The Plattsmouth Journal

R. A. BATES, PUBLISHER.

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Democratic County Convention.

The democratic electors of Cass county are hereby called to meet in convention at the town of Louisville, in said county,

ON THURSDAY, MAY 5, 1904,

at 1 o'clock p. m., for the purpose of selecting twenty delegates to represent Cass county at the democratic state convention at the city of Omaha, on Wednesday, June 1, 1904, called to elect four delegates-at-large and four alternate delegates-at-large, and two delegates and two alternate delegates for each congressional district to represent the democratic party of Nebraska at St. Louis national convention. Also, to elect twenty delegates to the state convention to be held in the city of Lincoln to nominate a candidate for governor and other state officers to be elected at the ensuing fall elections; also to elect delegates to the congressional and float representative conventions. The basis of representation is fixed at one delegate to said county convention for each fifteen votes and one additional delegate for the major fraction thereof cast for John J. Sullivan for supreme judge. Accordingly each precinct will be entitled to a respresentation in said county convention, as follows, to-wit:

Tipton	6	Plattsmouth Pre.	9
Greenwood	5	Weeping Water City.	
Salt Creek	8	First Ward	2
Stove Creek	6	Second "	1
Elmwood	6	Third "	1
South Bend	4	Plattsmouth City.	
Weeping Water Pre.	3	First Ward	6
Center	5	Second "	8
Louisville	6	Third "	6
Avoca	5	Fourth "	4
Mt. Pleasant	6	Fifth "	3
Eight Mile Grove	8		
Nehawka	4		
Liberty	8		
Rock Bluffs, First	6		
" Second	4	Total	130

It is requested that primaries be held in the various precincts, at the usual voting places thereof, on Tuesday, May 3, 1904, at 7:30 p. m. It is also urgently requested that all democrats and those opposed to the present extravagent and corrupt national and state administrations, attend these primaries.

HENRY R. GERING, Chairman
Democratic County Cent. Committe.
M. A. BATES, Secretary.

THE governor of Colorado ought to be able to give Roosevelt a few pointers on strenuosity.

THE democratic battle cry of "Turn the rascals out" is taken in Washington as a personal affront.

REPUBLICAN statesmen are trying to get the accidental president to appoint General Bristow ambassador to Morocco, Mongolia or the moon before next winter.

IT goes without saying that Lem You Ell Quigg will have something to say about the republican national platform. He probably carries it all finished in his pocket.

THE Census Bureau estimates that our population will increase a million a year even if President Joseph Smith enforces his decree that nobody else shall have as many wives as he has.

ACCORDING to the superintendent of the Pullman company, postal cars cost about $5,000 each, but the republicans of McKinley's and Roosevelt's administration have paid over $6,000 a year rent for each car. Who gets the rank-off is not yet revealed.

JUST wait! You'll see us get together before November's ballots fall; whoever wears the favorite's feather responsive to the peoples' call to head the host and lead the ball. Where'er the wind, what'er the weather, united marching, one and all, you bet you'll see us flock together.

THE friends of Lieutenant-General Miles are in a real fidget, because the General has not yet been reprimanded from the White House for his admirable speech at Chicago. Is "Teddy the Terror" forgetting his obvious duty? That speech was patriotic and humane enough to merit punishment of some sort.

IT turns out now that the reason why Harrison and other candidates for the republican nomination for governor withdrew from the contest, was that they did not care to shoulder the responsibility of the present revenue law, which the republican party will be compelled to do in the ensuing campaign.

WHEN Nebraska Day rolls round and the present chief executive puts in an appearance the visitors from other sections to the St. Louis World's Fair should receive notice of his arrival thusly: "Behold the midget governor of Nebraska—little in stature, little in intellect and little in the hearts of his countrymen!"

WHEN the St. Louis convention meets, there should be calm reflection on the fitness of candidates and statement of principles. The situation of 1904 does not warrant any other attitute on the part of a delegate from any state. Essentially the party is now united on every question before the country. When a leader talks of provoking strife over nothing, it makes no difference whether he lives in New York or Oregon, he is not fit for leadership. Why should the people who are anxious for democratic success permit such men to be leaders at all? The necessity is for democratic amity and unification. The time has come when no obstacle to harmony exists in the actual issues forced by events upon the attention of the people. Let us have democratic peace. Let the voter tell the leaders that he who is not for peace is no democrat.

