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NO 3

## SETTLEMENT AGREED UPON IN THE GERARD ESTATE CASE

Son of Silas V. Gerard by His First Marriage is Given Share of the Estate By the Other Beneficiaries Under the Will.

The final act in the litigation in the matter of the estate of Silas V. Gerard, has apparently been played, as a hearing in county court was held this morning and the purported will of the deceased was allowed and the widow appointed as executrix of the will. The special administrator of the estate, Troy Davis of Omaha, was present at the hearing as well as the second wife of the deceased, and her daughter Miss Rosalie Gerard. Their counsel, Clarence Tefft of Weeping Water, and A. L. Tidd of this city, were also present.

It will be recalled that some time back when the purported will was offered for probate, objections were made to allowing it by the first will and a son by her, the objections alleging undue influence on the part of the second wife and daughter, and also that the will was drawn by the latter who also was a witness to the signature of her father. The investigations made into the case by counsel for the first wife and the son disclosed that an illegal divorce had been granted to the wife in Omaha some years back, the court issuing the decree being without jurisdiction in the premises. This discovery was made by Messrs. Byron Clark of this city and S. O. Saulsbury of Lincoln, attorneys for the first wife and son. As the first wife had been married since the granting of the divorce, it

was thought best to have another ceremony performed after the death of Gerard to validate in so far as possible the previous marriage. This was done at Lincoln. After the discovery of the void divorce, steps were instituted by counsel for all the parties to settle the projected litigation and the special administrator, Troy Davis, a few days ago succeeded in making an agreement with Mr. Clark, counsel for the first wife and son, by which the objections to the allowance of the will were withdrawn and a handsome amount paid to the son. The first wife did not desire any money for herself but she did want the son, who had been cut off with one dollar in the will, allowed a substantial amount and this was done. While there is nothing on file to indicate the amount paid him, it is reported that several thousand dollars was paid over by the remainder of the beneficiaries under the will.

The fortunate outcome of the threatened litigation reflects much credit upon all parties concerned as well as their counsel, all steps possible being taken to avoid any wasteful and extravagant litigation. Messrs. Saulsbury and Clark who have heretofore represented the son by the first marriage, have now withdrawn all objections to the administration of the estate and the same will now take its regular course.

## DEATH CLAIMS PIONEER LADY

Mrs. Caroline Finney, For a Half Century a Resident of Cass County Passes Away.

Died—Finney, Mrs. Caroline, at her home in Plattsmouth, Nebraska, on Friday, January 7, 1910, aged 79 years. Funeral on Sunday, January 9, 1910, from the Methodist church, at 2:30 p. m., leaving the home on Lincoln avenue at 2 o'clock p. m. Interment at Oak Hill cemetery.

After an illness lasting but a few days, Mrs. Caroline Finney for more than half a century a resident of this vicinity, sank into rest this morning at nine o'clock. Death ensued at the home of the aged lady on Lincoln avenue. Having been a resident of this vicinity for so many years "Grandma" Finney as she was so well known, had a great many friends who will hear of her passing away with the most sincere regret. In her lifetime she was a most lovable woman and one who had left a distinct impression upon all who met her.

The deceased was born in Hull, England, somewhere in the neighborhood of eighty years ago, the exact date not being obtainable. She was united in marriage in that country to a Mr. Turner who preceded her to the Better World shortly after they had emigrated to this country. When Mr. and Mrs. Turner came to America they settled first near Glenwood, Ia., where they lived for several years, later moving to old St. Mary's above the mouth of the Platte river. Here they lived for some time, the old town finally going into the Missouri river and no trace of it being left.

After the death of her first husband, Mrs. Turner became housekeeper for Peter A. Sarpy, the Nebraska pioneer and one of the frontier characters of early days. There are a number of older residents here who remember the deceased when she was Mr. Sarpy's housekeeper.

