

THE GARNISHEE CASES.

Called up in Justice Swearingen's Court.

PART OF THEM SETTLED.

A Complication of Legal Technicalities Exhibited in the Garnishee Cases Now Pending at Council Bluffs.

The World-Herald this morning has the following to say concerning the garnishee cases pending in Justice Swearingen's court in Council Bluffs which were called up yesterday:

Twenty-five cases were settled without trial by the payment by the defendants of the money claimed from them, together with court costs. Eighteen of the others were found to be of no account because of the fact that the parties sued and garnished had nothing coming to them from the Burlington & Missouri. The trial of the first case of the remaining twenty-five was set for yesterday, and it was heard and submitted, although there was a striking lack of important witnesses. The reason for this absence developed when the attorney for the Sioux City parties showed an injunction procured at Plattsmouth, and issued from the court of Hon. Samuel Chapman in a suit entitled C. E. Duke and others against P. J. Hansen and others. In this suit the plaintiffs are the railroad men whose wages were garnished in the twenty-five remaining suits, and the defendants are the parties who originally held the claims against the plaintiffs, and who, it is alleged, transferred without consideration and fraudulently these claims to W. E. Fraser at Sioux City for the purpose of avoiding the Nebraska law of exemption.

In the petition in the injunction it is recited that the alleged claims were fraudulently transferred to Fraser, and the plaintiffs declare that it is impossible for the suits against them to be pushed here without the assistance of the Plattsmouth men, who are alleged to have transferred their claims to Fraser. They therefore ask for an injunction preventing the defendants from being present, aiding, abetting, assisting or in any manner helping Fraser in his suits by giving testimony as witnesses or in any other manner. Judge Chapman issued the injunction and the Sioux City parties have been driven to file an amended and substituted petition in all their suits and have attached special interrogatories and they ask the court to order the witnesses to be present and answer the same. It is thought in this manner they can compel the witnesses to be present and testify in spite of the injunction.

The issuance of an injunction by a Nebraska judge to prevent person from appearing before a court in the state of Iowa as witnesses makes the situation decidedly novel.

The suits now pending here have caused an immense lot of trouble in Plattsmouth since they were started. A number of the persons who originally held the claims and transferred them to Sioux City parties have been arrested on account of their alleged violation of the Nebraska statute, and threats have been made by the railroad men against whom the garnishees suits were brought to have Webster and D. S. Dunkel of Sioux City, who has been assisting in the prosecution of the suits, arrested if they are ever caught on Nebraska soil.

Thirty Years Separated. Allen Beeson of this city is enjoying a visit from his brother and two sisters. This morning Mr. Beeson of Red Oak, Ia., and Mrs. Holmes of Elliot, Ia., and Mrs. Tubie of Prairie City, Illinois, arrived to visit with their brother, Allen Beeson.

It is the first time in thirty years that the four have been together, although they have all met several times during that period, but as it happens it is the first time they have all met at one time and Mr. Beeson feels very proud over the fact that they concluded to meet with him.

H. A. Waterman & Son have at last settled with the insurance companies for the loss sustained by the recent fire. The opera house was insured for \$24,000. The insurance company refused to pay the full amount and Mr. Waterman settled with them for \$21,000. As to the rebuilding of the opera house Mr. Waterman has not as yet made up his mind as to the course he will pursue, but THE HERALD hopes he will conclude to rebuild at once.

Good millet hay for sale by J. C. Eikenbary. Leave orders at the Herald office.

PEOPLE AND AFFAIRS.

WHERE IS IT AT?

Let me here, day after day, Beneath these Gables grim and Gray I wonder if it's going to pay, And some times I'm constrained to say, "Where am I at?"

On Tammany my thoughts will play, About my leaders gone astray, Who lift their hands and cry, "Nay, nay!" And at such times I have to say, "Where are they at?"

For David Bennett Hill I pray, That he may seek the better way, Yet does he not—so far astray Has David gone that I must say, "Where is he at?"

