a thinker, ranked ahead business trip to the main part of the and thence going to Shenandon showing the progress and work of er's view-point. There is much food Shoemaker lifeless on the floor of the the night as the witness claimed and

posted at \$1,800 and which sum has ands of the members from the dread this week by being resurrected and vived by the husbar and one son, since been repaid the county by the consumption. There were also views re-acted right here in Plattsmouth by Claude Shoemaker, of Los Angeles, of the state camp at West Point and some of our most talented women. California. In the case here the decision was with a filmed representation of the Be sure to see it! He must be a fasin favor of the state and county as initiation ceremonies of the M. W. A. cinating old, long whiskered char- ments completed until after the arto the value of the road and the work | During the evening the Jolly Four acter to have such a hold today! Per- rival of the son from the west coast, on the highway was gotten under orchestra composed of Marjorie Arn, sonally wouldn't trade one verse of it being expected that he will start at way in the late summer after a long Jean Caldwell, Vernon Arn, Jr., and Whittier's "The Eternal Goodness" once for this city. delay due to the litigation, which Catherine McClusky, gave a very for the "hull" of King Lear! Nor a was followed by considerable bad pleasing program of musical numbers verse of the Rubaiyat, or The Psalm weather that did not permit the work that added very much to the interest of Life-but then it's all a matter to be completed and which now seems of the occasion and proved a real hit of taste! Even Walt Whitman in From Friday's Dailyto be tied up again for an indefinite with all of the large sized audience his crude peculiar "O Captain, My

The Modern Woodmen have long Oh, Friends, with whom my feet have

And fears a doubt as wrong.

But, still my human hands are weak To hold your fron creeds, Against the words ye bid me speak My heart within me pleads,

-Whittier. We should appreciate the aggressive action being taken by the World-Herald in its efforts to clarify the Inter-State Bridge program, members in the city and surroundwhich certain Omaha interests are trying to defeat.

Corporation lawyers and political bias, and newspapers working in secret, with mis-leading publicity, are the three greatest enemies known to honest and unselfish progress.

Those who favor honest open progress, for the good of all, instead of a few selfish private interests, have of such interests, thru the use of expert technical, lawyers, and a bought!

> W. G. DAVIS, Secretary.

### MRS. McELWAIN IMPROVING

From Friday's Daily-Mrs. S. E. McElwain, who has been suffering for the past week from the effects of her injured hip which she sustained in a severe fall at her home, is now showing some improvequite weak from the effects of the than she has at any time since the The many friends of Mr. Robert L. be able in a few days to throw off lady has been much more encouraging to the members of the family and it is hoped that with the present rate of improvement the patient may soon be able to regain some strength and rally from the effects of the shock that at her age has proven a severe strain on the patient.

### MARRIED AT COURT HOUSE

From Thursday's Dailyt being adopted by the legislature Phillips of Boulder, Colorado. The poses. Tracey and Helen G. Tracey.

Last evening the members of the Pollyanna class of the First Methodist church of which Mrs. W. R. Unselfish Work Holmes is the teacher, met at the home of Miss Gladys Patton and who was assisted in entertaining by Miss Senna Woodruff.

est interest and after the business session the members of the party turned the event into a most delightful social meeting. The time From Saturday's Daity-Who is your favorite writer? Who was spent in playing games of all is the greatest thinker the world kinds and in which a great deal of Charles Hathaway was the big noise

At the close of the evening dainty farm of C. Lawrence Stull, north of and that the defendant had then poem? What is your favorite book refreshments were served by the hostesses that completed a most

# maker is Found Dead at Home

Sudden Heart Attack Had Evidently Proven Fatal to Old Time Resident of This City.

very sudden attack of heart trouble. ed he had a date with the wife of the Mrs. Shoemaker has been very poor- plaintiff in the case

It cost one firm here \$3.00 to de- ly for the past three weeks but had The plaintiff through his attorney evening of entertainment that the liver a ton of coal on South 9th st., been growing some better and in the presented the deposition of the lact last week on account of the deplor- last few days was able to be up and that operated a rooming house The local camp had secured this in- able, impassable, disgraceful condi- around for a part of the time and this Shenandoah, Iowa, relative as partie