Later Mrs. Turner entered into matrimony for the second time, her husband being Capt. Finney, a well known pioneer riverman, who also passed away a number of years ago. This marriage took place at Council Bluffs, Ia. Of the first marriage with Mr. Turner two children were born, they being Philip Turner, a son, who has since died, and Mrs. Sherwood, a daughter now living in the state of Washington.

The second marriage with Capt. Finney resulted in three children being born, they being Frank Finney, a son, who has also passed to his final reward, Mrs. Turner, a daughter living in Omaha and Mrs. Charles M. Foster of this city.

Of late years Mrs. Finney made her home with her daughter, Mrs. Foster for some time until the latter moved from the house they were occupying and Albert Stokes and family moving in with whom she continued to reside.

The funeral of this well known and estimable lady will take place on Sunday, January 9, 1910, at 2:30 p. m., from the Methodist church, the services being conducted by Rev. W. L. Austin. The remains will leave the home on Lincoln avenue at 2 o'clock p. m., and interment will take place in Oak Hill cemetery.

### Elect Officers.

The annual meeting of the stockholders of the Plattsmouth State bank was held last evening when the following officers were chosen for the ensuing year, to-wit:

President—W. H. Newell.  
Vice President—J. P. Falter.  
Cashier—J. M. Roberts.  
Directors—W. H. Newell, J. H. Becker, John Albert, J. P. Falter, S. H. Atwood, L. B. Egenberger, F. G. Fricke, J. M. Roberts.

In addition to electing the officers, the directors also declared the usual dividend and transacted other matters of importance.

### Handsomely Entertained.

The social workers of the Methodist church were delightfully entertained yesterday afternoon by Miss May Richey at her beautiful home on Chicago avenue. There was quite a large attendance and all present reported a fine meeting. In addition to the usual features of the meeting of this society, Miss Richey had prepared and served some very fine refreshments and the entire afternoon was such as will be long remembered by all.

### Unintentional Mistake.

In Wednesday's Journal appeared an article referring to the case of the State ex rel Butler vs. Patterson, wherein an inadvertent injury was done A. N. Sullivan, counsel for Mr. Butler. Mr. Sullivan states that he had full authority from Mr. Butler to conduct the suit for him and holds writing to that effect. This statement is made as publicly as the original statement and is unquestionably true. The injustice was quite unintentional.

## DEATH OF MRS. STEPHEN CLIFFORD

Who Passed Away This Morning at Her Home in This City.

Died—Clifford, Mrs. Stephen, at her home in Plattsmouth, Nebraska, on Friday, January 7, 1910, of hip fracture, aged 80 years. Funeral on Monday, January 10, 1910, at 9 o'clock a. m. from St. John's Catholic church, Rev. Father M. S. Shine officiating. Interment in the Catholic cemetery.

After several weeks of suffering from a fractured hip sustained in a fall, death at an early hour this morning ended the sufferings of Mrs. Stephen Clifford, one of the long time residents of this city, and a lady most highly respected and admired by all who knew her. Mrs. Clifford was the relict of the late Stephen Clifford, one of the city's best men in his lifetime, and former police judge. The lady leaves surviving her three sons and one daughter, who have the deepest sympathy of many sorrowing friends.

Deceased was born in County Kerry, Ireland, eighty years ago, and it was there that she met and wed Stephen Clifford. Later they emigrated to America, settling in this city a number of years ago and residing here continuously until death called them both to their final rest. Of the union with Mr. Clifford, five children were born, of whom four survive, a daughter, Mrs. John Fitzpatrick, having died a number of years ago. Those surviving include three sons, Thomas now living in California, and Owen and Thaddeus S., of this city and one daughter, Miss Jo. Clifford of this city.

The funeral of this most excellent lady will take place next Monday, January 10, 1910, at 9 o'clock a. m., from St. John's Catholic church, of which deceased was a most devout communicant. The services will be conducted by Rev. Father Shine, and interment will take place at the Catholic cemetery just west of the city.