An Imposition on the Court.

The News appears to be dissatisfied with the manner in which the Journal chronicled an account of the decision of the now famous suit of Kupke heirs vs. Polk, et. al., and no doubt fancies it has hit the Journal a hard jolt when it quotes certain paragraphs from the court's opinion that were made a part thereof "in pursuance to a written request of the defendants, Carey S. Polk and John Stroy," (so stated in the opinion, and which looks like an imposition on the court.) These paragraphs and allowance of $2,500 to Polk as attorney's fees, may have been allowed as a soothing lotion, but it is more than possible that it is the result of smooth work from the fertile brain of the leading attorney for the defendants with an ulteror motive in view that will result to advantage in the supreme court.

It is not the purpose of the Journal to print anything that will reflect upon the learned judge who rendered this decision, but with all due respect for the ability, fairness and integrity of Judge Jessen, we find it impossible to reconcile several paragraphs of his opinion with the conclusions thereof. In fact, outside of counsel for the defendants, we have found no attorney that would attempt to do so.

However the deal was set aside by the court and the property taken away from Polk and restored to the heirs where it undoubtedly belongs. If there is no fraud in the case, Polk should not be deprived of his gains in the deal, and the court has done him an injustice. If there *is* fraud in the transaction it should be pointed out by the court in terms unmistakable, and Polk should not only be deprived of the property in controversy, bnt he should be denied an attorney's fee, especially when same has not been asked for in his pleadings. Why should he be allowed a fee of $2,500 for perpetrating a fraud upon these heirs?

"The suppression of material facts, which one party is legally or equitably bound to disclose to another, is a case of actual fraud." This is what we find in Bovier's Law Dictionary. Now we will do a little quoting from this opinion ourself:

"The court finds as a matter of fact, that the defendant, Polk, at the time the negotiations between himself and the plaintiffs were in progress that resulted in the execution of the deeds and written assignment, stated to the plaintiffs that the will of Ernst Kupke, deceased, * * was a good will on its face."

"And the court further finds, without request from either party, that at the time the defendant, Polk, obtained deeds for the lands mentioned above, and other personal property belonging to the estate of Ernst Kupke, deceased, *he was in possession of facts evidencing the invalidity of said will, and which facts he did not mention or reveal to the plaintiffs.*"

Thus it is seen that the court has handled this case with gloves and has refrained from anything but a veiled intimation of fraud, although the legal conclusions to be deducted therefrom spell FRAUD in big letters, if Bovier is yet an authority, and this is probably the basis for the conclusion arrived at by the court which we give in full below:

"The court further concludes that through the suppression of facts connected with and surrounding the execution of the will of Ernst Kupke, which facts were in the possession of and known by the defendant, Polk, at the time he negotiated for and received the deeds and assignment from the plaintiffs herein, the defendants, Carey S. Polk and John Stroy, have obtained and now hold all the assets of the estate of Ernst Kupke, deceased, including notes and mortgages to the amount of $14,000, which represent the purchase price of the real estate described above, and which in equity and good conscience should belong to the plaintiffs herein."

In the opinion of the Journal such transactions should not be handled so gingerly, even if the perpetrator does try to hide his nefarious schemes under the religious cloak. But probably this is some more "rot" in the eyes of the Polk organ.

LAST Saturday every county in Missouri that held democratic primaries was carried for Folk for governor. We are pleased tc note that our old home county (Scotland) went for Folk five to one. A few weeks since, when the disgraceful proceedings enacted by Harry Hawes and cohorts in the St. Louis became known, the Journal remarked the action of the St. Louis hoodlum element at the polls would wake up the rural democracy, and it has. The nomination is now virtually conceded to the bribe prosecutor. Jim Reed is a good man, but he is caught in bad company, who have no doubt invented a scheme to side-track him for all future aspirations.

