

The Plattsmouth Journal.

SEMI-WEEKLY EDITION—EIGHT PAGES.

VOLUME XXVIII

PLATTSMOUTH, NEBRASKA, THURSDAY, AUGUST 27, 1908

NUMBER 37

BOUND OVER TO DISTRICT COURT

The Investigation of the Cedar Creek Parties Saturday Results in Holding Them Over.

The hearing of the case against Edward Downey, Geo. Wilson, Joe Keenan, Percy Fernald and John Andrews charged with assault with intent to do great bodily injury upon the person of E. E. Hill took up the time of Judge Archer's court until five o'clock Saturday afternoon when the court found the evidence sufficient to warrant him in holding the men for trial in the district court under bonds of \$200.00 each.

The summary of the evidence of the prosecution was printed in the Journal of Saturday evening, the defense had opened as the paper went to press. All five of the defendant's were placed upon the stand by their counsel A. N. Sullivan, the defendant Edward Downey being the first witness. From his story the outline of the defense was gained. He claimed that the men went to the camp in response to the outcries of the woman, Mrs. Hill, whom they claimed was being beaten by her husband.

He admitted the possession of some beer and also that the party had taken along for Hill's especial benefit a bottle of whiskey and alcohol. When they arrived at the camp, they claim to have found Hill engaged in the pastime of beating Mrs. Hill and they undertook to separate them. His story in the main did not greatly differ from that of Hill save in that they went to the tent with an entirely different motive than Hill claimed. The general state of affairs was such as Hill had outlined them. Downey claimed the women had been held out to the men around the camp and commissary as a prostitute and that Hill had been instrumental in soliciting for her.

The facts of the wrestling with Andrews was gone over much as Hill had testified to, except as to the men jumping on him without provocation which he denied. He claimed that Hill was responsible for the row and the resulting injuries he received. There was considerable evidence regarding the moral condition of Hill and his wife which Downey declared to be about as deplorable and depraved as human nature ever gets.

The other four defendants testified to practically everything Downey did, and seemed to be laboring under the delusion that the disreputable practices of the Hill's was a justification for their assault upon him.

Keenan, the man whom the Hills charged with representing himself as a constable, frankly admitted that he did represent himself as such an officer, and said he did so to stop Hill's cries and shrieks after his injury. He denied that he jerked Hill about by his broken arm or kicking him. He admitted that he told Mrs. Hill that there was nothing the matter with Hill, as he wanted the row hushed up. All the men practically admitted that they went to the camp to see Mrs. Hill whom they believed to be of decidedly loose morals.

The judge in considering the case could not see under the testimony of the defendant's themselves any other course than to hold them for trial as they presented no defense to the assault charge. They had their remedy at law if Hill and his wife were the characters they represented them to be, so he held them all for trial.

The hearing was attended by a large crowd both morning and afternoon, standing room during the time Mrs. Hill was on the stand being at a premium. The noisome details of the testimony seemed to be a most salacious article to the public.

Today A. N. Sullivan, representing Jos. Keenan and Percy Fernald, began a habeas corpus case against the sheriff, seeking the release of these two men. The petition in the Keenan case alleges that he is a resident of this state and county and of the United States, and that he is unlawfully deprived of his liberty by the sheriff. It sets up the filing of the complaint by Hill and the hearing thereon, and alleges that no evidence was given connecting Keenan with the assault or even being present thereat, for which reason he asks release.

The Fernald case follows the other one closely, except admitting by implication Fernald's presence when the

assault was committed, but alleging there was no evidence of any unlawful act upon his part. The hearing on the cases will be tomorrow afternoon before H. D. Travis in the district court.

A Fine Display.

C. J. Wills, who has been visiting in Nuckolls county for some time past looking after his farm and visiting with his brother, F. S., has returned to his home here. Mr. Wills brought back some specimen of corn, apples, pears and peaches, just to show the good people of this vicinity that there was no crop failure in Nuckolls. And the articles prove there was not. The corn is magnificent, the ears being large and completely filled out, while many of the stocks have two ears to them. Mr. Wills examined a row through a field in which ten stocks of this kind were found. This corn will make sixty bushels to the acre and equals the best Cass county product; wheat will make 20 to 25 bushels to the acre. In the peach line there is an abundant crop, the fruit being at least equal to the local product, while there are pears raised which compare favorably with any in the market. Mr. Wills also brought in some seven different varieties of apples, which are all fine and large, and of which the crop is a good one. The display is in the window of the Journal for public inspection. Look at it and see what the so-called semi-arid region can produce. The last week Mr. Wills was there the rainfall was ten inches, which is not bad for supposed to be arid land.