### Funeral of C. J. Cutler.

The following brief sketch of the life of the late Charles J. Cutler, many years ago a well known citizen of this county, is taken from the Harrison county (Ia.) News a copy of which has been handed the Journal by William Gilmour, a brother-in-law of the deceased. Mr. Cutler in his lifetime was well known among the pioneers of this locality, all of whom regard of his passing with the deepest regret:

"Charles J. Cutler died at the family home in Modale, Ia., January 3, 1910, aged 67 years.

"Deceased was born in Crawford county, Penn., April 10, 1842. He came west to Rock Bluffs, Neb., in the spring 1857. He later engaged in freighting across the plains between Omaha and Denver with ox teams. In 1862 he volunteered for service in the civil war in Company H of the 2nd Nebraska cavalry and in the south saw valiant service. In the fall of 1863, he married Miss Susan C. Towner of Rock Bluffs, Neb. To this union six children were born, two dying in infancy. In March 1866, the family located in Council Bluffs and in the fall moved up to Modale, which has since been their home. For forty-four years deceased was one of the prominent men of the county as merchant, mayor, express agent, postmaster, G. A. R. commander, Mason and Odd Fellow. He was a man of quiet tastes, home-loving disposition and strong in his personal friendships. He will be sincerely mourned by all who ever knew him. The funeral services were held from the home in Modale this morning and interment in Calhoun this afternoon."

J. W. Edmunds and wife drove up from Murray this morning to look after some business matters. Mr. Edmunds says the route he traversed the sleighing was as fine as he ever saw in this country.

## DEATH OF AN AGED LADY

Mrs. Mary Shepherd Died at the Advanced Age of Ninety Years at Nehawka.

At the very ripe old age of 90 years, 8 months and 6 days, Mrs. Mary Shepherd, better known to people of the community as "Grandma Shepherd," passed peacefully away Sunday, January 2, 1910, at the home of her daughter, Mrs. Charles Snyder, after an illness of seven weeks.

Grandma Shepherd was in usual health until a few weeks ago when a bruise terminated in a severe case of blood poisoning which caused her death.

The funeral was held Tuesday at 2 p. m., at the U. B. church, Rev. C. A. Burdick officiating. She was laid to rest in the Mt. Pleasant cemetery.

On account of weather conditions and drifts of snow it was found that the road to the cemetery was next to impossible. The fences were taken down and the teams finally made their way to within a short distance of the cemetery but could go no farther. The casket was carried over the fences to the grave.

Mary Green Shepherd was born April 26, 1819, in York State, San Lake Mountains. She was married in 1847 to Mr. Amos Shepherd at Mill Grove N. Y., but returned to Pennsylvania with her husband to live. To this union were born two children; Mary and Mahala, the former of which died at the age of 12 years. In 1871, the family came to Nebraska and settled at Elmwood, where they lived for many years.

In 1877, Mr. Shepherd died at the age of 88 years. Sixteen years later Mrs. Shepherd moved to Nehawka, where she has since resided.

For about eight years Mrs. Shepherd made her home with her grandson, Charles Burton, and for the past eight years she has lived with her daughter, Mrs. Mahala Snyder.

### Elect Officers.

The Christian Endeavorers of the Presbyterian church met with Miss Ruth Chapman last evening.

At a short business session the following officers were elected: Miss Carrie Grenwald, president; Miss Carrie Baird, vice president; Miss Ruth Chapman, secretary; Miss Mattie Larson, treasurer, and Miss Estelle Baird, pianist.

There being no further business to be transacted, the endeavorers agreed to adjourn their business session and spend the remaining hour or two in a social way.

Paper and pencils was then distributed and each requested to draw a map of some country and place there in a few of the principal rivers, mountains and cities. When the maps were completed, they were collected and placed on a table. Paper and pencils were again distributed and each endeavorer requested to guess the countries the maps represented and the one guessing the most to receive a prize. Miss Alice Johnston succeeded in guessing the most correctly, and carried off the coveted "prize."

A story was then read and the endeavorers requested to fill in blanks with names of states in their abbreviated form.

