

The Plattsmouth Journal.

CITY
Mehulhof, Eddie

VOLUME XXVIII

PLATTSMOUTH, NEBRASKA, MONDAY, NOVEMBER 2, 1908

NUMBER 52

AN EXCEEDINGLY LARGE VERDICT

The Herold-Coates Trial Ends in a Verdict of \$12,500 for the Plaintiff, Henry Herold.

From Friday's Daily—

Henry Herold of this city whose damage suit against W. W. Coates, also of this city, has been on trial before a jury in district court was amply vindicated by the verdict which the jury arrived at this morning after spending a few hours in the jury room. They found for him a verdict in the sum of twelve thousand five hundred dollars—five thousand dollars upon the first count of the petition and seven thousand five hundred dollars upon the second count. This is one of the largest verdicts ever rendered in the county and the largest ever rendered in a similar case.

The case grew out of the arrest by the Illinois authorities at Toulon, Ill., of Mr. Herold, who had been formerly employed by Coates as manager of his various stores at Wyoming, Ill., this city and other points. Coates' ground of complaint was that Herold had embezzled a large sum of money from him while acting in his managerial capacity, the sum being placed at six thousand dollars. The action there was brought after Coates had had a careful examination of the business affairs of his stores, made by accountants, financial experts, detectives and others including his personal attorney, Byron Clark of this city. He presented the alleged findings of all these people to the prosecuting attorney at Toulon, Ill., with the result of causing Herold's arrest. Herold was not in Coates' employ at the time of his arrest, having been removed sometime previously. He was taken back to Illinois and the case eventually dismissed against him, nothing being done whatever in the matter.

Returning to this city, Mr. Herold instituted the suit as set out above. It came to trial last Thursday and the taking of evidence continued Thursday, Friday, Monday, Tuesday, Wednesday and yesterday afternoon until half past four o'clock, when the counsel for the parties began their arguments. The testimony which was voluminous and conflicting, showed a clear preponderance in favor of Herold, there being absolutely nothing to show that he was ever guilty of any of the offenses charged by Coates. The witnesses called by Mr. Herold gave him an excellent reputation, both as a citizen and as a business man. His own evidence in the case was clear and connected, and gave an explicit account of all his dealings even under the searching cross-examination of Attorney Clark. He made a powerful impression upon the jury by his manifest candor upon the stand and this was largely responsible for the heavy verdict which was rendered. The financial experts which he called to the stand were all highly favorable to him and his side closed a very strong case. The defense was weak and could not show wherein Coates' action had been justified. Coates' testimony in itself was of a character calculated to injure the defense, as his admissions were dragged from him by the counsel for the plaintiff with the utmost reluctance. In addition, his supporting evidence was poor and failed to show any substantial defense to the case.

The argument of Mr. Gering, who appeared for Herold, was a bitter, invective against the defendant and several of his witnesses and bristled with an analysis of the testimony which was presented to the jury in plain, cold-blooded facts. He made a very powerful address and evidently had his case well in hand.

The court instructed the jury last evening after supper and the instructions which were voluminous and lengthy, were considered eminently fair to the parties. The jury retired at about nine o'clock and arrived at a verdict this morning between the hours of two and three o'clock. They sealed the verdict and were permitted to retire. The verdict when read in court this morning was received with manifest joy by the plaintiff and surprise and amazement by the defendant. The general opinion of the public was one of surprise, not at the verdict but the amount, the prevailing opinion being that the verdict would not exceed twenty-five hundred dollars, although

some looked for a verdict of as high as five thousand dollars.

The many friends of Mr. Herold in this community are glad to see him vindicated and glad to know that his character which had been seriously maligned by stories regarding this matter, is now cleared. During the time Mr. Herold was in business here he stood well in the community and the charges when they were made, came as a shock to the people. He had been unfortunate in his business ventures but it had not been considered that he was anything else, until these charges began to circulate.

TALK ABOUT COAL SHORTAGE

Railroad Men Fear a Coal Famine in the Northwest.

