

## THE LOUISVILLE CONTEST MATTER

**Judge Travis Denies the Writ--Where There is a Tie Vote There is no Election--His Opinion Clearly Defines the Law.**

The recent village election in Louisville resulted in a tie of the members of the board of trustees or council. Then came the matter of deciding the tie, and suit was brought in the district court to decide "who was which," and Judge Travis' opinion is as follows. The case is entitled, "In Re State ex rel Waldron vs Jacobson et al.":

It appears from the petition and the evidence in the case that the village of Louisville is a municipal corporation, acting under what is called the "Norfolk Charter," as a village having more than two hundred and less than fifteen hundred inhabitants. It is governed by a board of trustees. At the village election in April, 1908, the vote on trustees resulted in a tie vote on three trustees, candidates for election, and the canvassing board found from the face of the returns that there was a tie vote as to the aforesaid trustees. The relators claim that the law cast the duty of determining the tie by lot upon the board of trustees, acting as a canvassing board. The respondents deny that the law cast any duty upon the board of trustees or canvassing board to determine who was elected, by lot. It is clear that if the statute does not in terms make it the duty of the canvassers to cast lots on a tie vote, that they could not do so. In case of a tie vote, where no one is authorized to cast the deciding vote or the statute does not provide for casting lots there is no election.

Erdman vs. Barrett, 82 Pa., St. 320.

### Stories of the Storm.

There are many stories of peculiar happenings at various places in the tornadoes of last week to the west and south of Mills county. Following are some of the strange capers of the wind near Shenandoah, says the Glenwood Tribune:

A hog hide was found hanging on a tree, where the hog had been as completely skinned as if done by an expert. Six large hogs weighing two hundred and fifty pounds, were carried six miles. A cook stove was dropped down unhurt, and they have not yet found where it came from. The harness was taken off a team without hurting the horses. A man, his wife and little girl were taken up and carried some distance and laid down within two feet of one another, leaving them unconscious, but all three will recover. One man had his shoes taken off his feet. One family went into their cellar; their house was taken off from over their heads, and a mare that was in the barn was dropped into the same cellar unhurt. Two horses were carried over one-fourth mile and dropped down, but little injured.

### True to the Letter.

The Beatrice Sun truthfully remarks: A house divided against itself shall fall. A community burdened by the presence of knockers, chronic kickers, obstructionists, ferninsters, pullers-back, like the house divided against itself, cannot stand. It cannot even stand still, for the only alternative to progress is to retrogress.

Many a city has been reduced to village obscurity by the activity of unscrupulous, self-seeking agitators whose ambition is to keep up a row and to keep the city divided against itself. Dissension between various classes, cross purposes of various sections, jealousy and suspicion should be discontinued and discouraged.

Let us have peace and harmony, with everyone pulling together and pulling in the right direction.

### Down the Old Missouri.

Carlson D. Turkel and Fred A. Hartmen, of Omaha, came in Sunday on a gasoline launch and stopped here for the day visiting with friends, and today departed for the south, following the river, and will make the entire distance by water from Omaha to Pittsburg, Pa. They will go down the Missouri and Mississippi, and up Ohio. They expect to make the trip in about thirty days.

People vs. Vaughan, 18 Wend., 515. State vs. Adams, 53 Vt., 694; 4 Atl., 228.

Does the statute so provide? We find the general election law provides that the county clerk may cast lots in case of a tie vote between candidates for election. This relates solely and alone to county or precinct officers. A village officer is not a county or precinct officer. The act of the legislature governing villages does not provide for casting lots on a tie vote, although that part of the charter providing for cities having from one thousand to five thousand inhabitants provides that the election board, in case of a tie vote, shall cast lots. If said statute should be construed to apply to the election board of a village, still this would not avail the relators anything; they having brought this action against the village trustees as a canvassing board and not against the election board. The general election law does not apply to village elections, unless it especially so states. The county clerk in case of a tie vote on county officers or precinct officers may cast lots to determine who was elected, but by virtue of his office and authority, he has no power to determine by lot a tie vote in a municipality in the county. Where there is a tie vote there is no election, but either party may contest the election, and this is the remedy of the parties seeking the office of village trustees in this case.

