

# DECIDED AGAINST CASS

## Seth Thomas Clock Company Wins Its Case.

### Supreme Court Renders a Decision Which Will Compel the County Commissioners to Again Pay for the Court House Clock—Costs Amount to Over \$300—Local News Notes.

From Thursday's Daily

According to a decision of the supreme court, handed down yesterday, the Cass county commissioners will be called upon to pay for the clock in the court house tower for the second time. Following is the text of the decision:

"State ex rel. Seth Thomas Clock Co. vs. Board of County Commissioners, Cass county, reversed and remanded with direction to issue peremptory writ of mandamus."

This case, it will be remembered, was tried in the district court during the time H. D. Travis was county attorney, and was decided in favor of Cass county. The clock company took the case to the supreme court during C. S. Polk's term as county attorney, and the decision of the district court was reversed—the higher court holding against the county. When the case came back, A. J. Graves, then the county attorney, advised that under the decision of the supreme court the only thing for Cass county to do was to pay the bill. This opinion was confirmed by the former attorney, Mr. Polk, but Matthew Gering assured the commissioners that he could win the case and contracted to do so on a contingent fee. Mr. Gering was successful in the district court, but, as will be seen from the above, the case has again been reversed. The county will now have the clock to pay for a second time, together with 7 per cent interest on the judgment and the costs in both the district and supreme courts, which will amount to considerably over \$300.

While the commissioners are to be commended for their efforts to guard the county's interests, it is apparent that they ought to have taken the advice of the county's legally constituted advisor, and thus avoided the accumulation of unnecessary court costs.

### Mr. Graves' Opinion.

Before the Board of County Commissioners of Cass County, Nebraska. State of Nebraska, ex rel. Seth Thomas Clock Co., vs. Board of County Commissioners and County Clerk.

When a just and valid claim is due and owing by a party to another party the debtor must perform certain acts to constitute a legal discharge of the liability. In this case the board of county commissioners and county clerk did perform the acts they honestly believed to be a discharge of the liability to the clock company for the clock, and in the trial of the case before the Hon. S. M. Chapman it was held that the acts thus performed did fully pay for the clock.

The acts relied on for payment of this claim was the drawing of a warrant in favor of the Seth Thomas Clock company for the sum of \$981 and a delivery of the same to S. L. Wickersham without any order so to do by the clock company. These acts, with all surrounding facts in the transaction, have been presented to the supreme court of this state, and that tribunal decided that such acts were insufficient to constitute payment of the claim. I have carefully read the record in the case and discussed it with H. D. Travis, who was the county attorney, and tried the case in the district court, and with C. S. Polk, who was his successor in that office and who wrote the briefs for the county and took care of the case before the supreme court. I am satisfied that everything done by the county for the purpose of paying this claim has been fairly and well, and just as effectually, presented to the highest tribunal of the state, as it is possible to do in another trial of the case, and that no additional evidence in favor of the county can be obtained. It is therefore my opinion that it would be but a waste of money to try the case again—in the way of interest on the claim for perhaps three or four years during the pendency of the case in the courts and the necessary court costs, perhaps not less than \$150 or \$200.

It is suggested that certain attorneys, whose voraciousness for business exceeds the flow of business in a legitimate way to them, have, in a back-door way, sought to inject themselves into this case by offering to make of themselves an insurance company to the county and guarantee to win the case for the county if employed and permitted to have a retrial of the cause—at a fixed fee if successful, or no fee if the case is lost to the county.

### PERSONAL MENTION.

James Mahan of Lincoln was in town today.

Roy Dodge made a trip to Omaha on the fast mail.

J. G. Heckler was in town today from Elmwood.

R. B. Windham made a business trip to Omaha this morning.

Edwin Joery of Elmwood was a Plattsmouth visitor today.

H. B. Groves was a business visitor at the state capital today.

George Balances and wife of Havelock are visiting in the city.

Mrs. L. H. Petersen and two daughters spent the day in Omaha.

Herbert Sharp and wife were passengers for Omaha this afternoon.

F. M. Richey was a business visitor in Omaha and Council Bluffs today.

H. M. Sonnichsen was a business visitor at the metropolis this morning.

Will Beach, who was called to this city on account of the death of his father, returned to Omaha last evening.

Misses Cora and Clara Walker went to Lincoln this afternoon to be in readiness for the opening of the state university next week.

F. J. Morgan, W. K. Fox, Ed Fitzgerald and several others went to Weeping Water this morning to be in readiness for the Bryan meeting.

