

ASKS COURT FOR CHANGE OF VENUE

Attorney For Fred Ossenkop Files Motion Saturday

Attorney Matthew Gering is making a determined and desperate fight to protect the rights of Fred Ossenkop, his client, and has filed two several motions which aim to secure the quashing of the present panel of regular jurors for this term and, that failing, another motion supported by affidavits has been filed for a change of venue.

The first motion goes to the method under which the present jury was drawn and attacks the validity of the panel and their right to serve at this term of court. The statute, it is contended, is mandatory in the provision which requires the district judge to set the terms of the district court upon the first of the year. This was done by Judge Travis as required by law. After the terms have been set the county commissioners the required to select a list of sixty names equally proportioned among the several precincts of the county, which list must be filed within five days with the clerk of the district court who in conjunction with the sheriff, then draws the twenty-four jurymen. This list must be prepared not less than fifteen days before the time of the court sitting. The venire and subpoenas are then prepared and served as usual.

It is contended by the counsel for the defense in this case that on December 15th the county commissioners selected the names for the clerk of the court but that they showed the list as selected for the "February" term of the court and furthermore that the law as to the names equally proportioned among the several precincts was not observed in selecting the list. In behalf of the defense the record of the commissioners shows that the names were chosen for the "February" term as contended and it also shows that, compared with the vote polled at the November election, the rule of proportionate representation was not observed. The record was introduced upon the argument of the motion showing these facts and the County Attorney also admitted the fact that the county polled 5,140 votes in November and the official table was correct.

After the list had been filed with the clerk and on December 23, the clerk of the district court issued the venire upon information from Judge

Travis that he had set the next term of court for January 17, and desired the jury to report on January 25. This was the date set by the clerk in the subpoenas issued for jurymen. This motion was argued by Counsel Gering for the defense and County Attorney Ramsey, and is now under advisement by Judge Travis.

The motion for a change of venue was filed late Saturday evening by Mr. Gering and alleges that owing to the bias and prejudice existing in the county, and the number of murders which has taken place it would be impossible for Ossenkop to get a fair and impartial trial. This motion is supported by thirteen affidavits headed by Mr. Gering which in addition to reciting the statements of the motion attaches and makes a of his affidavit, articles clipped from the World-Herald and the Lincoln Star detailing at length the several affrays which have taken place in the county since last September. An additional affidavit which is dependent upon to have weight with the court is that of A. L. Tidd who states that during his candidacy for county attorney last fall he visited many people and talked with them that he considers that such bias and prejudice exists as would prevent the defendant having a fair trial.

The additional affidavits all practically reiterate of the several grounds set up in the motion and are filed by Messrs. H. E. Pankonin, John Ossenkop, C. M. Seybert, E. S. Puntsch all of Louisville, A. N. Sullivan and Henry Herold of this city and Doran of Lancaster County. This motion is set down for argument tomorrow morning before Judge Travis.

As soon as notice of the filing of the motion for a change of venue was served upon County Attorney Ramsey, he made preparations to make a showing by counter-affidavits and for that purpose he is now out in the country having gone out yesterday morning. These affidavits of course, will recite that in the judgment of those making them there is no such prejudice and bias as would prevent the accused getting a fair trial in this county. The case is set down for trial on Wednesday.

and unless either of the motions mentioned are sustained it will undoubtedly be for trial at that time.

DIES IN CHICAGO

Dr. R. A. Holyoke of Lincoln Dies at Windsor-Clifton Hotel

Chicago, Jan. 31—Dr. R. A. Holyoke, a physician of Lincoln, Neb., was found dead in his room at the Windsor-Clifton hotel tonight. His death is believed to have been caused by poisoning and the police are investigating a theory that he accidentally took an overdose of medicine.

Word was received from Chicago yesterday by Dr. E. L. Holyoke of this city to the effect that his brother Dr. R. A. Holyoke had died in Chicago, where he had gone for special treatment. Dr. Holyoke went to Chicago last night to arrange for the return of the remains to Lincoln. Funeral announcements will be made later. R. A. Holyoke came to Lincoln fifteen years ago and entered the practice of medicine here with his brother. He was forty-five years old at the time of his death and married. He is survived by a divorced wife and daughter, Catherine Holyoke, who is sixteen years of age, and a brother, E. L. Holyoke, who was his partner in the medical profession here in Lincoln. The deceased has been ailing for some time and about a month ago he went to Chicago to be given special treatment for his malady, where he died.—State Journal.

Dr. Holyoke is quite well known in this city, having been located at Pacific Junction for several years. He had a great deal of practice which brought him in contact with the local physicians and others all of whom are surprised and sorry to hear of his unexpected demise. While it was known that he had been seriously ill, there was no expectation his end would come so sudden and general regret is felt over his untimely death.