Looking Up Old Landing

John Linder the veteran liquor dealer of Omaha, was in the city Monday visiting some of his customers and looking after the interests of his wholesale house. Mr. Linder will be remembered by many of the old residents of this vicinity having been a freighter across the plains in the year 1861, and for years following. He freighted between St. Joseph, Mo., and Denver, Colo. He was in a very reminiscent mood this noon while waiting for the train and took great pleasure in looking up the old steamboat landing in front of the depot. He also recalled many incidents in his early career as a freighter, recalling in particular an experience he once had with cattle belonging to the late C. H. Parmele. He also referred to an ancient grist mill located in the hills near the city and its proprietor, now a man well on the shady side of life. Mr. Linder while showing the effects of age is still a well preserved man for his years.

Visit the Lone Star State.

Banning & Cross, local agents of a Texas land company, escorted a party of six who started from here Tuesday night to explore some of the Texas Pan Handle country and perhaps make investments. The party consists of Andrew Taylor, James Easter, Dick Conrad, Henry Ruhmann, Charles Frans and Geo. Conrad, with W. B. Banning going as pilot and advance guard. They expect to be gone about six days.—Union Ledger.

The Teachers' Institute.

The Cass County Teachers' Institute closed a most successful session in Elmwood last week. The enrollment was quite large, and all present seemed to take a deep interest in the exercises throughout. While this was Miss Foster's first institute, she fully demonstrated to all in attendance that she fully understands every rudiment in connection with school work. A Journal reporter was in Elmwood last Thursday, and in the evening, after the day's work of the institute was over, he took advantage of the opportunity to interview a number of the teachers present on the chautauqua grounds in the evening, and all with whom we conversed seemed greatly pleased with Miss Foster both as county superintendent of schools and her manner of conducting an institute. We heard nothing but words of praise in her behalf, and all were of the opinion that she was performing the duties of the office as efficiently and as satisfactorily as they ever were by those who held the position before her.

A Former Citizen Calls

John Hinshaw, for sixteen years a resident of Plattsmouth, but now of Downing, Mo., in returning from a trip to Colorado, dropped off here to visit his neighbors and friends. Mr. Hinshaw left Plattsmouth six years ago and located in Downing, where he is engaged in the lumber business. He removed from Plattsmouth about the time the Journal people came here, and consequently we did not have an opportunity to meet him. Coming as he does, from the neighborhood of our old home, of course, we spent a few moments in his company very enjoyably, and also found him to be an exceedingly clever gentleman.

ALL PARTIES ARE FOR BIG BENCH.

Republicans, Democrats and Populists Endorse Proposed Amendment.

The "Proposed Amendment to the Constitution Relating to Judicial Powers" should receive the vote of every voter at the coming primaries, without regard to party. The amendment was submitted by the last Legislature by the votes of members of all political parties, and is now being supported by the leaders of all parties—men who have investigated the question and know the necessity for its adoption. The proposed amendment was endorsed by the Republican and Peoples Independent parties in their State conventions last spring and has just been endorsed by the Democratic committee of the State Committee, after careful consideration and full consideration of the question with many influential men in that party.

That the measure is non-partisan and should receive the support of every voter in the state is further established by the following statement signed by the Chairman of the State Committees of the three great political parties of the state, viz:—

"In our judgment the proposed constitutional amendment increasing the number of judges of the Supreme Court, which is to be voted on at the coming primaries, is a step in the right direction. This amendment, if adopted, will enable the Court to hear and decide all cases without the assistance of Commissioners. The substitution of four judges for six commissioners will not only give the state a better working court, but will be a great saving of expense to litigants in that court, and hence, a great benefit to the people of the state. We hope that every voter of our respective parties will vote for it at the coming primaries.