Ice cold soda—Atwood's drug store.

ity for employing additional counsel in a civil case, is conferred by section 605, page 105 of the compiled statutes of 1897, and any employment outside of that provision would be unauthorized by law.

If the slightest suspicion existed that the county's interests were frittered away, or not properly protected, in the trial of this case, both in the district and supreme courts, by counsel who appeared for the county, or if new facts had developed since the trial that would be favorable to the county, then I should not only be willing, but anxious to have the case assigned for trial when the mandate comes down from the supreme court. But the facts would make a record identical with the one that has been before that court, and how could we expect any other or different result than the decision that "The evidence is insufficient to establish payment?" Respectfully submitted, A. J. GRAVES, County Attorney.

### MURDOCK ITEMS.

A son was born to Mrs. James Crawford.

C. A. F. Dehning spent Sunday in Omaha.

O. P. Stewart is attending school in Lincoln.

F. Wolf made Plattsmouth a visit Monday.

T. M. McKinnon left for Hastings Thursday.

H. R. Neitzel returned from his Indiana trip Saturday.

John Ward has returned from a long stay in Hall county.

Dr. J. H. Hall is prospecting in the western part of Nebraska.

Fritz Otto is still here in an endeavor to negotiate a sale of his farm.

Mrs. John Connally has returned from her visit in Western Nebraska.

Will Scherve has accepted a position in F. Martin's store during the winter.

Minnie Guthman has been visiting her sister, Mrs. H. R. Neitzel, the past week.

A patent medicine show company has been entertaining the young folks the past two weeks.

Herman Hornman has sold his fine 160 acre farm to Mrs. A. Bornemeier. Consideration \$8,900.

Mr. and Mrs. H. V. McDonald drove to Sterling, Neb., Thursday for a short stay with Mrs. Steve Tool.

Rev. and Mrs. Hans Baumgartner returned to their home in Chicago, having had a delightful visit with relatives and friends here.

Mr. and Mrs. L. Neitzel went to Lincoln Thursday to consult a specialist regarding Mrs. Neitzel's right limb, which refuses to yield to treatment.

Last Monday Will Rush took his infant daughter to Lincoln, where an examination was made with the X-rays to locate a collar button or something which it was thought the baby had swallowed, but nothing could be located, and as the pain seems to be gone and the flow of blood has ceased it is presumed that the serious stage has passed.

### CEDAR CREEK HAPPENINGS.

Henry Horn is laid up with rheumatism.

Mrs. D. Bredenkamp spent the fore part of the week visiting friends at Berlin.

Phil Kell and Os Virgin drove to Omaha last Saturday and returned home Sunday.

Mr. and Mrs. Kirlin of Lincoln spent Sunday with the former's sister, Mrs. Hollenbeck.

There has been a lot of old corn coming to market this week. It has been several years since the old corn was so nearly sold as it is at the present time.

G. N. Walradt has sold eighty acres of his farm to Frank Inhelder. Frank is preparing to build thereon at once, and soon will be a full fledged farmer.

The Degree of Honor took in three members at their regular meeting Thursday night. After initiation they enjoyed a supper such as good cooks alone can serve.

The Cedar Creek Juniors will have another game of base ball Sunday, when they will play the Sunny Side team. The teams are pretty even and a good game is expected.

# IS KNOWN AT LINCOLN

## Smith, the Insane Man, Was Released at That Place.

### Unfortunate Man Claims He is Afflicted With This Spell Whenever the Weather Becomes Hot—Tailors Settle the Label Question—Other Interesting Local News.

It now develops that Smith, the man whom Deputy McBride brought to this city Monday evening and who was thought to be insane, is well known to the Lincoln authorities. He was picked up there some time ago, when he had a similar spell, but was released. The commissioners gave him an order yesterday for a ride across the Missouri river on the ferry, and it is not thought he will come back this way. In regard to the experience the Lincoln authorities had with Smith the News of that place says:

"Lon Smith has turned up again. Lon is the fellow who was picked up by the police the other week. He had a case of wheels, and imagined people were after him to kill him. He was ordered sent to the asylum as an insane man, but after four or five days in the county jail he became all right again. The county commissioners thought they had a joke on the insanity commissioners, and jocosely accused them of finding a man who was at the end of a big drunk a proper subject of imprisonment in the asylum. Monday Smith left here for the east. He got as far as Greenwood, and there he had another fit. He was arrested Wednesday and taken to Plattsmouth. He claims he has been robbed of a large amount of money, and the police officials down that way think they have a mystery on hand. They will know better when they learn from Lincoln that it is simply a case of crazy man. Smith said here that every time the weather grew warm he became unbalanced. He gave a sunstroke as the cause of his ailment."