Mrs. Shoemaker was sixty-three years of age on the second of February last and has been a resident here Old King Lear comes into his own for a great many years. She is sur-

There will be no funeral arrange-

### SECURES CLUB MEMBERSHIPS

Secretary W. G. Davis of the chamber of commerce has been not only Austin, and a lady and little child a very busy man in looking after the affairs of the office that he holds sions in the morning. On cross exin answering letters, conducting in- amination the witness stated that h quiries as to industries and other lines of work that might add to the improvement of the city, but as well has been the premier worker in the securing of memberships for the club. Mr. Davis has added twenty-nine new members already to the 1927 list and had all of the members showed this great interest by soliciting and securing even one apiece there would be a record breaking membership of the Plattsmouth chamber of commerce and one that would greatly aid to the ability of the organization to do things. Everyone in the chamber of commerce should get into the campaign to secure ing territory that would aid in making the year a real success in getting a fine, large chamber orgnaized for active work. The two latest additions to the chamber of commerce has been County Judge Duxbury and visited Omaha and a theatre party County Attorney W. G. Kieck who have entered the fighting ranks of civic boosters.

### MONSIGNOR SHINE IMPROVING

From Friday's Daily-The reports from the St. Catherthat he is now showing signs of imstrain on Mr. Noble and he is still ment and is able to rest more easily provement that may lead to his per- fied as a rebuttal witness against the manent recovery and make it pos- chief witness of the plaintiff, M. illness. It is hoped the patient may accident. The condition of the aged sible for him to resume his usual Austin as to his reputation in his activities.

### PURCHASES FARM

From Friday's Dailybecome the owner of a fine Cass coun- Austin to work for him. Wright of Omaha and Miss Dora uated for the general farming pur- morning.

Read Journal Want Ads.

### **Union Case Holds** Center of Stage at Court House

tion of Court Room Through Long Day.

The case of Louis Steltenberg vs.

a drawing card was equal to eve the attractive Follies, the auditors that cheked the standing room of pleasant event for all of the members, the district court following eagerly all of the details of the unveiling of enberg family and in which Mr. or that he had any affection for her liathaway, the defendant in the case has been made a party.

After the noon recess yesterday when Mr. Stoltenberg detailed his various experiences in the alleged aiten ation of the affections of his wife, Mr. Hathaway, the plaintiff calls to the witness stand Lem Austin of Nehawka, who claimed to have driven the wife of the plaintiff and Mr Hathaway to several places in this section, notably Shenandoah, Iowa, and Omaha. The witness testified to

Mrs. Bonnie Larue, of Omaha, for merly of Union testified to having seen Mr. Hathaway around the Stol tenberg home at Union on several of easions, and of Orval Hathaway com ing there while his father was at the house and not gaining admittance had come out and the two had con versed. On cross-examination the wit ness stated that she had known or the house being repaired and repainted and that the Hathaway's

had done the work. A Mr. Willits was called and test fied to seeing Mr. Hathaway, Lem ride past his home on two occa knew the farm of the father of M

Hathaway was in that locality. . The plaintiff rested at 4 o'clock and the defense at once took up then part of the trial of the case and the first witness called was Orval Hathaway, son of the defendant, who testified as to having gone to the Steltenberg home in the spring of 1926 where he and his father were doing some papering and painting. As to the timbe the door was not opened Mr. Hathaway testified that there had been a ladder placed against the door to use in the paper handing and that this had delayed the opening of the door. The witness stated on cross-examination tha he had never cautioned the father against any attention to the wife of the plaintiff.