WILLIAM HAYWARD, Chairman Republican State Committee.
T. S. ALLEN, Chairman Democratic State Committee.
C. B. MANUEL, Chairman People's Independent State Committee.

The adoption of the amendment referred to is of vital importance to the people of Nebraska without regard to party, and we hope that it may be unanimously endorsed at the primaries.

Work Commenced

Preparations for the new culvert under the Burlington tracks near the station, have been commenced. A gang of men were busy this morning unloading the rods to be used in reinforcing the concrete culvert which will be put in. It is now reported that instead of a 6x6 foot culvert, which was originally planned the culvert will be 12x21 feet, which should be ample to carry all the water that could come down Main street. The work will doubtless be pushed to an early conclusion, now that it has been started. That it is highly important to have the work done before the fall rains set in, ought to be apparent to all, and the company no doubt realize it as well as anyone else.

Advertised Letter List.

The following letters remained in the Plattsmouth post office on Aug. 24, 1908, uncalled for. If not called for in a reasonable time they will be sent to the Dead Letter Office at Washington, D. C.: Pearl Adams, Mrs. Clarie Coates, Mrs. H. P. Dehring, Edna C. Frost, Mrs. L. M. Kellestross, Mrs. C. J. Kossan, Miss Lina Limecola, Mrs. Lizzie Phillips (2), Mrs. T. H. Todhunter (2), Mrs. Emma Reid, Mrs. Ethel Smith, Mrs. Alice Williams, Earl Adams, Edgar Baldwin, H. C. Hurts, Harry Kerney, J. E. Rorabeck, J. W. Wood. Persons calling for any of the foregoing letters will please say "advertised".

Call Omaha over the Independent telephone.

A Bastardy Case.

In June, 1907, Nellie D. Wolf from Weeping Water filed a complaint against Ross Dennis alleging that he was the parent of her unborn child. Ross, to quote from the poet, tore to the timber, getting out of the state and remaining out up to this date. Last evening Miss Wolf's mother appeared in Justice Archer's court where the case had been filed, armed with a power of attorney to settle the case, and acknowledged the receipt of one hundred dollars with Attorney Clarence Teft, acting for Dennis' father, paid her in settlement of the case. The case was consequently dismissed by the Justice, and Ross is now at liberty to return to the state.

SHERIFF IS AFTER ONE PERRY MARSH

Who Will be Taken on the Charge of Adultery.

On Tuesday Mark W. Pratt swore to a complaint against Perry Marsh, who was reported to have eloped with Pratt's wife. The complaint was filed with County Judge Beeson, who immediately issued a warrant and delivered it to Sheriff Quinton.

It was learned yesterday that Marsh had returned to his home and Pratt learning of this came to the city and made the complaint, which charges Marsh with adultery with Mrs. Pratt. So far nothing has been disclosed as to where Marsh has been during the time since the reported elopement between him and Mrs. Pratt from Emerado, N. D., nor is anything known here as to Mrs. Pratt's whereabouts.

Immediately upon receipt of the warrant, Sheriff Quinton departed for Marsh's home in Rock Bluffs precinct with the intention of bringing him in. In this, however, he was disappointed, for Marsh either had gotten word of his coming or had previously had business somewhere else as he could not be found when the sheriff reached his place.

His present whereabouts are unknown but the sheriff seems to have hopes of soon landing him, as he is on his trial and thinks he will be able to soon put his hands on him. The sheriff made a quick trip after him as he had to be back here in time to appear at the trial of the Cedar Creek cases.

Resolution of Respect.

At a regular meeting of McConihe Post, No. 45, G. A. R., Department of Nebraska, held August 22, 1908, the following preamble and resolutions presented by the undersigned committee, were unanimously adopted:

WHEREAS, Grim Death has taken from our ranks our late comrade, M. A. Dickson; and

WHEREAS, It is but just that a fitting recognition of his many virtues should be had; therefore, be it

RESOLVED, By McConihe Post No. 45, G. A. R., Department of Nebraska, that while we bow with humble submission to the will of Providence, we do not the less mourn for our comrade, who has been taken from us.