Light refreshments were then served and at the usual hour and after thanking Miss Ruth for her kind hospitality, the young people dispersed, indebted to the hostess for the delightful evening spent.

### Not Doing Very Well.

Homor Shrader and Mrs. Jennie Rhoden from near Murray, were in the city this morning, being on their way to Omaha where they will make a visit with Mrs. Shrader at the Clarkson hospital. Mrs. Shrader was taken to the hospital several weeks ago suffering severely from an affection of the eye. It was thought that she was getting along in good shape but unexpected complications have set in and she is not doing as well as hoped for. It is possible that a delicate operation may be necessary for her relief, although her many friends throughout this section trust this may not be necessary.

J. M. Meisinger, one of the best of Cass county citizens, is in the city today looking after business matters, having come down from his home in Eight Mile Grove precinct.

### Will Install Telephones.

The state railroad commission yesterday issued an order against the Missouri Pacific railroad company to install a telephone of the Plattsmouth Telephone company in its offices at Murray and Nehawka, before January 21 or by January 25 show cause why this has not been done. This assures the patrons of those offices good service and will accord some means of learning how the trains on that line are running.

## ST. LUKE'S CHOIR ENJOY SURPRISE

At the Home of Mrs. James H. Donnelly During Their Regular Practice Night.

The members of St. Luke's choir last evening were most pleasantly surprised when they attended the usual regular choir practice at Mrs. James H. Donnelly's. Instead of having merely practice the members of the choir found when they had assembled that they were really to be entertained by Mrs. Donnelly and Mrs. Anna Britt. The gathering was much more largely in the nature of a social entertainment than practice and it was a very delightful affair.

Immediately following the short routine business of the gathering, the choir resolved itself into an informal discussion of their individual views on how to keep up interest in the choir and how to stir the members into attending practice and the regular services at the church. The discussion resulted in many excellent ideas being expressed and also in largely promoting good feeling among themselves. Each individual of the choir expressed his or her views on the subject and all united in expressing their belief in the necessity for keeping constantly at work. This choir is a volunteer one and is one of the best in this section. Under the leadership of Prof. Austin, it has made amazing progress and the members are realizing that they are getting something very valuable in his training.

In addition to the discussion there was a pleasant evening of music, both instrumental and vocal and a number of very excellent numbers were rendered. For the occasion Mesdames Donnelly and Britt had prepared some splendid refreshments and this served to cause a number of the members to insist that they hold these meetings regular and have their charming hostesses manage the affair exclusively. A vote of the members disclosed an unanimous desire to have this happen and the hostesses were given a vote of thanks and appreciation for their surprise to the members present.

### At the County Judge's Office.

In the county court this morning a hearing is being had before Judge Beeson on a contested claim of Walter Thacker against the estate of D. A. Thacker deceased. The hearing will take up the major part of the day. D. O. Dwyer appears as counsel for the estate while J. E. Douglass represents Thacker.

A marriage license was issued yesterday by the county judge to Frank H. Brust of Otoe county and Miss Irene Thomas of Weeping Water. The ages of the parties are given as 29 and 18 respectively, the father of the groom filing his consent to the union in writing.

Miss Gertrude Beeson is engaged in compiling a report of the business done in the county judge's office during the two years in which Judge Beeson has occupied the position. It is quite a task and keeps the young lady quite busy.

A petition was filed in county court this morning by D. K. Barr, the Omaha attorney, asking for the probate of the will of the late Johanna G. Coleman, of Greenwood. Mr. Barr was in the city accompanied by Harvey D. Coleman, the petitioner and Niles D. Coleman, both of Greenwood. The petition sets forth that the deceased left property valued at \$7,000 and personal property worth \$300 with the following heirs, to-wit: Harry E. Coleman, aged 42 of Greenwood; Helen E. Lemon, aged 40 of Greenwood; Harvey D. Coleman, aged 38 of Greenwood; Mary Warren, aged 36 of Coquella, Ore.; Ebendzer Coleman aged 33 of Jennings, Kas., and Niles O. Coleman, of Greenwood.