John McNurlin and wife came in this morning from Louisville where they have been assisting C. M. Seybert in having moved to that city from the country. Mr. Seybert will make a valuable addition to Louisville's population as he is an energetic, enterprising and conservative citizen, and one who will use his every effort to help boom his new city.

With the Sick.
Information received from John Nemetz at the hospital at Omaha this morning it is learned that Mrs. Nemetz had the second operation performed upon her yesterday morning at 10:30 and at the time he sent the information she was reported to be getting along finely with every indication in favor of complete and rapid recovery. That this is gratifying news to her host of friends goes without saying and they one and all join in the fervent hope that the expectations of the physicians are realized.

Mrs. Frank Sivey is reported as progressing splendidly along the line toward complete recovery and it is now only a question of a few days when she will be well enough to permit her being brought to her home in this city. Once at home she will soon be able to be out and again meet her many friends.

W. L. Street is reported as getting along in good shape and will soon be well enough to bring home, notwithstanding the seriousness of his ailment. His many friends are anxiously awaiting his coming as he has been very much missed during his absence.

MORE PROFIT IN STOCK RAISING

can be made if the digestive capacity of your animals is increased and perfect health is maintained. Dr. Hess Stock Food is the prescription of Dr. Hess (M. D., D. V. S.) for increasing the digestion, regulating the bowels, purifying the blood and relieving the minor stock ailments. A healthy animal only digests about 50 per cent of its food. By the addition of bitter tonics this amount can be increased. If a healthy animal can be improved, think of the profit in feeding.

Dr. HESS Stock Food

to an unthrifty animal. It restores health and compels the animal to convert the largest possible percentage of the food eaten into bone, muscle, milk, fat etc., permitting less to pass off as waste. Dr. Hess Stock Food is the scientific kind; it has the medical and veterinary institutions back of it. Sold on a written guarantee 100 lbs. \$5.00. 25-lb. pail, \$1.60. For sale by

F. G. FRICKE & CO.
DRUGGISTS,
PLATTSBURGH, NEB.

New Jury Panel Called.
This morning in district court the motion of Attorney Matthew Gering to quash the panel of jurors drawn for this term of court, was taken up and on argument by counsel the motion was sustained virtually by agreement between counsel and the court immediately entered an order to the clerk to draw a new panel of twenty-four men as prescribed by the statute. The facts concerning the drawing of the jury were printed in the Journal yesterday. County Attorney Ramsey on considering the matter in all its lights did not feel disposed to try the case before a jury of which there was serious danger of their being illegally drawn and so he stated to the court. He did not desire to take any chances in the case being reversed by the supreme court because of error in the drawing of the jury and under these conditions he preferred to have the panel discharged and a new one ordered as the court had authority to do under the law. This was done by Judge Travis and the new panel is to report tomorrow for duty. The motion for a change of venue which was argued by County Attorney Ramsey and Attorney Gering was overruled and the case will be for trial tomorrow as originally set down.

RECEIVE SENTENCE

Men Convicted of Robbing William Baird Go Thirty Days

From Wednesday's Daily.
In district court this morning Judge Travis passed sentence upon the four men convicted of stealing clothing belonging to William Baird superintendent of shops in this city, by a jury at the commencement of this session of court. Each man received a sentence of thirty days in jail. The four men are named William Ryan, Thos. Owens, Wm. Murphy and Michael Gleason. They took their medicine philosophically and did not seem to be at all down cast by the sentence, in fact seeming to feel relieved that it was no worse. They were found guilty of stealing clothing from a car spotted at the Burlington freight depot in this city. The facts as developed indicated that men unloading the car had opened one side of it the day before the burglary and taken a quantity of goods from it, locking that side with a padlock. That night the other side was opened and the goods taken out. A portion of the clothing was found in a Greek extra gang's cars stationed in the yards and the Greeks claimed they had bought it of some tramps. Later Officer Rainey captured the four men in question at the point of a revolver and lodged them in jail.

Sells Studio.
Announcement is made today of the sale of the Soper Studios in this city to Miss Greenwald of Falls City, Neb. This news will be heard with genuine regret by the people here as it means the loss to the city of two excellent people. During the time they have been residents of this city Mr. and Mrs. Soper have made themselves a host of friends and are justly esteemed and liked. They had built up a splendid business at their stand on Sixth street and are capable and finished artists in their line of work. They have announced that immediately following the transfer of their studio to Miss Greenwald on March 1st they intend to go to Omaha and later expect to remove to near Calgary, Alberta, Canada where they have property interests.

While greatly regretting the loss of two such people as Mr. and Mrs. Soper, the Journal welcomes Miss Greenwald to the city and trusts that she will step into their fine business and make it as much of a success as they have.

