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NO 50

DECISIONS IN THE DISTRICT COURT

Lau Gets Verdict for \$500 and Ex-Mayor Gering Wins a Sweeping Victory

From Friday's Daily.
In district court this morning Matthew Gering as counsel for John C. Knabe filed a case against Minerva Jones and a large number of other defendants, seeking to quiet title to some 197 acres of land lying in Mt. Pleasant precinct. The land lies in Section 32, Town 11, Range 13. Knabe has been the occupant of the lands for some years and the suit is brought merely to confirm the title in him.

In district court this morning Judge Pemberton held his final session before returning to his home in Beatrice. The first business transacted was to receive the verdict of the jury in the case of Lau vs. Hall which occupied several days in its trial. The case was one for damages, the plaintiff seeking \$10,300 damages for injuries inflicted by the stallion of the defendant. Some of the testimony which was heard was highly colored and the case as a whole attracted wide attention in the west end of the county where all the parties were well known. The case went to the jury yesterday at noon and it was not decided until this morning when the jurors agreed and were called into court at 8:45 a. m. Their verdict was for \$500 damages. The case was brought by Hon. George W. Berge of Lincoln as counsel who was assisted by Hon. Matthew Gering of this city. Hon. Byron Clark appeared for Mr. Hall, the defendant. The case will probably be appealed.

In the case of Clark vs. Fleishman, which was also heard during the fore part of the week by Judge Pemberton, the following entry was made: The parties agreed that in the case the court should find for the plaintiff on the first cause of action, that the court should assess the damages under the second cause of action without a jury but defendant does not waive any right to trial by jury under the first cause of action.

In the case of the First National Bank of Plattsmouth vs. Hatt & Son, the petition in error was sustained and the cause was retained in district court for trial.

The case by the City of Plattsmouth against Earl C. Wescott et al upon his bond insuring electric lights for the city, was continued, counsel not being ready for trial at this term.

For the same reason the case of Carrol vs. Jeary was also continued.

Former Mayor Henry R. Gering won a complete and sweeping victory in the suit against him by the Smith-Townsend-McCord Dry Goods Company. This case was brought upon an alleged guarantee given the

company by Mr. Gering guaranteeing the credit of Henry Herold to a limited amount when he was in the dry goods business in this city. The parties to the case waived trial by jury and tried the case to Judge Pemberton. The findings of the court were generally for the defendant and he specially found that the plaintiff did not send a statement of Henry Herold's account to the defendant on the first and fifteenth of every month during the existence of the guaranty and did not send the defendant any such statement at any time after the fifteenth day of November, 1904. To this finding the plaintiff excepted. A motion for a new trial was filed by the plaintiff and promptly overruled, to which the plaintiff excepted. The usual forty days was given the plaintiff in which to prepare and file a bill of exceptions. A judgment was entered for the defendant on the findings.

The Herold-Coates damage suit was among those continued to next term.

In the case of Haffke vs. Keelker et al, a suit to quiet title, Judge Travis heard the case and on the issues found in favor of the plaintiff giving him a decree as prayed for.

The case of Cherry vs. Cherry, a divorce action was dismissed at the plaintiff's costs.

Another divorce suit that of Javorske vs. Javorske was also dismissed in like manner at the costs of plaintiff.

The old litigation between Sarah Matilda Peterson and John Bauer et al, came up again, a decree being entered in favor of the plaintiff on the motion of her attorney. This decree was entered subject to the right reserved to John A. Bauer as administrator and on behalf of his minor children to file an amended answer by July 16, 1909, setting up advances made by John Bauer in his lifetime to Sarah Matilda Peterson.

This business transacted, Judge Travis dismissed the jury for this term, permitting the members to return to their homes. He will hold court again on July 17, when he will hear arguments on the motion of John C. Clarence for a new trial. After that he expects to take a vacation for sometime, probably until about September 1, when he will again convene court for such matters as may arise in the meantime.

Judge Travis expects to spend several weeks during August in the mountains for his health, which has not been of the best. He contemplates making a trip to Sheridan, Wyo., and Dome Lake, where he will be away from business and have a chance to absorb some pure ozone.

In the Merry Month of June.

From Friday's Daily.