## JOHN C. RODDY PASSES AWAY

One of the Best Known and Most Prosperous Farmers in Otoe County.

John Cormac Roddy, one of the best known, wealthiest and most popular farmers living in the eastern portion of Otoe county, died last night at his home in Wyoming precinct, a short distance north of this city. His demise was not unexpected as he had been suffering for some time from heart trouble and several times he had been reported as dead. He was one of the few who have had the pleasure of reading their own obituary notices.

Mr. Roddy was born in the county of Westfeath, Ireland, in February, 1831, where he lived until he was 20 years of age. On leaving Ireland he went to London, Canada, where he lived until 1856, when he moved to Wisconsin, remaining there until 1862, when he came to Otoe county, locating a short distance north of this city. August 15, 1866, he was married in this city to Miss Rose O'Donnell. To them were born nine children, of whom six are now living—Mrs. Thomas Haefey of this city, James Roddy of Union, Mrs. Elma Withrow of Thurman, John B. Roddy of Union, Mrs. Will J. Shanahan of South Omaha and Micheal Roddy, who is at home. He was a brother of Hon. Patrick Roddy.

Mr. Roddy for several years followed the river, being on the steamer "West Wind," from 1862 to 1864, which in the fall of 1864, transported troops to Jefferson City, Mo., and was compelled to fight conferences at various places. October 16, 1864, the boat was destroyed by the troops of the rebel generals, Shelby and Clark. The prisoners, however, were not confined, and later were abandoned by their captors, who were attacked and dispersed by union troops.

Financially, Mr. Roddy has been very successful, and he owns many acres of land in this and adjoining counties. He was a loyal member of the Catholic church, and when there was a request for a contribution he always responded liberally.

The funeral will be held Saturday morning at 10:30 o'clock at St. Mary's Catholic church, and the interment will be at the Catholic cemetery north of the city.—Nebraska City News.

Will Schneider of Cedar Creek is among those in the city today looking after business matters.

### Surprise M. W. A. Band.

Last evening occurred the regular weekly practice of the M. W. A. band at their room on west Main street at the usual hour. At the same time a large number of young ladies met at the post office and at an appointed hour wended their way out west Main street to the building where the boys were practicing. Bombarding the building, they then requested admittance. At first the boys hesitated somewhat but finally concluded the invaders would do them no harm and permitted them to enter. To say the boys were surprised would be putting it mild for they were completely surprised as their suspicions had not been aroused in the least.

The boys soon recovered and proceeded to entertain the invaders and soon made them feel at home. They then gave one of their fine concerts, which was highly appreciated as well as thoroughly enjoyed by the invaders.

The invaders had come well armed with baskets containing many good things to eat and at an appropriate hour, an elegant luncheon was provided and to which all did ample justice.

A few hours more of merrymaking, frolic and the like and the invaders withdrew their forces, reporting the boys royal entertainers.

### In District Court.

A case has been filed in the office of Clerk of the Court James Robertson this morning entitled Vesta Clark vs. the Bankers Accident company of Des Moines, Ia. The case is brought on a policy of accident insurance issued October 28, 1909, to Charles G. Clark, then a resident of Fairbury, Neb. The policy was paid for on that date but has never been delivered according to the petition. On the succeeding day Mr. Clark who was the insured, fell from a telephone pole in Fairbury and sustained fatal injuries. The policy was to have been made payable to Vesta Clark, his wife, and is in the sum of \$1,500. The plaintiff alleges that payment on the policy has been refused and the company also refuses to deliver the same to her. Judgment in the sum of \$1,500 is asked for as well as interest. Matthew Gering appears as counsel for the plaintiff.

### Foot Injured.

Albert Reinhackel this morning sustained a severe injury to his foot by reason of a jack being overturned upon it. He was unable to continue at his work at the shops and was compelled to go home where he will be confined to the house for eight or ten days. The foot was painfully bruised but no bones were broken which is quite fortunate.