The white house glimmers through the gray In which I walk this autumn day; I sometimes think I've lost the way, And then in bitterness I say, "Where is it at?"

Monday afternoon a horse and cart belonging to John Karnes ran away and went a tearing down Main street and at the corner of Main and Fourth street collided with Harvey Sage, throwing him down breaking his left arm at the elbow, besides otherwise bruising him.

A free for all fight occurred this morning at Herman Kleitsch's saloon in which Jake Coffman, Herman Kleitsch, Geo. Billings, Fred Egenberger and Mark White were very prominent, Coffman and White being somewhat disfigured. The matter is being aired in police court as THE HERALD goes to press.

The Republicans county convention was the most harmonious one held in years, which is an evidence that the Republicans are working in unison. The ticket nominated is one that commends itself to the voters of Cass county. The nominees are all well-known in Cass county and are all well qualified for the office they aspire to. THE HERALD predicts that the whole tickets will be elected with good majorities.

The Eagle Eaglet of last week has the following to say: "Last week two strangers came to Elmwood on a farm buying expedition. After looking at several and entering into negotiations they succeeded in passing two checks through the banks for \$17 each, with the forged signature of Walter Adams of Eagle attached. As soon as the checks passed through the clearing house and were presented for payment to the Bank of Eagle the forgery was discovered."

A LANDMARK GONE. Another old landmark was destroyed by fire at 12:30 p. m. at Nehawka yesterday. The frame school house, which was built in 1869, was burned to the ground. It was valued at \$900 with no insurance. A new school building, to cost \$5,000 will soon be erected.

Grover Cleveland has written another letter.

PECULIAR AND PAINFUL ACCIDENT.

Several freight cars ran off the track at Grand Island yesterday, and while the railroad employes were getting them on, a crowd gathered around. John Immel was among the onlookers, and when the engine pulled the cars by a long iron rope the link slipped, flew through the air like a shot, and struck Immel in the cheek, literally tearing it open from the cheek bone down. The link penetrated so deep that it had to be pulled out. The molar bone is completely gone. Immel remained conscious through it all, even during the two hours it took the surgeons who attended to bandage the wound. It is now believed that he may recover. Immel's home is in Indiana, and he arrived there but a few weeks ago.

STRICTLY IN IT.

A dispatch in the morning papers dated at Keewance, Ill., says: "Nebraska on Wheels" was sailing today over territory visited last year and no less than 10,000 visited the train at Oneida, Galva, and Keewance. The train was opened this evening to accommodate the crowd. Nothing but words of praise was heard on all sides and they all say, "We believe you." Several heavy land owners and money lenders have visited the train today, and all say they think their investments are first class.

F. H. Moore, one of the advisory board, has gone into Chicago to perfect arrangements with the Wabash road for our eastern trip. Tomorrow the train will complete its tour over the Burlington route, going to Chicago and leaving early Wednesday morning for North Winchester, Ind. District fair officials of Waterloo, Ind., wired the exhibit management today requesting the train to visit them this week. Owing to the route being billed in advance it was impossible to comply with their request.

Quite a sensation was caused on train No. 3 at the Ashland depot last evening. Seven young hoodlums went down to Ashland on the

freight in the morning from Lincoln, arriving there at 3 o'clock. Several robberies were committed during the day, and some money stolen, and suspicion was directed to this gang of seven. The officers followed them to the depot, and when about to arrest them they rushed upon the cars, followed by the officers. A chase through the cars took place and they were finally captured and searched. Considerable amounts of money and also a lady's gold watch were found secreted upon them. It is generally believed to be a gang whose capture would be of interest to some community.

Anderson Root of Murray, has sold his farm and will now have a public sale on the 14th, selling off his stock, etc. Mr. Root contemplates removing his family to either Arizona or California in the spring.

Rev. H. B. Burgess met with a painful accident Monday. A horse was tied on Main street and became entangled with a hydrant and the harness, when assistance was secured and the horse was released, it in some manner struck Mr. Burgess and he fell upon the pavement with such force as to render him unconscious for some time. Today he is reported to be getting along nicely.