RESOLVED, That in the death of our Comrade M. A. Dickson, this Post laments the loss of a comrade who was ever ready to proffer the hand of aid and the voice of sympathy to the needy and distressed. A friend and comrade who was dear to us all. A citizen whose upright and noble life was a standard of emulation to his fellows.

RESOLVED, That the heartfelt sympathy of this Post be extended to his widow in her great affliction.

RESOLVED, That these resolutions be spread upon the records of this Post and a copy thereof be transmitted to the widow of our deceased comrade and to each of the newspapers of Plattsmouth.

J. W. JOHNSON,
J. H. THRASHER,
J. W. HICKSON.

Forty-Sixth Wedding Anniversary.

Sunday, August 22nd, was the forty-sixth wedding anniversary of Mr. and Mrs. John Roddy, so Mr. and Mrs. Mart Roddy yesterday gave a dinner in honor of the occasion, which was a fine affair. Mr. and Mrs. Roddy have spent all their married life here, been quite successful, and are among our most highly esteemed citizens. Those present were Mayor C. H. Kressen, Hon. Pat Roddy, Mr. and Mrs. M. J. Roddy, of Union; Mrs. Thomas Hafey, Mr. and Mrs. William Shanahan, of Omaha; Mr. and Mrs. Evers, of Omaha; and Mr. and Mrs. Withrow, of Thurman, Ia. The families of the above were also with them.—Nebraska News.

Call Omaha over the Independent telephone.

HABEAS CORPUS CASES CONTINUED

Judge Travis Sustains Objection to Introducing Evidence in Cases.

Still another turn was given to the now notorious Cedar Creek assault case Tuesday when another habeas corpus case was filed in district court by Edward Downey, John Andrews and Geo. Wilson, the three defendant's who had been held on the assault charge by Justice Archer Saturday. Percy Fernald and Joe Keenan had filed similar cases earlier in the day.

In the petitions filed for the last three parties besides the usual allegations, the petitioners alleged that they had been unlawfully held because there had been no such crime committed as they were alleged to have committed. They allege that if they were any crime whatever committed it was by the complainant Hill himself.

The writ in these cases was made returnable at the same time as those in the other two cases and ran against the sheriff in whose custody the men were. As ordered by the court the sheriff had all five of the men before the court this afternoon at one thirty o'clock. By agreement of counsel it was agreed that all the cases be consolidated and heard at once. Attorney A. N. Sullivan appeared for the petitioners and the state's interests were represented by Attorneys Will Robertson and Byron Clark.

The state raised the point that the petition did not state facts sufficient to entitle the petitioners to a writ of habeas corpus, and the court seemed to agree with them. After considerable argument Judge Travis, permitted the petitioners to place their first witness, Edward Downey, on the stand. Attorney Clark acting for the state objected to the introduction of his evidence as being incompetent, irrelevant and immaterial, and not being the testimony heard by the examining magistrate. After some argument, Judge Travis, reserved a ruling on the matter until later and permitted Downey to testify.

After Downey had testified a few moments, Attorney Clark renewed his objection and this time Judge Travis sustained it. He permitted Attorney Sullivan to amend his petition for the writ by adding the testimony upon which the men were committed by Justice Archer. As this testimony was not taken down in the lower court, it became evident that the compiling of the testimony would be a hard task and the court granted the petitioners until Saturday morning to file the amended petition. The men were remanded to the custody of the sheriff until that time.

Will Convene at Elmwood.

A special from Elmwood, under date of August 24, says:

"The state convention of the young people's association of the German Evangelical association will be held in Elmwood park commencing August 26, and continuing five days. It is expected this will be the greatest meeting they have ever known. Three services will be held daily in a large tent. The principle speakers will be Bishop Thomas Bowman, D. D., of Allentown, Pa., and Rev. F. C. Berger, field secretary of the Y. P. A., and S. S. work of Flint, Mich. Many will camp in the park during the entire session."

Remedy Defect Now.

