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A HOT TIME IN THE OLD TOWN LAST SATURDAY EVENING

"A Free for All" Fight Barely Averted by the Cool Heads of the Friends of the Belligerents at Special Session of Council

A special meeting of the city council last Saturday night came near ending in a riot and the mutilation or injury of some of the members of the council and others. The meeting was called by Mayor Sattler to consider the remonstrance filed by J. M. Leyda, Mesdames Kerr, Carter, Hall et al., against granting a druggists permit to Gering & Co. The remonstrators were present in full force, there being some four ladies present from among the signers together with T. M. Carter, T. W. Glenn and J. M. Leyda. The firm of Gering & Co., was represented by Matthew Gering as counsel while Henry R. Gering of the firm was also present. J. M. Leyda represented the remonstrators as counsel.

All of the members of the council were present when the mayor called for order except Councilmen Dovey and Will. The former was detained at his store by business while Councilman Will is absent from the city. The first business was the reading of the remonstrance which, as printed heretofore in the Journal, charged that the applicant, Gering & Co., had failed to file with the city clerk on the first day of July, 1909 and the first of January, 1910, a report showing the names of those purchasing liquor of it during the six months prior to each date, as required by the statute and the city ordinance.

On motion of Councilman Dwyer the hearing of evidence was commenced, the attorney for the remonstrators calling W. B. Elster, the city clerk to the stand. He was sworn by Mayor Sattler after which Mr. Gering entered a formal objection to any testimony being taken on the ground that there was no law under which a remonstrance could be filed against a druggists permit, that the remonstrators were not acting in good faith but were acting fraudulently, that only one signer of the remonstrance had ever investigated and knew what the remonstrance contained, that the remonstrators were all non-residents of the First ward where the permit was asked for, and a large number of other grounds which would show the lack of good faith of the remonstrators.

Leyda argued for overruling the objection and sought to sustain his position by quoting the statute and the city ordinance and also contended it was not necessary for the remonstrators to reside in the ward where the permit was asked. Mayor Sattler overruled the objection.

The testimony of Dr. Elster was then commenced, counsel for the several parties indulging in many bitter remarks and insinuations. His testimony in effect was that Gering & Co., had been granted a liquor permit in 1909, and that they had never filed a copy of the sales registered with his office as required by law. Leyda stated to the mayor and council that he had served a notice on Gering & Co., to produce their register by leaving a notice at their store. Mr. Gering declined to permit the register to go into Leyda's possession. Mr. Gering at this point proceeded to exhortate Leyda for having filed his remonstrance against only one druggist when it was claimed all the other applicants had failed to file the reports also. Dr. Elster testified that several months since Leyda had examined the city records to ascertain if the reports had been filed and had asked if Gering & Co., had filed. Mr. Leyda asserted that even if anyone else had violated the law it was no excuse for another. Mr. Elster testified that none of the other signers of the remonstrance except Leyda had ever made inquiry about the report. It was shown that the remonstrators generally lived in other wards than the First.

Mr. Gering's cross-examination of Dr. Elster was provocative of much rage on the part of Mr. Leyda. Owing to the personal nature of the questions which Mr. Gering asked Mr. Leyda was constantly objecting and created much laughter and amusement at times by the use of the word "irrelative" in place of irrelevant. Dr. Elster testified on

cross-examination that so far as his records were concerned, Mr. Leyda had never received a permit to sell liquor nor had he ever reported to the clerk any sales of liquor by him in room 27 of the Hotel Riley or at his office in the Gund building. The period of time when it was insinuated the sales might have occurred was some thirteen months ago and on Sunday. Leyda was intensely excited and cried "Frame up, frame up," repeatedly, accusing Gering of having made up a job against him. Gering replied he had framed up something Leyda would never forget before he got through with it. Along at this point T. W. Glenn injected himself into the proceedings and became unruly and noisy in demonstrating his feelings, so much so that the mayor and council summarily sat down on him and threatened him with arrest and expulsion for disturbing the proceedings. As soon as this episode had quieted down in a measure, Leyda took the floor and commenced to say something but the sense of it was lost in a melee which he precipitated by his opening remarks.