The writ is denied.

## BOGUS REAL ESTATE DEALERS

### Plot to Dispose of Land in Niobrara Reservation

A special from Indianapolis, Ind., under date of May 23, says: An alleged plot to dispose of the land in the United States military reservation at Fort Niobrara, Neb., by means of false deeds and abstracts and mythical names and characters was exposed this afternoon when four real estate dealers were arrested by federal officers. The men arrested are Edward F. Kesler, George T. Voorhees, James N. Newby and Perry F. Carr. The specific charges against the men are that they used the mails to defraud and entered into conspiracy to defraud by the use of the mails. Some of the tracts of land sold by the men, it is alleged, have been sold twice. One man bought 160 acres on which the buildings of the military post are situated. In most cases, it is alleged, it was represented that the Nebraska land was owned by a man named C. Hastings Reid of Polk county, Iowa. In other instances the owner was represented to be Thomas L. Thomas, of Polk county, Iowa. It is said there are no such men. The Fort Niobrara reservation consists of four townships and it is alleged that nearly 6,000 acres have been sold in a fraudulent manner. The alleged fraudulent sale of the lands came to the attention of the authorities when some of the deeds and abstracts were sent to be recorded. The men arrested appeared before United States Court Commissioner Morris this afternoon who granted a continuance until June 1.

### Returns From Canada.

Sunday, W. S. Soper returned from a trip of three months to his farm near Gleichen, Alberta, Canada, where he has been superintending the putting in of the crops, and the building of a house, the digging of a well and otherwise fixing up his home. Mr. Soper says things look fine in that country, and that the crops are much farther advanced than they are a thousand miles this side of that place. The wheat, oats, flax and barley are all up and growing nicely with every prospect of abundant crops. He is very well pleased with the country in which he has his farm; he says that land is selling from \$15.00 to \$75.00 per acre. He has seventy-five acres of oats, and about thirty acres of wheat and feels as though it would make a good yield.

## YES, WE WILL CELEBRATE

**Meeting Tuesday Night Well  
Attended and a Good  
Start Made.**

The meeting held at the council chamber last evening to start the ball to rolling in the direction of a Fourth of July celebration, was a success in every particular. The attendance was pretty well represented by business men, who seemed to have went after the matter with a vim and a push that meant something, and a successful celebration is assured. After the organization of the meeting, the following officers were selected:

President—E. H. Wescott.  
Secretary—John Hatt.  
Treasurer—F. G. Egenberger.  
The hustling committee is composed of H. R. Gering, Ed. Donat, J. E. McDaniel, M. Fanger and J. W. Crabill.

The hustling committee is composed of fellows who are hustlers in the fullest sense of the term, and if the money necessary to pay the expenses of the big celebration is not forthcoming, it will be because the people won't give, and if the celebration will not prove one of the largest ever held in the city, it will not be because they will not hustle to make it so.

It is the first time since we have been a resident of Plattsmouth that the citizens have pursued the proper course to have a big celebration. And not that it has got a good start, let all our citizens put their shoulder to the wheel and boost the Fourth of July celebration to a successful termination. Let us have one that will bring the people here, let us have one that will be a credit to the town, and those who come here from other towns, can go home and speak creditably of the grand time they enjoyed in Plattsmouth.

The following committees have been appointed for the 4th of July celebration. A meeting of all members is called for Thursday evening at the council chamber at 8 o'clock. Every one is urged to be present:

Advertising—H. R. Gering, V. C. Ahlstrand, Henry Goos, R. A. Eates, Wm. Barclay and Geo. L. Farley.

Fireworks—John Bauer, jr., August Bach, jr., Ed. Donat, John P. Sattler, Ed. Lutz and John Nemetz.

Grounds and Program—W. C. Ramsey, E. A. Wurl, A. L. Tidd, Robt. Sherwood, Fritz Fricke, L. B. Egenberger.