### Tailors' Label Question Settled.

By order of the general secretary of the Journeymen's Tailor Union, Charles F. Berggrat and Hans P. Peterson of Omaha visited in this city yesterday to straighten out matters relative to the use of the Union label by local tailors. No difficulty was had in getting the question settled satisfactory to all concerned. Messrs. Berggrat and Peterson are very pleasant gentlemen and seemed to enjoy their visit here. They extended the boys a cordial invitation to come to Omaha and enjoy the Ak-Sar-Ben festivities.

### MRS. EDDY TO THE WORLD

Corrects a Misstatement Circulated by Opponents of Christian Science.

For some time the opponents of Christian Science have circulated the report that its founder and discoverer, Rev. Mary Baker Eddy, is a helpless invalid. In order to correct this misstatement THE NEWS is requested to publish the following message from Mrs. Eddy:

"You may send out to all the world this message from me:

"I am well, despite the many attempts of those opposed to the principle of Christian Science to prove otherwise. For thirty-four years I have labored in this great field and never have I been so keenly alive to the glorious privilege of living and working."

"You have asked me if it were true that I am a sufferer from cancer. You have asked me if it is true that a doctor of medicine is in attendance upon me."

"To both these questions I answer no with all the truth in my being. I am free from disease and there is but one physician guarding my welfare. He is the Great Physician."

"Stories telling of my illness have been, I am sorry to say, industriously circulated. They are naught but malicious falsehoods. There object, I presume, is to injure my health, and to discredit my belief and practice of what I have expounded for more than thirty years. This indeed would be much to those who oppose the growth of the Science of Christ."

"For many years I have been aware of what you tell me, and in a quiet way I have guarded against these unseen enemies, not personal enemies, but enemies of the faith."

"With your own eyes you can see that I am well and strong, although the cycle of years usually allotted to man has passed over my head."

"I shall be pleased to answer any questions that may serve to set aright any mistaken belief aroused by unfounded and unworthy reports concerning my health and adherence to the great principle of Christian Science."

REV. MARY BAKER EDDY.

### Notice.

All republicans of Eight Mile Grove precinct are requested to meet at Heil's school house Wednesday night, September 26, at 8 p. m., to organize a rough rider club to attend the Roosevelt meeting at Plattsmouth October 2.

H. A. SCHNEIDER, Committeeman.

Miss Clara Street wishes to announce that she is now prepared to give instruction in voice culture and will be glad to see anyone interested in this line of work. Miss Street has just finished two years of successful work in this line, and while teaching, will also pursue the study of voice culture in Omaha. For terms see her at her home—710 Locust street—on Mondays and Thursdays.

On account of the Ak-Sar-Ben festivities the Missouri Pacific will sell tickets at one fare for the round trip. Date of sale, September 25-28 inclusive; return limit, October 1.

# NEWS BRIEFLY TOLD.

## C. A. Marshall, Dentist.

Pepperberg's Buds—5-cent cigar. That's all.

Crushed fruit—all flavors—Atwood's drug store.

For reliable insurance call on Mrs. Carrie L. Wilson.

Old papers for sale at this office—10 cents per hundred.

Choice perfumes and toilet articles at Atwood's drug store.

A girl baby arrived at the home of Mr. and Mrs. Ed Spencer last night.

St. Mary's Guild will meet with Miss Dora Herold Saturday afternoon at 2 o'clock.

The ladies of the Christian church will serve supper Tuesday evening, October 2.

The Ebinger Hardware Co. has a full line of pumps and is now prepared to do pump work of all descriptions.

A new line of samples of imported and domestic cloth goods. Come in and examine them. Hudecek & McElroy.

The Western Union Telegraph company has sent a gang of eight men to this place to make some repairs on its lines.

Otto Wurl, the cigar manufacturer, went over to Pacific Junction and Glenwood this morning with a supply of cigars.

In mentioning the funeral services over the remains of Mrs. Morgan Shrach yesterday, THE NEWS failed to mention the solo by Miss Clara Street.

A small delegation of local democrats went to Weeping Water this afternoon to attend the Bryan meeting, which is to be held at that place this evening.

The ladies of the Presbyterian church will serve lunch during the afternoon and evening of October 2. Details as to the place of serving will be given later.