A Family Party.

Last evening a very pleasant family party gathered at the home of Mrs. L. B. Egenberger, the participants gathering to pay their respects to Mrs. Ward, the venerable mother of Mrs. Egenberger. The evening was spent most pleasantly, the several guests greatly enjoying this nice family meeting. Mrs. Ward shortly leave for Joliet, Ill., for an extended visit and this occasion was something in the nature of a little family farewell. Refreshments were served later in the evening by Mrs. Egenberger.

This delightful party was composed of Mesdames F. G. Egenberger, William Weber, Herman Spies and daughters Hermia and Helen, A. H. Weckbach, Henry McCune of Joliet, Ill.

Mrs. Henry McCune of Joliet, Ill., arrived in the city yesterday for a visit of about one month with her sister Mrs. L. B. Egenberger. When she returns to her home she expects to be accompanied by her mother, Mrs. Ward, who will make an extended visit with her.

HINTS ON ADVERTISING

Some Most Interesting Facts on the Subject

A well known advertiser once said that he would have failed a dozen times if he had not possessed a well nigh impregnable persistency and perseverance and an enthusiasm and confidence nearly supernatural. It is too true that a very large percentage of the commercial failures can be directly traced to a lack of stability or an absence of such persistency as make obstacles of no moment.

A young man once wrote to the editor of an advertising journal and inquired if this editor knew of any plan or scheme by which he would advise one to embark which would prove profitable from the very start and also in which the results from the initial copy would more than recompense for the placing of the copy. I think the editor replied that if he did he would go at it himself.

This every idea or opinion that advertising is something magical, where by the very first attempt results in a steady inflow of cash, has resulted in many disappointments. There is probably more money squandered in small sums from \$5 up to \$50 and \$100 than there is in large amounts, for invariably these small, unprepared, unacquainted adverts into the advertising arena are but of short duration. For a man to believe that he can become a success when the cost of advertising becomes of primary importance on a basis of \$25 or \$50 or \$100 is the veriest idioey, yet the failures of hundreds has caused no lessening of these attempts.

Persistency is a very great essential in any commercial undertaking, but in an enterprise where advertising and its necessary outflow of cash are concerned it becomes an absolute, ironclad necessity. It needs no repetition here on my part pointing to the successes in the eleventh hour. That this has happened again and again is sufficiently well known to need no recalling by me, but I do wish to bring to your attention the fact that but for a sublime confidence in their proposition and a perseverance unalterable many of the greatest advertising successes of today would be pointed out as a sort of bete noire.

Persistency, however, must be coupled with good judgment or it totally fails of the purpose for which it was intended. Though a campaign of advertising may be launched and well under way, should there come to light certain things which would go to prove that the fundamental principle of the proposition was wrong it would be then suicidal to a commercial success to continue without eliminating these things, which will cripple and undermine the whole campaign. A clear, cool, farseeing judgment must be coupled with advertising or all the persistency in the world amounts to very little. It is not so important, however, that I bring to your attention this characteristic of sound judgment as that I clearly show you how almost invaluable to any success is a proper amount of persistency. When the bank accounts show signs of depletion, expenses increasing and with orders yet to materialize to any considerable amount is the time when every bit of bull dog stick-to-it-iveness must rise to the surface, bringing out every latent force of persistency.—R. D. Cassmore in *Judicious Advertising*.

St. Mary's Guild.
The members of St. Mary's Guild met yesterday afternoon with Mrs. Carl G. Fricke and had a splendid afternoon. The attendance was large and all present were more than pleased with the progress of the "mile of pennies" collection. The receipts has been most flattering and there is no doubt that the scheme will prove a complete success and net the organization a handsome sum for the remodeling of the rectory. Dainty refreshments were served by the hostess following the business meeting.

For that Terrible Itching.
Eczema, tetter and salt rheum keep their victims in perpetual torment. The application of Chamberlain's Salve will instantly allay this itching and many cases have been cured by its use. For sale by F. G. Fricke & Co.

Goes With Henry R. Gering.
The Journal learns that Henry R. Gering has added another Platts-mouth young man to the list of employees to his big wholesale pharmaceutical house in Omaha. Horace Ruffner is the latest addition. Mr. Ruffner has been employed heretofore by the Kirkendall Shoe Company and received an offer from Mr. Gering which was much better from all points of view as he was assured of speedy advancement with the latter if he made good, which he will without question, and he decided to accept. Both parties to the deal are to be congratulated as both must equally benefit.

C. E. WESCOTT'S SONS

"Where Quality Counts."



Copyright, 1908, Rosenwald & Weil, Chicago

You can double the life of a Suit by buying an extra pair of Trousers, provided they are good Trousers.

"R.W." Trousers

excel in every respect. They are made to fit you—not to fit a price.