CHICAGO, Oct. 29.—Managers of Chicago railroads declare that there will be another coal famine in the northwest this winter and that they see no way to prevent it. This prediction is due to the fact that generally in the northwest there is an unpreparedness for winter, as even less fuel has been provided than usual. That this is the fault of the railroads is strenuously denied, and it is proposed to give full publicity to the facts that the railroads will not be blamed for the famine when it comes. It is stated that the managers of all railroads extending into the northwest began early in the summer to warn the coal dealers of that region to prepare for winter. Circulars were issued and sent broadcast urging the dealers to buy their winter's supply during the summer and fall and not to wait until the winter months.

In addition to the circulars the railroads sent traveling freight agents all through the northwest to arouse sentiment with respect to an early supply of coal. The dealers were told that coal could be transported during the slack months and stored for winter's use. Many of the dealers insisted that they had no storage facilities and did not care to stand a loss by storing their coal on the ground. If the railroads desired to haul the coal into the northwest and stand a loss by storing it, well and good. Otherwise the dealers choose to take their chances on late deliveries. The famine talk did not alarm the dealers generally, for famine brings famine prices, and famine prices brings larger profits.

The railroad managers were therefore compelled to abandon their attempt to induce an early ordering of coal supplies. The best they could do was to see that their own supplies were stored ahead of consumption, so that if famine threatened they would be in better position to hurry the coal into the northwest. In connection with the coal supply problem it is stated that less than 10,000,000 tons of coal will be shipped from the Pittsburg district to the great lakes this year, as against 12,000,000 to 14,000,000 last year.

Fine Prospects.

In a letter to the Journal from W. J. Philpot, who, in connection with John Brener, is managing the large Philpot ranch, near Arnold, Custer county, Nebraska, writes very encouraging of crop prospects in that section. He says: "We had a three inch rain October 19, which put alfalfa and winter wheat in fine condition for the winter. We just finished threshing 1800 bushels of small grain of good quality. Corn will make from 25 to 35 bushels per acre and of good quality."

J. Elmer Leyda the eminent lawyer with his family of Falls City, Neb., has been in the city several days the guest of John M. Leyda and family, Mr. Leyda has been honored with the office of county attorney of Richardson county by his fellow citizens and is a justly esteemed attorney of much merit. He has been retained by his brother to assist in the defense of Gering-Leyda damage suit which will be tried next week.

For Sale—Good hard coal burner. Call at Seventh and Marble. Phone 121.
Mrs. R. G. RITCHEY.

Car Burglarized.

Last night the car containing the household goods of Supt. of Shops Baird, which was standing on the team track near the Burlington freight depot, was broken into and robbed of several articles of clothing. The car had been open during the day by McMaken & Son's transfer men, they having the work of moving his goods to his house. Some carpets had been taken from the car, but no other property. When the men had finished taking out what they desired the car was padlocked on the side which had been opened, the other side being sealed. Last night the door which was sealed was broken open and two coats and vests and two pair of pants with an overcoat were taken out. The burglary was discovered this morning, and Agent Pickett reported the matter to the police, who have not at this writing been able to locate the burglars. It is probable that the work was done by tramps or hoboes and there is small likelihood that they will be apprehended.

A VERY NOVEL ENTERTAINMENT

Mrs. W. H. Wehrbein Entertains in Honor of Her Guest, Miss Maude Blakely

From Friday's Daily—
Last evening Mrs. W. H. Wehrbein entertained a number of friends at her charming country home, with a bundle party given in honor of her guest Miss Maude Blakely of Creston, Iowa. The party which was from this city almost exclusively was driven out by William Wehrbein and Frank Bestor and left for their entertainment at seven o'clock arriving at Mrs. Wehrbein's at about nine in the evening. They had an evening of entertainment seldom excelled, the hostess furnishing them with a full measure of amusement. The bundle party is somewhat of a novelty consisting of each guest coming provided with bundles which were tied on strings and were picked out by the guests who were blindfolded. It was productive of much fun and everyone thoroughly enjoyed the amusing mistakes which resulted. After this this party had guessing games in which Frank Bestor proved his proficiency and won the king prize—a handsome hand painted vase, while Miss Viola Becker proved just how bad she could guess and captured the consolation prize a Taft button. This was on the theory that all the Taft folks would have after election would be consolation. After this the hostess served the visiting guests with a very elegant four-course luncheon gotten up in a style such as only Mrs. Wehrbein is capable of producing. That it struck a tender spot with the guests goes without saying. Following the luncheon the guests returned to their homes in this city arriving here at a late hour.