THE democratic party needs no reorganization. It is organized, from the national committee to the village club. The issues are plain and are understood. The voters are ready to support the party. The sole contention, when analyzed, is over the matter of what set of men shall wield the power of party leadership. The democrats of the nation, through their representatives at the St. Louis convention, will certainly prove most capable of settling that question.

Robbed the Grave.

A startling incident is narrated by John Oliver of Philadelphia, as follows: "I was in an awful condition. My skin was almost yellow, eyes sunken, tongue coated, pain continually in back and sides, no appetite, growing weaker day by day. Three physicians had given me up. Then I was advised to use Electric Bitters; to my great joy, the first bottle made a decided improvement. I continued their use for three weeks, and am now a well man. I know they robbed the grave of another victim." No one should fail to try them. Only 50 cents, guaranteed, at F. G. Fricke & Co's drug store.

Elmwood

From the Leader-Echo.

A daughter was born to Mr. and Mrs. George Wilson, Tuesday, April 19.

Born—To Mr. and Mrs. Walter Cromwell, on Monday, April 18, a nine pound daughter.

George Buell has been very sick the past week from an ebscess of the lungs, following an attack of the grip.

C. D. Clapp expects to commence the erection of a fine two-story residence on the site of his present residence, in about two weeks.

Pete Nickel is figuring on erecting a commodious new residence on his fine farm, four miles northwest of Elmwood.

Captain David McCaig was at Plattsmouth Friday visiting friends and taking a look at the cannon in front of the court house.

Our genial miller, Claus Breckenfeld, who has been dangerously ill for the past two weeks with neuralgia of the stomach, has so far improved as to be able to sit up, we are glad to learn.

B. I. Clements, who was very ill for two weeks with ulcer of the stomach, was so far improved as to be able to ride up town for a few minutes Tuesday and expects to be about again in a few days.

The school board met Monday and elected teachers for the ensuing year as follows: Principal, Prof. Gamble of Union; assistant principal, Mrs. Leiby; intermediate room, Miss Laura Miller. grammar room, Millard C. Lefler. Principal Simons and Miss Towle were re-elected at a previous meeting but did not accept.

Mrs. Maggie Gillispie received a telegram, from Waverly, Kansas, Friday announcing the serious illness of her sister, Mrs. Mollie Ritchey. She and her father, A. J. McNamara, left that evening for Waverly to be at her bedside, and were present when death came to claim her, Wednesday. Her death was caused from a complication of measles and pneumonia. The remains were shipped to Wabash, where the funeral will occur at 10 a. m. today.

Cedar Creek

Special Correspondence.

Mud and water almost knee deep in Cedar Creek, and full of crawfish and mermaids.

Charles Freeman was a Plattsmouth visitor last Saturday.

One day last week as Charley Fetzer, the road overseer in district No. 12, was driving through this vicinity tied hit team to a fence to examine a bridge. He had been under the bridge but a few moments when the team broke loose and started up the road at a good gait, and Mr. Fetzer ofter them in hot pursuit. The horses dashed against a board fence and were caught and tied up by some of the school boys until Mr. Fetzer arrived. No damage was done to the rig.

George Heil informs us that that College Hill was quite muddy last Sunday.

A Glendale girl baked a good many pies last Saturday, as she expected her best fellow there the coming Sunday, but on account of too much rain he failed to come. So in order to get her pay back for all the work she done she sat down to the breakfast table on Monday morning and ate a whole pie herself.

Maple Grove

Special Correspondence.

Henry L. Long is quite sick with the rheumatism.

John Bock celebrated his seventieth birthday Sunday, April 17. Quite a number of friends and relatives were present.

Charles Boedecker lost two of his cattle last week.

Mr. and Mrs. Herman Beck went to Elmwood last Saturday to visit old friends.

Miss Mae Fulton of Nehawka visited in this neighborhood last week.

Charles Herman, Will and Otto Puls were among the Murray visitors from this locality Friday.

Mr. and Mrs. Henry Engelkemeier were Plattsmouth visitors Saturday.

There was a fine little surprise dance given at the home of Mr. and Mrs. Fred Engelkemeier Saturday night.