Police Judge Archer today compiled his regular monthly report for the month of June. The report shows that there were nine arrests altogether, of which six were for having battled too strongly with John Barleycorn and three were for disturbing the peace by wanting to battle with their neighbors and friends. The three latter succeeded in placating justice and were allowed to bibe them merrily upon their way, while those who fought the good fight and lost were muled in various and several sums and some cast into the noisome cells of the city goal. Two culprits had the wherewithal to with which to conciliate justice and enriched the city treasurer to the tune of \$6.81. Two others not so fortunate reposed in one of Jailer Manspeaker's choice suites. One who had friends left in the wide world succeeded in securing the shekels demanded by outraged justice and the sum of eight simoleons will later be paid the treasury. One who threw himself upon the court's tender mercies, escaped with a reprimand and advice to get him hence without delay or default, a privilege which he speedily embraced and is now rejoicing

ing in Iowa, a land whence the humming birds sing all the day and the Anheuser Busch does not flourish. All in all, it was a great month for the skates and they fared exceedingly well.

Up in Arms.

The Republicans of Cass county are up in arms on account of the arbitrary manner in which a few leaders have undertaken to manage the political affairs of that county. A few days ago several self-appointed persons met at Weeping Water and selected those whom they thought would be acceptable candidates—so far as the managers were concerned, but the voters do not endorse their action, and the result is that a large sized revolt is threatened. Under the laws of this state and the education of the people the time of ring rule has passed. The people demand a right to express a preference as to who shall represent them and that privilege is given them under the laws of the state. The new election laws are calculated to do away with ring rule.—Nebraska City News.

Smoke the "Gut Heil." It is always good.

They're Cutting Weeds.

From Saturday's Daily.

Mayor Sattler's weed day proclamation has already been bearing good fruit. Although the day set apart is tomorrow when each and every good husbandman is expected to mow the weeds in the streets and upon the premises, many are getting into the band wagon early and securing choice seats. Weeds are disappearing on every hand and when the committee goes out Sunday to make the inspection, they will find many streets cleaned up and in fine shape. The members of the Episcopal church are desirous of having mention made of the work done for them by W. D. Jones who yesterday kindly assisted them in preparing for the big day by cutting all the weeds in and around the church and rectory premises. This is something which Mr. Jones has done for years and is especially welcome this year when the movement for cutting all the weeds from the streets is under way. They specially requested The Journal to extend their thanks to him for his assistance.

Many other reports reach The Journal of different localities joining in the crusade and wiping the weeds out of existence. Judge Travis defies the weed inspecting committee to invade his section of the city and find many weeds. Both he and his neighbors have been putting in hard licks in cleaning up and he believes their section will come to the front very soon. There are several others who have equally encouraging reports to give and there is going to be a surprising amount of good work done. Mayor Sattler says he has been pleasantly surprised at the spirit shown by the Plattsmouth citizens in cleaning up and getting their streets in shape and this is going to accomplish a work which is necessary and which the city can very ill afford to pay for.

The committee will be out bright and early Sunday morning and every section of the city will be visited. Those who have the Plattsmouth spirit and put in tomorrow in cleaning up their premises and the adjacent streets will note that their enterprise is duly credited while those who let the trash and weeds accumulate will find the committee not a bit backward in scoring them for their lack of public spirit and enterprise. The thing to do is to do your share and see that every weed in and about your premises is exterminated and when this is done you will have accomplished a great public duty. It helps your premises, it helps you and it will benefit your city. Give the matter your attention and help make Plattsmouth a clean, pretty city.

Death of Mrs. Rucastle.

Mrs. Lizzie (Folden) Rucastle died on Wednesday at her home in Whitewood, S. D. The sad news came by telegram to her sister, Mrs. George N. LaRue of this village, and stated that the funeral will be held Saturday at Lead, S. D. Mrs. LaRue departed for there at 10:30 yesterday, being joined by another sister, Mrs. M. J. Drum, at Weeping Water. We did not learn further particulars as to her illness and death.

Deceased, whose maiden name was Lizzie Folden, was a daughter of Mr. and Mrs. James Folden, pioneer residents of this vicinity, who died a number of years ago. She grew from childhood in this county, and was a schoolmate of the writer from 1876 to 1878 in the schools at Rock Bluffs, where the family resided several years. Her first marriage was to William T. Fisher, and they located in South Dakota, where Mr. Fisher died several years ago. Some time later she was married to John Rucastle, who survives her. She leaves six sisters and two brothers, as follows: Mrs. G. N. LaRue of Union, Mrs. M. J. Drum of Weeping Water, Mrs. Isaac Sneed of Nebraska City, Mrs. Andrew Lynn of Ohio, Mrs. Joseph Lynn of Hartington, Mrs. Marsh Smith of Mills county, Ia.; William Folden of Lead, S. D., and Edward Folden of Adams, Neb.—Union Ledger.

W. C. Cook and James Wynn who have been on the road for several weeks with Mr. Cook's shooting gallery returned to the city last evening. They made their principal stop at Central City, Neb., where they found business to be good and returned better off financially and physically for their journey.

Rev. Salisbury Will Resign.