For the occasion Mrs. Wehrbein had tastefully decorated the house in Autumn leaves and corn, handsome and artistic decorations while at the luncheon a neat favor in the shape of a red carnation lay at the plate of each guest.

Invited guests included Misses Leona Brady, Edna Peterson, Julia Herman, Hermia Spies, Alice Ofe, Emma Bauer, Letty Smith, Frances Hiber, Rebekah Haines, Josephine Jelenok, Gertrude Beeson, Margaret Weber, Marie Hiber, Muri Barthold, Marie Wehrbein, Viola Becker, Elizabeth and Emma Hirz and Maude Blakely of Creston, Iowa. Messrs. Phillip Hirz and Frank Bestor, Mr. and Mrs. John Wehrbein.

More Campaign Funds.

In enclosing the subscriptions from Elmwood and Eagle the following letters were sent the World-Herald which show how the leaven of reform is working in the county. These letters, especially that of Mr. Forsyth, deserve to be read by every democrat:

Eagle, Neb., Oct. 29.—To the Editor of the World-Herald: You will find enclosed \$1 for the Bryan campaign fund. I am a Fremont-Lincoln republican. I have voted the ticket in 1856, but the party has went back on every principle it was founded on. I left the party sixteen years ago, or it left me.

Yours truly
JASIEL FORTSYTH.

Elmwood, Neb., Oct. 29.—To the Editor of the World-Herald: Please find inclosed draft for \$18 for the democratic campaign fund. This was contributed by members of the Elmwood Bryan club. Our club is in good working order and expect to reap good results on election day from this organization. Yours truly,
L. F. LANGHORST.

Plattsmouth cigars. Gering & Co.

In District Court.

From Friday's Daily—
In district court today aside from entering the verdict of the jury in the Herold-Coates case, Judge Travis excused the jury from duty until Wednesday morning, Nov. 4.

He set down the case of Henton vs. The Woodmen of the World for trial on Wednesday, Nov. 4, at 9 o'clock a. m. The case of Osburn vs. Pope was continued generally. In Clark vs. Fleishman the defendant was given until Monday, Nov. 2 to answer, and the plaintiff two weeks in which to reply.

The case of Gering vs. Leyda, et al, was set down for trial on Thursday, Nov. 5, at 9 a. m. A motion of the plaintiff for a continuance was overruled. The plaintiff was allowed to file the affidavits of Gen. John C. Cowin and Judge J. J. Sullivan in support of the motion to which the defendant excepted.

THE BRYAN FUND SWELLS

Cass County Friends of the Great Commoner Send In Their Mite.

From Friday's Daily—
Yesterday was another big day for the democrats of Cass county in their contributions to the World-Herald campaign fund. They came from several sections and all turned in their little mite to aid in saving the country from the domination of trusts and monopolies and they all mean help for Bryan and permanent prosperity. J. M. Carper, the well known and popular farmer of Center precinct, sent in One Dollar, while Plattsmouth had a list of one dollar donations as follows: Anton H. Koubek, George Pick, J. J. Swoboda, Joseph F. Swoboda, George Dodge, Philip Thierolf, John McNurlin and Chris Mockenhaupt. All of these gentlemen are well known and deservedly popular. Anton H. Koubek is the popular bartender for Ed. Donat, a live young Bohemian citizen, and a good democrat; J. J. Swoboda is the popular west Main street merchant, and one of the best citizens of the city; Joseph F. Swoboda is another well known and justly esteemed Bohemian citizen; George Dodge is the popular and well known employe of the Burlington shops; Philip Thierolf is one of the best known German citizens of the county and one of the city's best business men; John McNurlin is the well known retired farmer of this city, a man of wealth and standing in the community and one willing to aid in the good cause; and Chris Mockenhaupt is another well known business man of high standing in the community, who believes in democracy and is willing to show where he stands. But these are not all—Nehawka is represented by Frank M. Masse, the well known democratic farmer and excellent citizen, Tyler Shepherdson, also well and popularly known over that section of the country as an exemplary man, and Leslie Gregory another of the best men in that vicinity, all of whom added their dollar to Bryan and success, while Weeping Water came to the front with William Heeny, John Carper and Henry Snell, all of whom are among the very best people in the Weeping Water neighborhood, and each one of whom contributed one dollar to the fund. Murray added to its already generous donations by one dollar from each of the following gentlemen who are all men of standing and responsibility in that community and most excellent citizens, viz: A. F. Nickles, Glen Rhoden, John Porter, George A. Oldham, Charles Schwab, and Ernest Richter. This is certainly a fine showing for Cass county when it is taken into consideration that there has been a steady stream of contributions poured into the coffers from all sections of the county.

