

LARGE NUMBER OF WITNESSES TESTIFY

Ossenkop Murder Case Brings Many to City

The last witness in the big Ossenkop case yesterday afternoon when the Journal went to press was Ed Ossenkop. Immediately following him a short recess was held for counsel to look up authorities touching the objections of defendant to Attorney Doyle's question as to witness trouble. Judge Travis overruled the objection. Witness stated he did not have one or two fights. He had one encounter. Mr. Gering moved to strike out the answer as prejudicial to the defendant, irrelevant, incompetent and immaterial. Overruled. Witness saw his brother strike Byrnes on the face. Witness knew J. J. Luther who lived about three miles from him. Asked as to Luther calling him up about thrashing, he said he did. He denied absolutely, however, having stated to Mr. Luther that no one knew how the accident happened or whether it was an accident or not and also stating that he didn't know how it happened but it looked as if someone hit Byrnes.

Asked as to conversation with P. Luther near Byrnes' place, witness denied having told him he was coming from the hall and saw a team shy, went over and saw a man lying on the ground. It was Byrnes. Witness also denied a conversation between witness and Hobson in the presence of J. E. Brinkworth in which he stated that he was on the other side of the street and did not know how it happened. He saw Hobson but had no such conversation.

Mrs. Frances Stahle called. Lived in Lancaster county and in Nebraska all her life. Knew defendant, no relative. Knew Byrnes. Had seen both men at dances together. Had danced with both. Saw Ossenkop frequently. Was at Eagle on September 16. Did not see Byrnes in Eagle until night. Saw Ossenkop was in front of Spahnle's hardware store about 9:30 p. m. Rose Winters was with her. Saw Ossenkop come down street. Ed Ossenkop's wife there. Saw Byrnes come down the street. Witness explained to jury where she stood. A team stood in the street in front of her. She stated the photographs showed the teams tied up correctly. Saw Stahle, Ed Ossenkop and Fred Ossenkop come down street together. Husband came first and went on to team. Fred stopped and said he was going after his wife Doris. Saw Byrnes coming and grab Fred by the coat tails and then by the arm and neck. They just clinched and fell off the walk. No blows were struck while they were on the walk. Witness was about three feet away. Byrnes grabbed Fred with right hand. No one between witness and men. Saw no one jump off and grab the team. Saw Ed. Ossenkop at the head of the team. The men fell right to the ground. Byrnes fell underneath. Witness saw the body strike either the tongue or neckyoke. Did not hear sound of fall or blows. Saw Ossenkop strike Byrnes two times but did not hear blows. George stood south of her. Ossenkop got up in a short time and stood on the walk. Did not see him pick up anything. Byrnes lay with his head to the south. Head was about 2 1/2 feet from sidewalk. Witness did not see Fred Ossenkop kick deceased. He didn't kick him at any time. She was present all the time. She did not see the man with the flashlight. Witness went up the street and sat down with her children. A crowd gathered.

Mr. Doyle cross-examined witness. She heard no one speak to defendant after the trouble. Ossenkop was facing south when Byrnes came down the street. Fred was two feet south going south. Byrnes came up and grabbed him by the coat. She didn't see him until he was right in front of her. Byrnes grabbed Ossenkop around neck and they clinched falling from the walk. She was even with the men and about three feet away. No one immediately south of her or between her and the men. Rose Winters was nearest north. George Vannoy three or four feet south of her. Mrs. Ed. Ossenkop and Alvina Schroeder were on the bench during the fight. Attorney Doyle vigorously cross-examined witness on the relative positions of witness and Ed. Ossenkop and succeeded in confusing her considerably on this. Witness did not see her brothers Henry and Otto Kettlehut after the fight. Saw Ed. and Fred Ossenkop in the street after the fight with their families. Did not see Geo. Vannoy talking to Henry Schroeder in the street. Witness looked directly at the fight

caused by the fall to the ground which deceased received in the grapple between the two men. This the defense sought to show by hypothetical questions which the witness answered in the affirmative. The questions were illustrated by the use of a skull in front of the jury. At the conclusion of Dr. Livingston's examination in chief court adjourned until nine o'clock this morning.

The jury is standing the strain of the trial excellently and when brought in to the court room, they looked fresh and ready to proceed. The usual large crowd was in attendance when Judge Travis resumed the case this morning. Another large batch of witnesses came in on the morning Missouri Pacific train, most of them being character witnesses. These will be called in rebuttal.