Anderson Root will sell all of his stock at public auction on Friday October 14th 1892, see his ad. in another column.

Deputy Labor Commissioner Philip Andres made the following public: "The acreage of wheat in 1891 was 939,837, the yield 10,018,000, based upon the report of the United States Agricultural department. The acreage of wheat in 1892 is 1,229,065 and the crop will probably reach 86 per cent of last year's. The estimated increase in acreage in 1893 will be 8 per cent, based upon reports received up to date. It is certainly too early in the season to give any accurate figures."

POLK'S ALLEGED PAPER.

The case, on yesterday, was ably and clearly argued by C. S. Polk on behalf of the city. \* \* \* A case was called—an injunction case—and a demurrer was argued by a young lawyer in a very forcible and able manner; and the impressiveness continued.

The stone quarries at Cedar Creek are doing a big business, last week 100 car loads of stone was shipped from there.

GERING AT CRAWFORD.

The Fremont Tribune in speaking about the joint debate at Crawford between J. E. Frick of Fremont and Matthew Gering of this city says: "Gering is not a student of the questions of the day. His education along these lines is derived principally from the editorials of second-rate democratic newspapers, catch phrases, befoggling and misleading statements, half-told facts, which are worse than the lie outright. He tugged and strained to tower up to Mr. Frick's height, but it was no use, he was a pigmy still. He lost himself in the maze of his own glowing rhetoric. He skipped and gambled about among the propositions laid down by Mr. Frick, but he disturbed them not. His English was good, his rhetoric faultless, his manner pleasing, but he produced no facts, established no principles, and left his hearers unsatisfied with lame conclusions. This morning no democrats could be found. Mr. Frick's plain, matter-of-fact manner and his candor go a great way in fixing principles and facts."

SCHOOL LAW DECISION.

State Superintendent of Public Instruction Goudy has announced the following decisions upon questions raised in regard to the interpretation of the school law: The board of education in a city may make and enforce a regulation making the suspension of a pupil the punishment for injury to or destruction of city property. It is not necessary to the validity of a vote cast at a school meeting that the voter shall be either a citizen of the United States or that he shall have declared his intention to become a citizen. In the employment of a teacher the board is not bound by any action the voters may take relative thereto at the annual meeting. The statutes empower the board to select and to contract with teachers. The only conditions that entitle one to school privileges in a given district are school age and residence in the district. The fact that one owns property in the district gives him no school rights. Superintendent Goudy reaffirms the decision of Superintendent Lane made several years ago to the effect that a school board has no right to make a contract with a teacher, which contract is to be wholly or largely carried out in the year following that for which the board was organized.

OUT FROM THE ASHES!

AND GREATER THAN EVER!

ANOTHER BIG CONSIGNMENT ARRIVED

... LAST WEEK. ...

JOE

ALWAYS KEEPS IN THE LEAD.

Be it Boy, Youth or Man. If he wants to be in Style and at the same time

GET THE MOST FOR HIS MONEY

... He Must Buy of Joe. ...

JOE, THE ONE-PRICE CLOTHIER,

STADELMANN'S BLOCK.

PLATTSMOUTH, NEB.

THE CRUEL WAR IS OVER

Peace Reigns Supreme in Hitchcock County.

THE RECORDS RETURNED.

The County Seat War Ends in the Demand that County Officers Be Held for Contempt—All is Quiet.

CULBERTSON, Neb., Oct. 4—The county seat war ended very suddenly about daylight this morning. Adjutant General Vitquain, in response to a telegram received by him at Exeter yesterday in two hours had four companies of militia ready to move and trains steamed up to carry them to the seat of war. He then boarded the flyer, and arriving at Culbertson at 2 o'clock this morning went directly to Sheriff B. A. Dennis' house, routed him out of bed and together they went to the court house, where but six men were on guard. The general informed the officer that he must exhaust all his resources before the power of the state could be called, which it was plain he had not done, and ordered him to go forthwith to Trenton, return with the records and stop fooling, all of which was obeyed with alacrity.