True value for money, or money back.

All sizes from 27 inch waist to 56 and from 27 inch long to 37. Largest range of patterns to select from in the city.

C. E. WESCOTT'S SONS.

"Where Quality Counts."

BRINGS IN FOSTER

Sheriff Quinton Gets Prisoner at Meade, Kansas

Sheriff Quinton night before last returned to the city from Meade, Kas., where he quietly went to take into custody Herman Foster, the man who was convicted sometime since of robbery near South Bend, and who appealed the case to the supreme court. Pending appeal Foster's sentence was suspended and he was permitted his liberty. The supreme court having dismissed the appeal, the sheriff was notified so that Foster could be taken into custody before the news became public. Locating his man at Meade, the sheriff at once proceeded at once to land him and bring him back. He will be held at the county jail pending further proceedings.

Ladies Aid Meets.
The Ladies' Aid of the Presbyterian church held a largely attended and a very enthusiastic meeting yesterday afternoon at the fine home of Mrs. P. E. Ruffner. There was considerable business transacted, among other things which were looked after being the formation of a church circle for fair work. This circle which is composed of Mesdames H. D. Travis, J. W. Gamble, P. E. Ruffner and Agnes Chapman will devise ways and means of aiding the church by means of fairs and kindred attractions. In addition the society chose officers for the following year, the following being elected:

President, Mrs. H. J. Streight.
Vice President, Mrs. Agnes Chapman.

Secretary, Mrs. W. H. Newell.
Treasurer, Mrs. H. D. Travis.
Following the business meeting, dainty refreshments were served by the hostess of the afternoon.

Keeping Open House.
Everybody is welcome when we feel good and we feel that way only when our digestive organs are working properly. Dr. King's New Life Pills regulate the action of stomach, liver and bowels so perfectly one can't help feeling good when he uses these pills. 25c at F. G. Fricke & Co.'s drug store.

READ THE DAILY JOURNAL.

GET DAYS' LAYOFF

Number of Employees of Burlington Violate Company Rule

From Monday's Daily.

This morning some thirty-five men employed on the car repair gang at the shops received an unpleasant surprise when they went to work in the shape of a request from the shop authorities to return home and enjoy another day of rest. It appears from statements secured that the Company now has a rule by which any employee who remains away from his business without the consent of his foreman shall be sent to the general foreman immediately upon his return to work. On last Friday, owing to the high wind and the cold a number of the men employed on the repair tracks in the car department were excused and allowed to return home for the day, the management not desiring to keep them out in such weather. On Saturday a large number of these men failed to show up for work evidently considering that their excuse applied to the rest of the week.

It was these men who were laid off this morning. When they came down their attention was called to the company rule and they were ordered to report to the general foreman who after hearing the explanation of some of them concluded to enforce the rule and with this purpose in view, the men were told to go home and return tomorrow. The ruling has occasioned some ill-feeling among the men but it really is defended by the company upon the ground that discipline makes it necessary to require a reasonable explanation for absence otherwise the company will find itself short of men at the most inopportune times.

CASTORIA

For Infants and Children.

The Kind You Have Always Bought

Bears the Signature of J. C. Ayer & Co.

SMALL FIRE YESTERDAY

Misfortune Again Visits the Home of Frank Duxbury

Fire yesterday morning added to the misfortunes of Frank Duxbury and family. While the damage was small owing to the early discovery of the flames, the family being awakened by finding the house full of smoke, it came particularly hard upon them because of illness in their family for a long time past. Mr. Duxbury himself having been ill since last April. Immediately upon waking and finding so much smoke in the house, the family procured a ladder and with the assistance of Lee Cotner who arrived at a critical time, they mounted to the roof where they discovered the fire in the garret. With the use of plenty of water the flames were quickly subdued with nominal loss. The fire originated in the flue of the chimney, the high winds of Thursday and Friday having dislodged some bricks from the chimney. The fire department arrived shortly after the alarm was turned in and their assistance was much appreciated by Mr. Duxbury. The sympathy of the entire community goes out to these unfortunate people and all hope that the end of their hard luck has come.

Save Money by Buying Chamberlain's Cough Remedy.

You will pay just as much for a bottle of Chamberlain's Cough Remedy as for any of the other cough medicines, but you save money in buying it. The saving is in what you get, not what you pay. The sure to cure quality is in every bottle of this remedy, and you get good results when you take it. Neglected colds often develop serious conditions, and when you buy a cough medicine you want to be sure that you are getting one that will cure your cold. Chamberlain's Cough Remedy always cures. Price 25c a bottle. For sale by F. G. Fricke & Co.

Mrs. H. R. Nietzel and family of Murdock are spending several days in the city with her parents E. R. Guthman and wife.