shows that the democracy of Old Cass is militant and full of fire and ginger and that they all realize that the Great Commoner represents the peoples cause and he ought to be and will be elected.

New Telephone Building.

T. H. Pollock, general manager of the Plattsmouth Telephone Co., was an Elmwood visitor Wednesday. Mr. Pollock was one of the successful men who drew a farm in the Rosebud, but has concluded that instead of moving onto his South Dakota claim he will come to Elmwood and rush the work on the telephone exchange that is to be built here. The plans, as Mr. Pollock has them, calls for a brick building 25x36, one story high, with pressed brick front, a building that will be a credit to Elmwood. There will be ample office room, together with five or six living rooms for the manager and his family, and it is expected that work on the building will commence in a few days. —Elmwood Leader-Echo.

NURSERY AGENT BADLY BEAT UP

Enticed to the Home of Charles Hickson, Who in Turn Gives Him an Unmerciful Beating

From Friday's Daily—

The case of the State vs. Hickson which was dismissed yesterday afternoon by Judge Archer had a tragic sequel last evening when Charles Hickson, who had been discharged, proceeded to lay a plot which near resulted in the death of W. H. Thomas, the man who had had him arrested, charged with making threats against his life. Back of the trouble of last night lays a story of alleged attempts by Thomas to break up Hickson's home and claimed improper advances made to Hickson's wife. It was on account of Thomas's visits to the Hickson home that the alleged threats of Hickson were uttered. Hickson, it is alleged, had warned Thomas to stay away from his place and to cease from attempting to force his attentions upon Mrs. Hickson, and in pursuance of his desires he had threatened Thomas with all kinds of trouble, if he did not desist.

Last evening, after his discharge from custody here, Hickson went home which is upon the old Ben Schleicher place, southeast of the city, and it would appear entered into a plot with his wife to "do up" Thomas. Their little girl was sent down to the home of Charles Miller, where Thomas was staying, and told to ask Mr. Thomas to come up to the Hickson place as the new owner of the place was there and wish to see him about some fruit trees. Thomas is a fruit tree agent, and he claims to have believed that he could make a sale by going up there. He went, and immediately was set upon by Hickson and it is claimed, his wife. The result was a fearful beating administered to Thomas; in fact he being almost beaten to death. It is alleged that his injuries were caused by the use of a poker and knives and other weapons. Both of his eyes were quickly closed and the attack consisted of a vicious assault upon the man, he being beaten and kicked in a horrible manner. After the assault he staggered away and was later found wandering about in a corn field, both eyes closed and covered with blood. He was brought to town almost immediately and medical attention given him, he being taken to the rooms of Dr. Barnes in the Waterman block. His condition is very dangerous and at this writing the full extent of his injuries cannot be told.

Immediately after the assault, Hickson fled but was speedily located by the authorities at South Omaha, where he was placed under arrest. No complaint has yet been filed against him, as the authorities are waiting to ascertain the extent of Thomas' injuries.