Dr. J. S. Livingston called for cross-examination. Attorney Doyle for the state propounded a question relative to the facts of the injuries deceased as developed at the post-mortem and asked his opinion as to whether at the temporal could have been caused by a blow on the back of the head. The witness answered yes.

The examination of the witness was very technical and he made an excellent witness answering the intricate questions with decision and clearness. The witness weakened the defense by his testimony regarding the fracture at the temporal which was of such a character that witness did not believe it could have been produced by a blow on the opposite side or back of the head. He later modified this statement and explained it to the jury.

On redirect examination the witness testified he believed the probable cause of death to be the fall from the walk.

His belief was founded upon an examination of the shoe purporting to have been worn by the defendant which he believed to have been too flexible to produce the injury which caused death. The witness did not believe a kick given with so flexible a shoe upon a head which would move would produce such a fracture.

Attorney Doyle developed that a blow on the chin would have produced a fracture of the skull. He modified this by stating this condition could be produced when the man was standing up but very improbable if the man was on the ground. If the man was conscious it was possible this fracture might be produced.

Dr. E. D. Cummins called. Had practiced medicine some 20 years. Knew defendant. Graduate Omaha Medical college. Shown shoe introduced. Testified that he had made a microscopic examination of the shoes and found no blood stains on them. He examined the nature of internal hemorrhage and brain lesion, and the resulting effect.

Dr. Cummins' testimony was depended upon to elucidate the intricate medical terms to the jury so as to enable them to understand the terms. His medical testimony was largely corroborative of Dr. Livingston, and to the same effect. He believed the fracture of the skull probably caused by the fall from the walk. Witnesses believed blood would have been oozing from an abrasion of the skin caused by kicks administered by the shoe introduced in evidence. Witness believed the fracture of the skull might have been caused, or might not by a kick depending upon the position of the foot. He thought it improbable a kick administered from the rear of the head would have produced the fracture.

The cross-examination of Dr. Cummins by Mr. Doyle was a very thorough and exhaustive one, and several points were developed which were of value to the state's side of the case. His cross-examination was along the same lines as that of Dr. Livingston and developed practically the same conditions as testified to by that gentleman. Dr. Cummins made a very fair and straightforward witness although manifestly strongly for the defense.

George Vannoy recalled by the state for further cross-examination was asked regarding a conversation with Charles Winters in January, 1909 in which he said he didn't know a darned thing about it. He didn't remember saying that but did remember holding a conversation with him.

Mr. Gering developed that he had instructed witness to tell people that he didn't know anything about the case. If witness had told Winters anything that was the reason he did so.

The assembling of court this afternoon following the noon recess found a very large assembly of ladies present. Intense interest was manifested in the announcement that the defendant would take the stand as the first witness. The announcement made just prior to the noon adjournment served to bring a large crowd of spectators. A delay of several minutes was occasioned by Judge Travis who had entered upon the preparation of his instructions to the jury and it was 1:50 before the after-

noon session commenced. The jury sat in the box in the meantime and laughed and chatted among themselves. Fred Ossenkop, the defendant took the stand and amid intense silence. He was 28 years old, married and lived 8 miles east of Lincoln. A farmer. Knew Byrnes about 15 or 16 years. Lived within one mile of defendant at first. Son of Henry Ossenkop and then on his farm. Had gone to school with Byrnes. Had lived in Cass County. Born here on John Ossenkop's farm. Saw Byrnes frequently. Was a neighbor for a number of years. After his marriage he lived southwest of Walton. Defendant never had trouble with him up to September 16. Been friends. Was not a witness in the case between his father and Byrnes in the fall of 1899. The case had no effect on him. Witness was then 18 or 19 years old. Relationship remained the same and attended dances together. They rented a hall in Walton together. Was in Eagle on September 16, arriving there at 1 p. m. Saw Byrnes on street about 3 p. m. in front of saloon. Two conversed. Detailed circumstances of meeting.

Witness did not have any struggle or trouble which would have caused the scratch on the back of his neck. Witness denied telling William Irey that he could not take a man out of the saloon if he had a thousand stars on and to put up his club. Witness could not recall Irey coming out. Witness did not remember telling Ed Roberts the bartender in the saloon when a fight took place, and he started to come out from behind the bar, that if he came out witness would kill him. Witness could not say how many times he was in the saloon in the afternoon. Some of the best people in Cass County were in the saloon.