Mr. and Mrs. Henry Engelkemeier visited at the home of Mr. and Mrs. W. H. Puls Sunday.

Decision in the Cutler Case.

Following is a brief history of the matter in which Henry C. and George H. Cutler are plaintiffs and N. H. Meeker is defendant, and which was recently decided in favor of the plaintiffs in the supreme court:

Martin B. Cutler died in 1885. At that time he had a contract for the purchase of 520 acres of land from the state, and had paid but a tenth of the purchase price thereon. After his death his widow claimed dower right in 200 of these acres and was given the possession and use of that during her life. She paid the remainder of the purchase price and at her death willed it to Meeker and others. The sons laid claim to the property, claiming it descended to them just as though it was real estate owned by their father. The court says that this is correct, that the widow was not legally entitled to be endowed therein. The court says: "The interest of the vendee in possess of realty under contract of sale, a part of the purchase price having been paid, at death descends to his heirs and does not pass to the administrator. It is inalienable, descendible and devisable in like manner as if it was real estate held by legal title." The property is valued at $16,000.

Notice to Creditors.

STATE OF NEBRASKA, Cass County. } ss. In County Court:

In the matter of the estate of Lewis F. Cole, deceased.

NOTICE is hereby given that the creditors of said deceased will meet the Administrator of said estate, before me, County Judge of Cass county, Nebraska, at the county court room in Plattsmouth, in said county, on the 31st day of May A. D., 1904, and on the 31st day of October 1904, at 10 o'clock a. m. each day, for the purpose of presenting their claims for examination, adjustment and allowance. Six months are allowed for the creditors of said deceased to present their claims, and one year for the administrator to settle said estate, from the 30th day of April 1904.

Witness my hand and the seal of said county court, at Plattsmouth, Nebraska, this 5th day of April, 1904. HARVEY D. TRAVIS,
[SEAL] County Judge.

LICENSE NOTICE.

NOTICE IS HEREBY GIVEN THAT THE undersigned has filed his petition as required by the statutes of the State of Nebraska with the city clerk of the city of Plattsmouth, Nebraska, requesting a license to sell malt, spirituous and vinous liquors for the coming municipal year in the building situated on block twenty-seven (27) lots eleven and twelve (11 & 12) in the city of Plattsmouth, Nebraska. EUGENE OPELT,
April 18, 1904. Applicant.

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Plattsmouth, Neb., March 10, 1904.

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Our business is increasing every month, but is still in its infancy, and a robust infant at that.

You can save money by joining hands with this infant, as it will lead you to low prices, first quality goods, courteous treatment, full weight and measures.

All we ask is a trial by you, dear reader. We want you for our judge

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All shades and black all-wool Alberta, 38-inches wide at..... 39c
Black, blue and brown, 54-inch Mohair Sicillian at..... 49c
Black and blue, 54-inch cravenetted Sicillian at..... 75c
Brown mixed, blue mixed, green mixed mohair, in little flaked effects, the latest weaves on the market. Regular $2.50 quality, at..... 1 69
45-inch Lupin's voiles and Crepe de Paris, in all the new shades out, $1.50 quality for..... 98c
45-inch fancy voiles in black and colors our $1.98 quality for..... 1 39
54-inch Priestley's cravenetted Sicillian, the $2.00 quality for..... 1 49

You will find here one of the largest and finest stocks of HIGH GRADE WASH GOODS ever shown in a retail store east or west. Thousands upon thousands of beautiful wash fabrics, both imported and domestic to select from.

This Week We are Selling

Fine sateen, mercerized, for shirt waist suits for..... 15
Fine wash voile, all colors, also black and white, yard..... 15
Fine silk organdies, in handsome designs, yard..... 25
Pongee, 36-in wide, silk and linen, tan or champagne shades, regular $1.25 fabric, yard..... 75
Pongee, silk warp and silk embroidered, 27 inches wide worth 75c at..... 49
Fine waistings, white or colored worth 25 to 50c yd, full pattern of 3 yards, pattern..... 69
White batiste, chiffon finish, 45-inches wide, worth 50c yard..... 29

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