Games and Amusements—Hugo Asemussen, D. C. Morgan, Ed. Tutt, John Hatt, jr., Henry Schneider, Charles Wilkins.

Finance—F. G. Egenberger, M. Fanger, J. E. McDaniel, John W. Crabill and Frank Schlatter.

Executive Committee—E. H. Wescott, president; John Hatt, jr., secretary; F. G. Egenberger, treasurer, and Mayor H. R. Gering.

### Robbery at Nehawka.

Last Thursday evening burglars entered the store of Suptin & Dale and abstracted forty dollars belonging to James Williams, a laboring man in the east quarry, that had been left there for safe keeping. The culprit, whoever he was, had a key which unlocked the door, and all he had to do was open the door of the safe and take the money, which was in an envelope.

After rifling the drawers they went out, locking the door after them. They also replaced many of the papers that they had taken from the safe.

No one seems to be suspicious—in fact there are crooks passing through here nearly every day, going to the quarries, making a stake and pass on. The wonder is that there has been no more robberies and burglaries than there has been. If you have any money put it in the bank; it is the only safe place from crooks.—Nehawka Register.

### Excursionists Return.

Most of those who went to Omaha yesterday returned on No. 2, which arrives here about 5 o'clock. It must have been a most pleasant spectacle to our merchants and business men generally, to view the crowd as they filed up Main street, many of them loaded down with goods, which the cheap rates given them by Brandies, induced them to buy, while in the metropolis of Nebraska. Here we are with a population of six thousand people, trying to keep what we have and get more if possible, while we have a portion of that number who are trying to tear down what others are trying to build up, by going to Omaha and spending the money that properly belongs to the merchants of Plattsmouth? Shame!

### Doing Some Excellent Work.

This morning we had an opportunity to see some of the work done by the artist, J. F. Stephenson, who is making his home at the Perkins House. During the past week he has painted a picture of Eli Manspeaker's driving mare, "Queen" which is a fine piece of art. He also painted two pictures of some of the stock of Luke L. Wiles, one bull "Closson" No. 13,280 and a cow and a calf, "Queen Ella," No. 17,445, and "Margarite," 16,578. All fine work.

## THE FUNERAL OF MRS. J. M. STONE

**A Large Number of Relatives  
Attend Last Sad Rites to  
the Noble Lady.**

The funeral of Mrs. J. M. Stone was held Tuesday in Nehawka at 2 o'clock, and the remains attended to their last resting place by a large number of relatives and sympathetic friends who have known the deceased for many years. The services were conducted by Rev. Alesworth, of the Christian church, of Bethany, who paid a greatly deserved and interesting tribute to this noble lady. Mrs. Stone was a member of Queen Esther Chapter No. 1, O. E. S., of Nebraska City, which intended to attend the funeral in a body, but could not do so on account of the manner in which the trains were running. The deceased was a member of the Rebekahs of Nehawka, who attended the last sad rites of their sister in a body. In speaking of the deceased, the Nebraska City News says:

Mrs. J. M. Stone, one of the best known pioneers of this section, died at her home at Nehawka, Saturday evening, after an illness lasting some time. Mrs. Stone has been ill for several years and came to this city and spent the winter taking medical treatment. She gradually grew better and some weeks ago concluded that she was about well and returned to her home. She was taken ill with the grip shortly after that and before she recovered she developed pneumonia. Despite the fact that everything possible was done for her by kind and loving hands, and the best medical skill was secured she gradually grew weaker and on Saturday evening went to sleep.