Sheriff Wheeler, who was kicked by a horse Tuesday, was able to be down town today for the first time since the day of the accident. He manages to get around by the aid of a cane.

Mrs. Lillian K. Hassel has moved into her residence on Main, between Tenth and Eleventh streets, which she purchased recently. She has had the property fixed up in good shape.

Otto Wurl is the manufacturer of "Gut Heil" and "Silver Wreath" cigars. The great demand for these cigars is certainly a good indication that they are second to none in the market.

Rev. H. J. Kirschstein of Lincoln will occupy the pulpit at the Christian church next Sunday. Morning services at 11 o'clock and evening services at 8 o'clock. Everybody welcome.

The case of the Equitable Land company vs. Charles H. Bailey was begun in county court this morning, but on account of the absence of witnesses an adjournment until tomorrow morning was taken. This is a suit on a note.

You may bridle the appetite but you can not bribe the liver to do its work well. You must be honest with it, help it along a little now and then with a dose of Herbine, the best regulator. Price 50 cts. F. G. Fricke & Co.

Those who were at the depot last evening expecting to see the prohibition candidates for president and vice president pass through on a special train were more or less disappointed. The train arrived on schedule time, but did not stop, being bound for Omaha, where the candidates spoke last night.

Leonard Weaver and John Hoskins, a couple of strangers, drifted into town yesterday and in a short time each were burdened with a fair-sized jag. The officers found it necessary to take charge of them, and Judge Archer did the rest—fining them each \$1 and costs. They are serving out their fines in jail.

The missionary society of the Presbyterian church will meet at the home of Mrs. Curtis Moore Monday, September 24, at 3 p. m. Instead of a pre-arranged program, each lady is requested to come prepared to read or speak upon the topic for the month—Japan—or upon some phase of home or foreign missions.

Wall paper, 5 cents a roll at Atwood's drug store.

FOR SALE OR TRADE—I will sell cheap, or trade for good farm lands, my two-story brick building—100 feet deep; also the two-story frame dwelling house on Vine street, both properties in Plattsmouth, and in good repair. Mrs. Emily Drew, 312 Marcy street, Omaha, Neb.

### Legal Notice.

Benjamin A. Gibson, Clarence E. Tefft, and Carrie Tefft, and others interested, are hereby notified that on the 19th day of January, 1899, I, the undersigned, purchased at private sale from the county treasurer of Cass county, Nebraska, the following described real estate, situated in the city of Weeping Water, in Cass county, Nebraska, to-wit: Lot number 13 and 14, and number two (2), in block numbered fifty-one (51), which was duly sold and bought for the delinquent tax of the year 1897, and I have paid the taxes for the subsequent years of 1898 and 1899. Said real estate was assessed and taxed in the name of B. A. Gibson. The time for the redemption of said premises will expire on the 10th day of January, 1901. Persons interested will govern themselves accordingly. Dated September 21st, 1900.

JACOB H. HALDEMAN.

### FILE YOUR WANTS.

(Special notices under this head will be charged for at the rate of one-half (50) cent per word for each insertion. No notice accepted for less than ten cents.)

### HELP WANTED.

WANTED—YOUNG MAN—Can make \$60 per month and expenses. Permanent position. Experience unnecessary. Write quick for particulars. Clark & Co., Fourth and Locust streets, Philadelphia, Pa.

### FOR SALE.

FOR SALE—At a bargain—Corner Corner property. Inquire of J. H. Thrasher.

FOR SALE—Northwest quarter of section 19, town 13, range 13. Inquire of Thomas or T. H. Pollock, Plattsmouth, Neb.

# OBITUARY.

## Died—September 18, 1900, Hugh Percy Beach, aged fifty-seven years, three months and eleven days, of Bright's disease and heart trouble.

The subject of this sketch was born at Beamsville, Wellington county, Canada. In childhood his parents moved to Oxford county, Canada, when it was yet a wilderness. He was married at Woodstock, Ontario, October 16, 1867, to Mary Elizabeth McCall, to whom was born ten children—two sons and eight daughters—all of whom survive him, except one daughter, who died in infancy.

The greater part of his life was spent in Canada. In 1881 he moved to Michigan and thence to Nebraska in 1887. In early life he united with the Methodist church, and for thirty-five years has lived a consistent Christian life, and at the end died in the triumph of faith. He was one of seven children—four boys and three girls—all but one of whom are left to mourn his demise. Five years ago his health began to fail, and for the last eighteen months was a great sufferer. He was laid at rest in Oak Hill cemetery Thursday, September 20, 1900.