Thomas had so far recovered this noon that a reporter was permitted to interview him. He is in a room in the Waterman block and was sitting upon the bed when the reporter was admitted to the room. He presents a horrible spectacle. His face had been beaten up terribly, his eyes were blacked, one of them closed and the other swollen badly while his head had several bad and ugly looking cuts upon it. Thomas states that he visited the place where he was assaulted upon the request of Hickson's little girl, who told him that Mr. Nelson, the owner of the property was there and wanted to see him. He was in the house when Hickson came in and assaulted him with a club, inflicting the injuries from which he was suffering. He declared that Mrs. Hickson aided her husband under compulsion, he having threatened to kill her if she did not. He claims the injuries he was suffering from were inflicted by Hickson with a knife which he carried. He declared that Mrs. Hickson did not use a poker on him as reported, and seemed anxious to exonerate her from blame in the matter. He vowed vengeance on Hickson as soon as he was able to get out. He had to pause several times during his statement and seemed to be suffering from pains in the chest and throat.

Hickson is still at South Omaha, but will likely be brought down this afternoon.

Cnas. Miller the man with whom Thomas was staying was in the city today and in an interview states that he heard the little girl who came after Thomas tell him that Nelson, the owner of the place wanted to see him and that he heard Thomas inquire as to whether Hickson was there or not and that the

little girl told him he was not. That Thomas went away and shortly there after he heard some horrible groans and going to the door he saw Thomas staggering down the wagon road. He did not know him as he was covered with blood and great welts were standing out on his face. His clothes were torn and ragged and he was unrecognizable. Thomas was saying "I am Thomas, the nursery man from Council Bluffs." He went to Thomas aid and brought him to the city as stated above.

It is learned that Thomas home is at Council Bluffs and that he is a single man. He has been traveling over eastern Nebraska for sometime past selling trees.

Hickson's arrest at Omaha was brought about by Sheriff Quinton telephoning the Chief of Police at that point as he learned that Hickson had left for that place. He is still there and Sheriff Quinton had not determined just when he would go after him. It is probable that he will have him back here tonight or in the morning.

County Attorney Rawls has taken no steps in the matter as he has been so busy in court that it was impossible for him to give the case the proper attention.

They Secured No Booty.

From Friday's Daily—
Sheriff Quinton this morning received information by telephone that the Bank of Manley was entered last night by burglars. They had broken into the blacksmith shop near the bank and secured tools with which they effected an entrance through the roof of the bank. They found however, that they would be unable to enter the vault and contented themselves with scattering the papers on the desks about. They secured no booty and so far the officers have not secured a clue to them.

O. W. Laughlin in Town.

From Friday's Daily—
O. W. Laughlin, democratic candidate for representative, was in the city last night and this morning looking after his chances for election. Mr. Laughlin has been making a good canvass of the county and has been much encouraged by his reception everywhere. He is an excellent man and will make a fine representative if elected which all indications now point to. From every section of the county he is meeting with good reports and there is every reason to figure that he will receive a handsome majority which is certainly well deserved.

A Case of Destitution.

From Friday's Daily—
The Journal is informed that there is a case of destitution in the city which should receive immediate attention from those inclined toward charity. The case in question is that of Mrs. Ernest Shuback, living in the Second ward, near Councilman Weber's. This woman is reported to have five children dependent upon her and has been making her livy by washing. Diphtheria has broken out in the family and aid is needed for them. Charitable people should see to it that all things possible for their aid and comfort is furnished them at once.

C. M. Seybert in Town.

From Friday's Daily—
C. M. Seybert, democratic candidate for county commissioner, is in the city today shaking hands with friends and looking after his fences. Cam is quite confident of election, as he should be. He is one of the best men on the democratic ticket, and a man whom should be a pleasure for everyone to vote for. He has made a splendid canvass and everywhere he has gone he has made an excellent impression and will receive the votes of a great many people who may differ from him politically. There is every probability that his majority will be a surprising one.

For Sale.

48 acres of land 1 1/2 miles from Plattsmouth; good new house and out buildings; 800 fruit trees; 29 acres cultivation; 10 acres in alfalfa; 5 acres fenced hog tight; and the remainder in timber and pasture. Good spring water the year round. This place must be sold as soon as possible. Enquire or write Mrs. FRANK SVEHLA.