Plattsmouth people will learn with great regret that Rev. J. H. Salisbury of this city will tender his resignation as pastor of the Presbyterian church upon his return from St. Paul, Minn., where he is in attendance upon the annual convention of the Society of Christian Endeavor. Rev. Salisbury has been in receipt of several flattering calls from churches throughout the state, but had been averse to leaving his congregation in this city. The call which he has accepted is from Auburn, and is such a one that he felt impelled to make the change. The regret which the people of this city feel at his departure will be mitigated by the knowledge that his excellent abilities are receiving the recognition they deserve. Rev. Salisbury, during the time he has been in charge of the church here, has made it one of the foremost in the state. Succeeding a very able and popular pastor, Rev. J. T. Baird, he has been able to maintain the high standard which that worthy minister had created in the pulpit and, aided by his youth and excellent education, he had earned for himself a name throughout this section to no minister. Rev. Salisbury is a man of much learning and a wide Biblical range. In addition he is also a speaker of much force and eloquence. These qualities, coupled with a tenacious ability in research and study, have combined to raise him among the ablest of Nebraska divines.

He is at present the state president of the Society of Christian Endeavor and as such he has had charge of the annual excursion of the society to St. Paul, Minn., making it the most successful in the history of the organization. He has also been a tireless worker in this field during his period as president, and has lost no opportunity to advance and build up the membership in this state. He goes to Auburn thoroughly well equipped in every respect and there can be no doubt but the good people of that city will learn to respect his abilities and love his personality as much as the people of this city have. Action toward securing a successor to him will, of course, be delayed until after his return and the formal presentation of his resignation. A number of excellent ministers are available for this congregation and the selection finally made will doubtless be a fitting one.

Elks to Los Angeles.

The Omaha Elks left for the convention at Los Angeles in a Pullman car attached to Union Pacific train No. 7 at 1 p. m. The delegates of the local lodge are unaccompanied, but probably will line up with the Iowa delegates and vote for J. U. Sammis.

In the Omaha party that started for Los Angeles were T. S. Clifford of Plattsmouth, George Bohon, John Pickens, exalted ruler of the Hastings lodge; W. T. Canada, Robert M. Payton, F. G. Ellis and wife, Mrs. Bushman and daughter, Miss Ena Jorgenson, Miss Elizabeth Kruger, Miss Bertha Kruger, H. B. Mills and wife, Mrs. A. L. Powell and daughter, Mr. Rallister and wife, Mr. Harvey and wife and Guy Liggett. At Salt Lake City Mrs. Harry B. Davis and daughter and Mrs. H. I. Plumb will join the party.

Miss Ena Jorgenson, who is making the trip, won the first prize at the Elks' fair and the expenses of her trip are being paid by the local lodge.

Indianapolis Elks to the number of 200 en route to the Los Angeles convention reached Omaha on a belated train over the Milwaukee at 1 p. m. Thursday, and after a stay of twenty minutes continued their journey west over the Rock Island.—Omaha Bee.

Advertised Letter List.

The following letters remain in the Plattsmouth postoffice up to the present time uncalled for. And unless called for in a reasonable length of time, same will be forwarded to the Dead Letter Office: Mrs. Soloma Eick, Miss Mae Lewis, Mrs. Grant Owens (2), Mrs. T. R. Raney, Miss Grace Selby (2), B. E. Boyle, Louis Dickenson, Grover Ellidge, R. L. Eberts, Wm. H. Hains, Edward King, F. H. McCarthy, G. R. McDade, D. M. Stanley, M. F. Smith, Chester Voshier.

Anton Kanka is spending today in Omaha, being a passenger for that city on the early train.

MERCHANTS' CARNIVAL SURE GO

Plattsmouth to Furnish Week's Solid Pleasure and Amusement to All Who Come

Plattsmouth is going to have a genuine, rip-roaring, old fashioned carnival in the very near future. The Commercial Club which is back of the movement proposes to have a merchants' carnival which will be a hummer and no mistake. They propose to have crowds in this town for a whole week and to show people from all over this part of the country that Plattsmouth is a bit the liveliest place on the map. A committee consisting of five live ones has been appointed to take entire control of the affair and make it a three time winner and their names are Henry A. Schneider, chairman; John Nemetz, C. W. Baylor, Frank Schlater and John W. Crabill. If this committee can't devise a carnival which will suit the most exacting, it can't be devised.

The date for this greatest show in Plattsmouth's history, has not yet been fully determined. The majority of the committee inclines toward the last week in August. A proposal to hold it the third week in the month was vetoed because it was not desired to interfere with the M. W. A. log-rolling at Union. Others think the first week in August will be the time. It is thought it might start on August 31 and close September 4. Some propose to start September 1 and close on September 6 as the latter date is labor day and the shops will be closed down. The committee has not definitely decided yet as to the date.