Drink Mellowrich coffee. J. Hatt, exclusive agent.

### An Afternoon Tea.

Mrs. Peter Welsh entertained a number of her lady friends yesterday at an afternoon tea. The parlors were beautifully decorated with flowers. Refreshments were served and a general good social time was had.

Those present to enjoy the hospitality of the hostess were Mesdames B. P. White, Logan Brown, William Schmidtman, Ed Barker and John Schulhof.

### One O'clock Luncheon.

Miss Bertha White entertained a number of her young lady friends yesterday at a 1 o'clock luncheon.

The guests were Misses Katherine Agnew, Josephine Daniels, Glenwood, Ina Cora and Clara Walker, Elizabeth Waugh, May Baird, Louise Smith, Ethel Dutton, Nellie Hopping.

Any dealer in cigars will tell you that "Silver Wreath" and "Gut Heil" cigars are excellent sellers. Otto Wurl is the manufacturer.

Pepperberg's Buds—5-cent cigar. That's all.

# A Few Points::

to be remembered concerning the Chinese question have been brought to the notice of the world. Here are a few points for you to remember: First—You are a buyer of Boys' Clothing. Second—You want good clothes when you buy—must have that kind for boys. Third—(Here's where we come in) We sell Boys' Clothing, and we sell "the good kind." Another point—We sell them CHEAP. Knee pants, 35c up. Suits, with double-breasted Vests, \$3.50 up; 100 styles to select from—that's the last point.



# WESCOTT & SON

## Jack Frost Is Here

## Overhaul Your Winter Underwear

You will need some new garments. We sell the Best Wool-Fleeced Article for men on the market for the money. A "fifty-center," as good as you have been getting for 75c and \$1.00. We bought lots of them in order to get them that way, and they are yours for the price—50c.

We have an Angora-Fleeced, for women, at the same price. Nothing like it.

### Remember This

If you have produce, you can't bring us too many good potatoes, too many eggs or too much lamb.

## C. D. LONG,

Formerly F. T. Davis Co., By Methodist Church. Telephones... (Nebraska, No. 4) (Plattsmouth, No. 198)

# THE NEWS does

# Job Printing

Does it PROMPTLY. Does it PROPERLY.

# E. G. DOVEY & SON

Opening of... Fall Season.

## Advance in Prices Competition Cuts No Figure with Us. Defied.

SOME OF OUR LEADERS:

2,000 Yards Best Outing Flannel Regular 10c quality; our price 7½c.

DON'T FORGET. We are Sole Agents for

Butterick Patterns,

2500 Yards Best Flannelettes, Worth today 12½c; our price 10c.

Budd's Baby Shoes,

Ginghams, To close out a special line of these goods that sold at 10c to 20c a yd, your choice, 7½c.

Queen Quality Ladies' Shoes

Dress Goods We are showing our line of Fall and Winter Dress Goods—all the new goods from the Eastern markets, at the Lowest Prices. See the new

and... Gage Down Corsets.

Black Pierola Cloth, the handsomest production out in Woolen goods.

# E. G. DOVEY & SON.

We Sell Six Spools of Thread for 25 cents.

The board is advised that the author-

ity for employing additional counsel in a civil case, is conferred by section 605, page 105 of the compiled statutes of 1897, and any employment outside of that provision would be unauthorized by law.

ice cold soda—Atwood's drug store.

FOR SALE—At a bargain—Corner Corner property. Inquire of J. H. Thrasher.

FOR SALE—Northwest quarter of section 19, town 13, range 13. Inquire of Thomas or T. H. Pollock, Plattsmouth, Neb.

Try THE NEWS a week—10c.

### WE HAVE

## All the Latest Books:

Richard Carvel  
David Harum  
To Have and To Hold  
Black Wolf's Breed  
When Knighthood Was in Flower  
The Redemption of David Goliath  
Prisoners of Hope  
Three Men on Wheels  
Seats of the Mighty  
King's Mirror.

Lehnhoff's Book Store.

As an external liniment of most wonderful penetrative and curative power, Ballard's Snow Liniment is not equaled by any other in the world. Price 25c and 50c. F. G. Fricke & Co.

To PATENT Good Ideas may be secured by our aid. Address THE PATENT RECORD, Baltimore, Md. Subscriptions to Patent Record \$1.00 per annum.