The Hitchcock county seat trouble began six years ago, an election having been held November 16, 1886, which resulted in a victory for Culbertson, the vote standing three to one. Two years later Trenton attempted to call a second election but failed.

The Trenton people made the last petition June 23, 1892, to which Culbertson excepted, but owing to a majority of the county commissioners being in sympathy with Trenton the Culbertson people were refused permission to file a remonstrance or contradict the petition, which fact constituted one of the main points in the case in error brought by the Culbertson people in the supreme court.

The election was held July 19, 1892 and resulted in a majority of three votes in favor of the Trenton contest. Proceedings were at once begun in the district court, which will be taken to the supreme court as soon as a transcript can be made.

A few days ago the officers, who are all Trenton men except the

PUBLIC SALE.

I WILL SELL AT PUBLIC AUCTION ON

FRIDAY, OCT. 14, 1892

At my farm South of Murray, the following property, to-wit:

- 42 head of horses and colts.
- 40 head of cattle, consisting of milk cows and heifers.
- 25 head of hogs.
- 1,500 bushels of oats.
- 3 two-horse wagons.
- 2 buggies.
- 1 road cart.
- And all of my farm tools and implements.

Having sold my farm every thing must be sold and

Will Go to the Highest Bidder.

Come out and buy, for I have just what you want. Sale begins promptly at 10 o'clock a. m.

W. D. JONES, AUCTIONEER.

ANDERSON ROOT

coroner and the commissioner, were served with a restraining order enjoining them from removing the records, but they refused to accept the service by wire and there is where the fight began. The clerk and treasurer took an active part in the removal, while the sheriff declared he could do nothing. As many as fifty shots were fired last Sunday, and at one time four men were stood up in a row to be shot. Had a man been killed or even wounded, a bloody riot would have ensued. Thirty wagon loads of armed men came in from Trenton, kicked in the court house doors and began carrying out the records when the firing began. The city marshal called out the entire population, with all sorts of weapons. Luckily no blood was shed, and today both parties are laughing over their foolishness.

General Vitquain this morning wired Acting Governor Majors that peace had been restored and the records returned. He has dismissed the militia and released the trains. Had the sheriff done his duty the state could have been saved about \$700. Vitquain read the sheriff a lecture.

Notice. In district court Cass county, Nebraska Jonathan Adams, plaintiff.

vs. Charles Martin, Magdoline Martin, George Rose, Elizabeth Rose and N. S. Palmer (first name unknown), defendants. To above named defendants. You are hereby notified that on the 12th day of September 1892, Jonathan Adams filed his petition in the district court of Cass county, Nebraska, the object and prayer of which are to set aside deeds of Charles W. Burton to Charles Martin; Charles Martin and Magdoline Martin to George G. Rose; George G. Rose and Elizabeth Rose to N. S. Palmer, (first name unknown) to the following described property, to-wit: The north half (1/2) of the northeast quarter (1/4) of section twenty-six (26), township twelve (12), range twelve (12) Cass county, Nebraska, and to quiet title of plaintiff, and to the above described premises, reason of the open adverse claim of plaintiff and his grantors; You are required to answer on or before the 17th day of October 1892.

JONATHAN ADAMS by his ATTORNEY JOHN A. BAYNES.

Notice of Lease of School Lands. Notice is hereby given that the lease and contracts on the following described school lands have been cancelled by the board of educational lands and funds inasmuch as the same are not subject to a present interest or lease rental due, and lands will be offered for lease by the county treasurer of Cass county, Nebraska, on the 15th day of October, 1892: NE 1/4, SE 1/4, 36-16-10 W. NW 1/4, 16-11 W.

Dated Lincoln, Neb., Oct. 3, 1892. A. K. H. SPURD. Com. Public Lands and Buildings. Those who have not taken their first naturalization papers should do so at once for after seventh it will be too late.