Miss Alma Kohrell was called to the stand and testified to having that included Mr. Hathaway and Mrs. Stoltenberg, that there had been party on the urging of the other members of the praty. Witness testified that Mrs. Stoltenberg had borrowed clothes at frequent intervals of Mrs. ine hospital in Omaha states that Boggs to go to church and other Monsignor Michael A. Shine, rector places as she had not the proper gar of the St. John's Catholic church of ments to wear to such places in th this city is now showing a great deal opinion of the witness. She had seen of improvement and which is most or heard nothing improper or of an pleasing to the many friends of the affectionate nature between the parrector in this city. It is believed now ties. On cross-examination the witthat Monsignor Shine is out of dan ness denied remembering any testiger and should continue to show im- mony at Tecumseh in the Stolterprovement in his case. Monsignor berg divorce action as to Mrs. Stol-Shine has been in poor health for a enberg stating that she had an acnumber of years and his friends over count at the Union stores and could the state will be delighted to learn sign checks with her husband's name. has no state law to cover the matter

Herman Ross of near Union testicommunity. Other witnesses brought to impeach the testimony of Mr. Austin as to his reputation in his community was Ray Becker and on Office of the Comptroller of the Curcross-examination Mr. Becker stated rency, Washington, D. C., January Robert Troop, Jr., well known that his opinion was based on the cattle man of near Mynard has just fact of a breach of contract for Mr.

Bluffs precinct, a very choice farm nesses that Mr. Dwyer, attorney for and one that Mr. Troop will find the defense stated he wished to have

At the morning session today the defendant, Charles Hathaway was placed on the witness stand in his

own behalf and entered a denial of the charges that were made against him, denying that he had in any manner interfered with the domestic relations of the Stoltenberg family. Mr. Hathaway in reply to the

questions of his attorney described te fact of his being in Shenandeah owa, at the time that Mrs. Stolten berg was there as occurring when The occasion was one of the great- Alienation Suit Keeps Close Atten- they had met her in Nebraska City Jury Receives Case at 4 o'clock on the streets and she had been in vited by Lem Austin to go with them to Shenandeah, to seek work there The defendant denied having been at tiff as had been alleged and stated! that he had gone down into the main! until late to the hotel and had a separate room. The defendant also de- preferred by the state, that of renied having been at Omaha or other places with the wife of the plaintiff lawfully.

or desire to have her separate from

the husband. Mrs. Ida Stolfenberg was called to day trial of the case and many were the stand and stated that she had awaiting in the court room when the left her husband on the date of May 11, 1926, that she had met Lem Aus tin while at the postoffice at Union and that he had told her he was go ing to Nebraska City and she had First National bank of which Mr. wked him if she could go there to Dovey was cashier and in which the get the train to Tecumsch. She had county had deposits of some \$10,000 taken her daughter and some hand in excess of the amount of the bonds baggage. Witness told Austin was leaving her husband. She had told county funds. th to bring her other goods to Nebraska City and ship them to Te cumseh but he had said he would had received a deposit of money in bring them to Tecumseh that night. the neighborhood of \$24,000 from the Witness had not seen Hathaway a that time. Witness had tried to ge work at Tecumseh but failed and gen to Nebraska City later to try and get the protection of this money and work at the Frontier hotel, this be work there and was walking along mer treasurer of Cass county to have the main street at Nebraska City the amount declared a trust fund in when Austin came along and asked the bank for the benefit of Cass what she was doing. Austin and county. Hathaway were in the car, and they had told her they were going to Gering was to the effect that the de-Shenandoah and Austin had said posit of the money had been solicited he might get work there. They had by the cashier and that she had askone on to Shenandcah and in cross- ed for a bond and had been promised ng the bridge she had paid the toll. that such bond would be supplied They had gone to the McIntire hote! the next day and which had not been and witness had asked for room for done and on several occasions she elf and child. Witness stated had renewed this demand but was she had not seen Hathaway any more unable to secure the bond

that night after securing room. Had people at the hotel as to work at he had not been able to complete. Stoltenberg stated that she had gone of December. here with Mrs. Boggs nad Miss Kohat other dances or entertainments' On cross-examination by Mr. Robert- the law as applied to national banks. on Mrs. Stoltenberg stated that she usband had not stopped her credit Had not told husband she was leaving home for good on May 11th. Hus- Kieck in the prosecution. and had come later to Tecumseh to try and get her to return home. Witness denied that Mr. Hathaway had accompanied her to or from dances

### STATE LAW DOES NOT APPLY

press in this suit for damages.