The deceased has been a resident of this state since early in its settlement and was married to Mr. Stone in a log cabin which was situated on the place where they afterwards made their home and reared their family. The marriage took place in 1860 and the deceased was 29 years of age at the time. They made their home on the farm, which was near Factoryville and in 1894 they moved to Nehawka, where they have since made their home and aided in the upbuilding of the little town. She and her husband, by their labors and frugal manners, accumulated much of this world's good. They were both hard working people and when they moved into town they concluded to enjoy life which they did. She was a good christian woman, held in high esteem by all and her death will be deeply mourned. Her many friends here deeply are grieved to learn of her death for few, if any of them, realized that she was as ill as she proved to be. She was a loving mother and a devoted wife. She leaves a husband and five children to mourn her death, they being Mrs. Dave West, Lester, Charles, Bruce, and Carl, all grown.

### Worked Insurance Swindle.

A special from Nehawka says: A number of farmers in this part of the county have been swindled by an insurance agent. In the last week of April a man solicited insurance for the Bankers Accident Insurance company collecting and receipting as he went. After waiting a few weeks for the policies and receiving no word from the company, the matter was taken up with County Attorney Rawls. A letter from the company stated that they had no one of the name given by the solicitor among the agents and asked for a description of the man claiming to represent them.

### Getting Along Nicely

Tom Svoboda received a letter last evening from his brother Frank, who is now at Hay Springs, Neb., in which he says he is feeling a great deal better than he has for some time, and thinks he will improve right along now. Frank's many friends will be pleased to learn of his improved condition. In the same letter Frank says that Chris Koehnke is engaged there in erecting several buildings for different parties at that place.

## CITY COUNCIL IN SESSION MONDAY

**Quite a Lively Session--Bids for Sidewalks  
and Crossings Presented, and Re-  
ferred to Proper Committees**

With the single exception of Will A. White, who was sick at his home the city, legislators were ready for business last evening at the appointed time, and after the roll had been called, the notations made and the reading of the minutes disposed of, a communication was received from contractor L. G. Larson, stating that he would remodel the Herold building and wished permission to use a portion of the street and alley abutting for the purpose of placing material while the building is in the course of construction, this being the new bank building, the request was granted.

### Reports of Committee.

Two side walk petitions in regular form, asking the construction of permanent walks, with the seven year time payment of Emma A. and Olive Moore, were granted. The finance committee not being ready to report. The report of the Chief of police was handed in and given to the police committee. Then followed the report of the street commissioner in which the report of his work nearly covered the town, and showed the working out of five taxes, as follows: August Schilinsky, P. F. Thierolf, V. M. Mullis, P. H. Kelly and Walter Brittain. After this had gone to the street committee, the finance committee announced itself ready to report. They recommended the payments of the claims following this article. They also reported the checking up of the books of the treasurer, and finding them correct. The claim committee reported favorably of the bill of John Waterman for \$9.30, which was ordered paid. Then came in rotation calls for the reports of the board of health, board of public works, clerk, treasurer, chief of the fire department, with no response. The judiciary committee asked for more time and got it. Nothing to offer from the licenses committee, while the fire and water committee reported the finding of the report of the chief of the fire department O. K., and recommended the repair of the tool box as requested.

On motion of Weber, the grass in the cemetery was ordered cut before Decoration Day, while Sattler said that in conversation with the sexton, that he (the sexton) said he would not mow the cemetery again for the yearly allowance of \$150, but in order that the work may be done before the time, he offered a motion which is considered as an amendment, that the committee be given power to act—that in case the sexton refuse that they could secure some one to do the work. This was followed by a motion from Steimker, appropriating not to exceed \$75 for the payment of the work. These motions were consolidated and all prevailed. Steimker offered a motion to dismiss the sexton which was not considered. Later another motion to have the work done and the amount taken out of the salary of the sexton, which prevailed; and the matter passed after a long time of discussion. Gas and light committee had no report. Police committee reported O. K., on the reports of the police judge and chief of police.