The heavy rain Wednesday did considerable damage to the new brick paving on North Sixth street. It washed the sand out badly and caused the pavement to settle in spots. One thing that developed was that the street does not have pitch enough to drain the water off. The water stands in the middle of the street without any current to drain it away and the result will be an undermining and settling of the portion of the street. Steps should be taken immediately to remedy this trouble, and give the street sufficient grade to carry the water away, otherwise it will soon be in bad condition and the work will all have to be done over again.

Hobo in Limbo.

Wednesday Officer Rainey discovered one of the genus hobo engaged in the pastime of "rushing the can," and promptly corralled him, casting him into a dungeon at the hotel de Man-speak. The gent had a very heavy load aboard and was striving in addition to add to it. He will be allowed to get sober, and tomorrow he will face Judge Archer, who will deal out the proper amount of his celebrated brand of justice to him.

Case Continued

The case against George Peters which came up on the complaint of Chris. Shoemaker, who alleged that George had poked him with his fist during a dispute, was continued until Monday morning by Justice Archer last Tuesday. Peters who was informed by the Sheriff over the phone that he was wanted came in from his farm near Avoca on the M. P. last evening and asked a continuance until he could consult a lawyer. He was permitted to go on his own recognizance as he is a man of considerable property, and well known. He talks as if he will fight the case.

HIS ARM WAS IN VERY BAD SHAPE

Did He Fall Off a Hay Rack or Hurt it in a Fight?

George Williams, who had been working with George Thieroff at Cedar Creek on his threshing outfit, was in the city Monday nursing a very bad arm, the result, he claims, of a fall he received while riding on a hay rack last Saturday.

According to Williams' story he took on board numerous and sundry drinks of the beverage known as "red-eye" last Saturday, and to further fortify himself strongly against the possible ravages of thirst, he armed himself with a bottle of liquor. Then he essayed a voyage upon a hay rack.

To his confused mind, the hay rack took on the aspect of a deep sea tug and tossed and rolled so that George fell out with a loud and resounding report. In lighting he more or less lusted his arm. He bathed it in cold water and various liniments all day Sunday, and on the advice of a physician came to this city to have it treated.

Arriving here, he seemed to think he could drown the break and started out with that purpose in view. Despite his best endeavors, however, he could not do so, but he did succeed in making most of the local surgeons refuse to take any hand in fixing him up until he became sober. He finally succeeded in getting sober enough to permit Dr. J. H. Hall to dress his arm, and later he returned to Cedar Creek.

From other sources, it is claimed Williams was really injured in a fight at Cedar Creek Saturday night. He certainly had a bad arm on him, it being badly swollen and discolored. From some abrasions on the arm it was evident he had received septic poisoning, and he departed with a good prospect of losing the arm, or possibly his life.

Sam Smith's Sale.

Next Saturday Sam Smith, the hustling Sixth street horseman, will have a horse sale at his stables. He has just received a carload of horses, which he will have for inspection prior to the sale and which he will dispose of to the highest bidder without any restrictions save the ordinary rules of auctioneering. Anyone looking for a bargain in horses had better take advantage of the opportunity afforded by this sale and attend. Mr. Smith also states that anyone having animals to offer are privileged to take advantage of this sale, and he will sell them upon the usual terms. This is an opportunity to dispose of your animals under favorable conditions, and if you have any surplus stock you should not fail to get in and take advantage of Mr. Smith's offer. Remember the sale is Saturday, August 29th.

Repairing Damage

Contractor L. G. Larson Tuesday began preparations to make the repairs to the court house, repairing the damage done by the lightning in July. The repairs will include the replacing of the brick knocked out by the lightning, and the broken slate upon the roof. The copper sheathing on the dome is also badly torn up and will have to be removed while the flag pole must come down. The job is delicate one and will require much care and skill in its completion. The county acted wisely in selecting Mr. Larson as he is one of the ablest and most skillful mechanics in the county, and his work is always a guarantee of good service. The work will take several days to complete.

Married in Council Bluffs.

Among the marriage licenses issued by the county clerk at Council Bluffs, Ia., yesterday was one to F. M. Garrison, aged 24, of Weeping Water, Neb., and Amanda Gustin, aged 20, of Elmwood, Neb. The couple were later married at the office of Rev. Henry De Long in the court house in that city. Both of the young people are well known in their respective homes and are justly popular.