County Attorney W. G. Kieck has had many inquiries as to the status of a national bank accepting deposits when the bank was in an insolvent condition and has made a very thoro the defendant had accompanied the investigation of the matter as to the Nebraska law that applies to this acceptance of deposits. Mr. Kieck has had a letter from the office of the attorney general that gives some light on the proposition.

The office of the attorney general holds that the operation of the national banks is under the laws prescribed by congress and that the laws that govern Nebraska banks do not apply to national banks in this phase as the banking laws are made for the control and management of the banks by congress.

The receipt of deposits when bank is insolvent is one that comes under the scope of the national laws and it aside from the law that covers the state banks and which has prevented the county attorney from making

TREASURY DEPARTMENT 31, 1927.

Notice is hereby given to all permouth." Nebraska, that the same Yesterday afternoon at the office very well suited to his avocation as called and whose testimony would must be presented to Fred Buersetta, of County Judge A. H. Duxbury oc- farmer and stock feeder. The farm be pertinent to the case and the Receiver, with the legal proof therecurred the marriage of Harwin B. is one of 160 acres and is well sit- court then excused the jury until the of, within three months from this date, or they may be disallowed.

CHARLES W. COLLINS, Acting Comptroller.

# Verdict of **Guilty Returned** in Dovey Case

Thursday and Returns With Verdict at 9:15.

From Friday's Dally-The case of the State of Nebraska vs. George O. Dovey terminated last evening at 9:15 when the jury in game of cards and had not returned the case returned a verdict finding the defendant guilty of the charges ceiving deposits of county funds un-

The case had attracted a great deal of attention and large numbers and filled the court room at the two

verdict was rendered by the jury. This action was filed in a complaint and information by the county attorney following the closing of the required for the protection of the

The charge against Mr. Dovey was that as the cashier of the bank he county treasurer on the date of December 2, 1926 and that there had been no proper bond provided for which is now in litigation in a civil action brought by Mia U. Gering, for-

At the trial the testimony of Miss

Mr. Dovey had testified that he gotten up at 7 a. m. and gone to the had approached the treasurer about fining room, Austin was eating the deposit of another check differreakfast, Hathaway had come in ent from the one received and that later. Witness had paid \$2.25 for he had made efforts to get a bond coom for herself and child. Mrs. but had not been able to get this ar-Steltenberg had then returned with ranged and was then preparing to he others to Nebraska City and gone try and secure other securities as a on home to Tecumseh. Had asked the guaranty for the money but which

Shenandoah and was informed that The bank was closed on resolution t was scarce and especially for a of the board of directors on the 14th woman with a child. Witness stated day of December following the deis to attending dance at Murray. Mrs. posit of the county funds on the 2nd

The defense in the case had atell at their suggestion and they had tacked the power of the state statute sked Orval Hathaway to drive them on which the prosecution was based there. Mr. Charles Hathaway had both as to the legality of the law appaid no attention to witness there or plying to banking institutions and officers and also as to the power of

The case was prosecuted by Athad not called Hathaway to make torney Richard F. Stout of Lincoln. repairs at her home. Witness stated who appeared recently in the cases that she had credit at the Union in Sarpy county covering the closing stores, when first married had drawn of a bank in that city and the prosechecks on her husband's account. The cutor is one of the best in the state in this line of litigation. He was assisted by County Attorney W. G.

### KILL SCHOOL BILL

Lincoln, Neb., March 11 .- A meas-The final testimony and argument ure which would have divided the s starting as the Journal goes to city of Omaha into 12 districts for the purpose of electing a board of education was indefinitely postponed this afternoon by the senate committee of the whole.



# The Savings Habit

To earn money is good; To save money is better. To save regularly is BEST OF ALL.

We encourage the habit ty farm in having purchased the farm At 5:30 the court adjourned until sons who may have claims against by paying liberal interof George W. Rhoden in west Rock morning as there were several wil- "The First National Bank of Platts- est on your Savings!

# The Farmers

Plattsmouth - -