One of the things which the committee hopes to accomplish is to secure the closing down of the shops on one day during the carnival, this day to be designated as Burlington Day. On this day it is hoped to have a monster parade and to induce the Burlington to permit their several shops to take part in it with appropriate displays. This would be a grand drawing card and taken in connection with Labor Day would prove a great attraction for a big crowd.

Another day will be designated as Musical Day and this day will be given over to music of all kinds, band, vocal and instrumental of various sorts. This day will be under the direction of a good musician and one who can train a large chorus. It is proposed to select all the musical talent in the city which can be gotten together and have them give a grand concert at the grounds which will be selected for the purpose. That this ought to be one of the big days of the carnival goes without saying. Some much talented musician as Prof. H. S. Austin, who has had so much experience in this kind of work should be chosen to direct the day throughout. The local bands can furnish music of that kind fully up to the standard of any in the state. The City band which is an old and well trained organization, the Woodmen band which had so suddenly leaped into prominence as a fine collection of young musicians and the Young Men's band which is also furnishing excellent music for the time in which it has been practicing will make the streets resplendent with melody and the day something worth while.

Yet one more day will be for the Old Settlers, and on this date the pioneers who are becoming so few, will be given the opportunity to get together and celebrate in their good old-fashioned way. Reminiscences and early history will be made an especial feature and this ought to attract a monster crowd of the old timers and their descendants. This day should be productive of a valuable addition to the early history of Nebraska and Cass county.

On one of the days the farmers and stock raisers of the county and especially of the territory contiguous to Plattsmouth, will be asked to bring in their live stock and a stock show will be held. This is something which can easily be made one of the leaders of the carnival for it will be no trouble to find many mighty fine animals in this section. The fields and pastures surrounding the city abound with fine, blooded animals and an exhibit of just what

our people can do in the stock raising line will be well worth seeing. In addition to affording a place to show the stock no doubt many sales of animals will take place. This day should be a permanent feature of the city and every year the stock raisers should be invited to bring in their animals and compete for prizes. Cass county has many very fine blooded animals in its borders and takes a back seat for none, so this day should be a great big success.

It is figured that one day will be given to sports and on this day feats of horsemanship, athletics, turning and kindred sports will afford enjoyment for everyone. The Turners of this city, the Bohemian Turners and other athletic organizations will be asked to compete for prizes and to give exhibitions and it will well repay seeing. A Marathon race is among the probabilities and the lovers of foot racing will be in their element.

The last night it is figured will be a masked carnival on the plan of the Mardi Gras of New Orleans, The Priests of Pallas of Kansas City and similar gatherings. The scale will not be quite so large but you will have a good time and no one will know who you are until masks are taken off. This night will be for fun pure and simple and you will be it.

This is some rough outlines of what will take place but it is not all by any manner of means. The committee does not figure on getting a carnival company but on getting separate shows and seeing that they get only the best. They think some of having booths erected by the different merchants where wares may be exhibited but this has not fully decided on.

One feature sure to be seen is a balloon ascension every day with a thrilling and daring parachute leap. A baseball game is also to be had every day and a baseball tournament is possible. The best teams in this section will play and good games are assured. Wrestling matches such as was held last Fourth of July will delight and thrill the crowd and crack amateurs will be seen locked together in herculean effort to throw one another. Boxing matches in which skill will be matched against skill, will be a feature and sparring matches for points will keep everyone on the quiver. Excitement is sure to be present. The bands will discourse sweet strains of music every day and that will all help a little. Then there will be automobile races every day and the daring, reckless drivers will turn their machines loose and flirt with death in tremendous speed. Bicycle races will also be had and the riders will speed away like a shot, the best man winning. Motorcycle races in which the machines will cleave the air with express train speed, will take place and this being something new here, they should draw monster crowds. You laughed yourself sick when a boy at the greased pole and the efforts to climb it. It will be here and the same old fun, the kind that never grows stale will be here too. Then the several horse teams will be asked to dash away on a race hub and hub or against time for prizes and a good horse race is worth the while. A monster searchlight will illuminate the scene at night and catch many an unwary lad and his best girl spooning in some dark corner. You want to watch out or the searchlight man will get you.

Now, when this is all done and it isn't a starter for all that will be here, you can see that Plattsmouth will have some carnival. You want to come and bring your wife and your sisters and your cousins and your aunts and your relatives even unto the seventh generation, for everybody will have a good time. The date comes later.

George S. Ray of Murray spent yesterday afternoon in the city with our merchants, attending to business matters.