The defendant made an excellent witness—cool, calm and collected and unquestionably impressed the jury and the public.

The shoes were then offered in evidence and the defendant rested at 2:50.

An Excellent Family. Wendell Heil, and his excellent wife, from near Cedar Creek, were in the city yesterday afternoon and paid the Journal office a brief call, and while here paid for their subscription to the Journal, also renewing for their son Edward, who has for the past two years lived out near Manley, but is now moving back to Cedar Creek, and will reside on the farm lately vacated by his brother John, who is moving to the Irwin farm southwest of Louisville. The Heils are one of the best families in Cass county, and the Journal is mighty proud to class them as friends of the Journal.

Pleasant Visitors. John Spence from Louisville was in the city yesterday, and to renew his subscription to the Journal.

Our excellent old friend, Theodore Heim, from Louisville, was in the city yesterday attending to some business matters. We were pleased to see the old gentleman enjoying his usual good health.

Our excellent friend, P. B. Smith, from east of Murray, in company with another one of our good farmer friends, Geo. S. Ray, from near Murray, were in the city yesterday looking after some business matters, and while here Mr. Smith paid this office a brief call renewing his paper.

Henry Snoko, one of the sterling citizens of Eagle is in the city today on the Ossenkop trial.

John Adams, one of the foremost citizens of Western Cass county is in the city called as a witness in the Ossenkop case.

Frank Clements is among those coming down from his home at Eagle to look after matters in connection with the Ossenkop case.

Will Norris, another of Tipton precinct's best citizens, is in the city today attending to matters in connection with the Ossenkop trial.

Ed. Carr one of the best men in Cass County, came down this morning from his home at Eagle being subpoenaed as a witness in the Ossenkop case.

Geo. Vannoy, Albert Stange, and J. C. Mick, all of Prairie Home, Neb., called at the Journal office this morning. They are most pleasant gentlemen and we were delighted to meet them. While here Mr. Mick ordered the Journal sent to Guy Mick and Miss Jessie Mick at Prairie Home.

Editor J. E. Brinkworth of the Eagle Beacon, is in the city today called here as a witness in the Ossenkop trial. Editor Brinkworth is one of the brightest young newspaper men in Cass County and he has made the Beacon a paper highly creditable to Eagle and the county. While here he made the Journal a pleasant call and he can be assured that he is always welcome.

Mr. and Mrs. Wallace Bailey, who have been visiting the latter's sister, Mrs. Laura Wallinger, and their mother, Mrs. Mary M. Stoehr, at Cedar Creek for six weeks, were in this city today and departed on the evening Burlington train for their home in Pekin, Ill.

ROUTINE BUSINESS

Board of County Commissioners Meet in Regular Session

Board met in regular session with all members present. Minutes of previous meeting read and approved, whereupon the following business was transacted in regular form:

Bond of Dr. I. C. Munger, county physician, district No. 6, approved. Bond of J. H. Tams, superintendent of poor farm, approved.

Road petition of S. Goodman and others for the location of a road commencing at the S. W. corner of S. E. quarter section 1, T. 11, R. 12, running thence north one mile, to be located on the half section line on the north half, to be forty feet in width to be known as road No. 92, received and the county clerk instructed to appoint commissioner to view and report on the above petition according to law.

Report of Soldiers' Relief Commission accepted and placed on file.

Petition of S. F. Girardet and others requesting the appointment of C. H. Rager constable for the city of Weeping Water to fill vacancy, received.

C. H. Rager was this day appointed constable for Weeping Water city. J. H. Tams filed his yearly report as Superintendent of the poor farm as follows:

Total expenditures for year March 1, 1908 to March 1, 1909	\$2,466.38
Income from sales, cattle, butter, eggs, hogs, grain, etc., together with improvements made during the year and produce on hand	1,622.35
Leaving total expenditures	\$1,404.04
Average number inmates during year	14
Number of deaths during year	2
Cost per year for each inmate	\$100.29
Cost per day for each inmate	.27
Cost per meal for each inmate	.09
The following bills were allowed on the general fund:	
H. Daft, expense Brockmiller case	10.32
A. P. Barnes, meals to jury	14.50
Neb. Light Co., gas to jail	15.50
Lorenze Bros, meals to poor	2.00
Hart & Son, same	15.00
M. E. Manspeaker, livery	1.50
News-Herald printing for Quinton	2.60
W. L. Pickett, agent ticket to pauper	9.80
C. W. Baylor, coal to paupers	63.06
F. G. Fricke, coal	18.65
F. M. Svoboda, salary and laundry	62.50
T. S. C. Dabb, labor	5.00
Plattsmouth Water Co., water and repairs	26.00
Katherine Minor, labor Recorder's office	46.00
W. E. Rosenberns, salary	125.00
W. E. Rosenberns, expense	92.32
J. H. Latrom, witness Ossenkop case	9.75
Heil's restaurant, meals to jury	24.40
Hammond & Stephens, supplies	1.60
E. L. Jones, physician's salary 4th quarter	15.00
T. E. Schlatter, jury and bail fees	67.10
Frank Dunbar, meals to jury	59.75
Walter G. Roberts, rent of morgue etc.	10.00
M. Archer, State vs. John Clarence	4.75
C. D. Quinton, same	2.40
The Plattsmouth Journal print'g	26.00
E. E. Hilton, salary	45.00
Hans Johnson, meals to poor	26.35
Mary E. Foster, salary	125.00
E. E. Hulbert, costs St. vs. John Hough	2.10
J. J. Andrews, same	7.74
W. C. Rams, v. salary and exp.	98.43
J. J. Svoboda, labor	25.50
Platt. Tel. Co., tolls and rent	26.35
J. M. Jirousek, meals to farm	25.39
J. H. Tams, salary	60.00
Joe Kastal, labor	5.00
Geo. Stander, wood to farm	40.50
Fred Olenhausen, ice to farm	4.20
Neb. Tel. Co., rents and tolls	5.85
J. H. Tams, salary	60.00
G. O. Dovey, photos, Ossenkop case	7.00
C. H. Smith, postal supplies	16.72
John Bauer, meals	28.42
H. M. Soennichsen, meals	31.05
B. I. Clements, inquest Thos. Barnum	15.20
G. W. Saxton, same	4.25
Peter Clarence, same	1.20
S. C. Hathway, same	1.20
R. D. Stine, same	1.20
R. Delaney, same	1.20
C. E. Young, same	1.20
W. E. Clark, same	1.20
H. McClure, same	1.00
E. V. Bell, same	1.00
Dr. P. L. McLeod, same	1.00
C. O. Anderson, same	1.00
L. D. Switzer, salary and exp.	19.55
C. E. Jordan, same	23.20
M. L. Friedrich, same	18.05
S. F. Girardet, meals to poor	18.65
Dr. I. C. Munger, post mortem	50.00
Charles Byrnes	50.00
Dr. J. M. Neely, same	50.00
R. Hector, rent to pauper	4.00
Stone Mfg. Co., meals to poor	1.00
Cliver & Vickers, livery	2.00
Met. Prouty, livery	2.50
Claims allowed on the road fund:	
A. F. Sturm, lumber to Rd. 12	\$250.00
Pittman & Davis, mds 10	3.10
F. Wolf, mds 10	3.10
C. A. Richey, lumber	3.00
John Bauer, nails 1	1.50
Claims allowed on the bridge fund:	
A. F. Sturm, bridge lumber	\$174.95
C. A. Richey, same	121.25
Cedar Creek Lumber Co., same	55.35
Board adjourned to meet March 16th, 1909.	

W. E. Rosenberns, County Clerk, Plattsmouth, Neb., March 2, 1908.

FEEBLE OLD LADY Has Strength Restored by Vinol

Mrs. Michael Bloom of Lewistown, Pa., who is 80 years of age, says: "For a long time I have been so feeble that I have had to be wheeled around in an invalid's chair. I had no strength and took cold at the slightest provocation, which invariably settled on my lungs, and a cough would result. My son learned of the cod liver preparation called Vinol, and procured a bottle for me. It built up my strength rapidly, and after taking three bottles I am able to do most of my work, and I can walk a quarter of a mile easily. Every aged or weak person who requires strength should try Vinol. I am delighted with what it has done for me."

As a body builder and strength creator for old people, delicate children, weak, run-down persons, and after sickness, Vinol is unexcelled. If it fails to give satisfaction we will return your money.

GERING & CO., Druggists,