### Miscellaneous Matters

Upon recommendation from the finance committee, White, Schuloff and Sattler, telling of the road fund being overdrawn, a motion prevailed that there be no more work ordered but what was absolutely necessary. Three sidewalk resolutions were offered, which were adopted and ordered walks built along the west side of Chicago avenue from Charles Troops to the Louisville road, abutting the property of Charles Troop, Ellen Pollock, and Nellie Parmele. On a call of wards the First ward did not want any work done; the Second wanted permanent crossings on Locust street, crossing Fourteenth, Duke and Spring streets. They also wanted some grading done on Eleventh, Thirteenth and Eighth streets, to keep off an overflow of some private lots. Third ward wanted a crossing on alley on south Ninth street, near Richey's residence, and grading near the A. O. U. W. hall in the alley, some grading near Dr. Cummins' to prevent the water running

from the street onto his lot; this was asked by Bookmeyer and granted; Sattler said that the trouble came from a private sewer which was allowed, and which caused the trouble. This matter Bookmeyer said would come up at another time. Steimker of the Third, wanted crossings on the west side of south Sixth street crossing allies between Granite and Marble, or between the Elson place and J. V. Egenberger; between Marble and Rock and between Rock and Gold. These were all granted. He also wanted Seventh street opened up to Silver, which was referred to the street committee. In the Fourth ward, Schuloff asked that the walk on Winter street hill be repaired where it had washed out during the recent rains, and that grading be done for a permanent walk along the east side of block No. 168, which was granted. Neuman called attention to the fact that there was water running over the property of Michael Whalen, washing clay and mud over the lawn, and asked that a tiling be placed under the walk, to keep it from overflowing, and also that a ditch be made to carry the water off.

This provoked a good deal of discussion between the councilmen of the Fourth and the mayor, who said nothing would be done, as suit was pending, and that the aggrieved party had made the ditch which flooded their lawn.

Mr. Neuman retorted that even if there was a suit pending something might be done to prevent another. The mayor said that they were using 19 feet of the street anyway and that the water was not running over lawn from any fault of the city. The motion of Neuman which had no second was dead and he said if no one wished to second his motion they did not have to do so, and that street commissioner has dug ditch which caused the trouble. This ended the discussion and the matter was dropped. Fifth ward, Vondron asked that the gully which is washing very badly in the middle of Chicago avenue, south of Bryant street, be fixed to prevent injury to someone and damage to the city; this with a request for a ditch from Irving to Bryant, on the east side of the avenue, was granted. Mendenhall of the fifth ward wanted some grading done on Clara and Cass streets, which was also allowed. The street committee reported O. K., on the report of the street commissioner and recommended the fixing of the culvert near Neuman's place and placing a 24 inch tile in the place of the bridge near J. R. Sanders residence, the running of the grader over Chicago avenue as soon as the weather would permit.

### Bids for Walks and Crossings

The following bids were received for the construction of side walks and crossings: Brick walk, according to specifications, residence district 10 cents per square foot; business portion, 12 cents; and \$1.20 per linear foot for crossings, by W. J. White. Emil Walters, for residence district 15 cents and crossings, running foot \$1.20. Thomas Gall, of Omaha, concrete work, residence district, 14 cents, business district 15 cents, and crossings 21 cents per square foot, H. C. McMaken and Son, 10 1/2 residence, 13 for business and 24 for crossings. The bids all went to the street committee for consideration.

### Claims Allowed.

Plattsmouth Telephone Co., rent, \$1.50  
New York Beltin company, mds., 2.50  
J. P. Cooke Co., mds., 8.00  
Dan Rice, killing dog, 25  
C. C. Tyler, same, 25  
Wm. Ginzery, street work, 18.91  
Pat Teyan, same, 1.40  
John Harkins, same, 17.16  
Clyde Funk, same, 18.03  
John Bates, same, 29.75  
Claude Smith, same, 19.25  
P. A. Harrison, same, 19.08  
Frank Kushinsky, same, 3.15  
Gust Peln, same, 10.85  
Frank Roucka, poll tax, 3.00  
W. L. Pickett, freight, 1.32  
Paxton V. Iron works grates, 43.95  
Wm. Rishel, st. work, 3.15  
J. H. Merriam, engineer, 63.70  
M. A. Archer, oiling floor, 1.50  
Wm. Miller, carpenter work, 9.00  
John Waterman, lumber, 9.30