He said "Your Honor, This vile, little cur here" and he got no farther. Gering was on his feet in an instant and before spectators could divine his intention, he swung a right lead to Leyda's cheek, landing squarely on the cheek bone. The two men were seated within a foot or so of each other and Leyda was considerably surprised at the suddenness of the attack. He sought to retaliate and began striking wildly about in the air but Gering came out of the fight unharmed. The attack precipitated a grand row and in the twinkling of an eye the council chamber was a mass of fighting men. A number of members of the council assisted by ye reporter who is a brave man, dashed into the fray to separate the combatants while the spectators outside the rail were engaged in a free fight among themselves and several members of the council were busy in keeping the crowd out. Councilman John W. Bookmeyer of the Third ward was the principal victim of the riot. With commendable energy he sought to intercede between Messrs. Leyda and Gering, and in so doing he shoved his head between the wide swath which Leyda's right arm was cutting with the result that he got a stinging blow on the right optic and cheek bone. This roused the tiger of the Third ward and he tied into Leyda in good earnest. In an instant the two desperate men were locked in an embrace which Councilman Kurtz, Schulhof, Gravett and the handsome young reporter of the Journal found great difficulty in unloosing. During the excitement someone hit Leyda several times in the nose and upon the mouth apparently, as his nose was bloody and his mouth also bleeding. This together with the disclosed optic of Councilman Bookmeyer, the loss of two small pieces of cuticle by yours truly and a blow in the neck to T. M. Carter seems to have constituted the list of casualties. Mayor Sattler encouraged the racket by the vigorous use of the gavel pounding the desk with all his strength in an effort to get a semblance of order but without avail until he added his personal efforts to those of the peace-makers and separated the raging elements.

At the height of the unpleasantness the scene was one of the most ludicrous ever witnessed here. The hall was full of a struggling, seething mob of men and arms were in evidence in every direction, all waving frantically about. Carter had a very large cane which he was waving aloft while Glenn was excitedly gesticulating and saying things which were lost in the uproar. In fact, the entire affair looked like a Donnybrook fair. The ladies who were present were thrown into a panic by the riot and several made desperate efforts to get out of the room.

The affair lasted but a few moments, when quiet was restored. Mr. Gering at once apologized to the council for his part in the trouble as did Mr. Leyda later, when the affair was allowed to drop. Mr. Gering in his apology stated that he in-

tended to get a gun and if he could not be protected from insult he would protect himself and he wanted to serve public notice to that effect. Leyda asked for an adjournment at this time as the excitement had incapacitated him and he needed help in handling the case. Mr. Gering objected to a continuance and on motion of Bookmeyer the remonstrators were directed to proceed.

Dr. Elster's testimony related largely to the membership of Gering & Co., and he testified he believed he had seen a letter wherein Henry R. Gering had stated he owned all the stock in the firm.

T. M. Carter was called by Leyda and testified to having made an examination of the liquor register of Gering & Co., and that in December, 1909, they had made three or more sales. Carter's examination displayed an extremely unstable memory and he could not recall anything about any sales except three or four in May and three or four in December. His cross examination by Mr. Gering was severe and went to show the lack of good faith which he had in filing this remonstrance. He showed by the witness that he had once before examined the register at the request of County Attorney Attorney Rawls—afterwards this modified to say Glenn in place of Rawls. Carter's testimony was largely unimportant and did not strengthen the position of the remonstrators. During his examination, Mr. Gering asked that T. W. Glenn be excluded from the room, which was done over Glenn's vehement protest.

Glenn was called next but his testimony was unimportant and did not strengthen the case of the remonstrators.

For the applicant Mr. Gering had Mrs. Kerr, Mrs. T. M. Carter and Mrs. Glenn called and each of them testified that they signed the remonstrance without having investigated the truth of the charges which it contained and that they were induced to do so by Glenn. They did not read it and Glenn kindly relieved them of that duty. Each of them testified that they signed it on account of testimony which had been disclosed in a case tried last year in district court. These ladies seemed to think the remonstrance against Gering & Co., for selling liquor unlawfully, and they frankly admitted they didn't know what the remonstrance did contain.

At the close of the testimony of the ladies a number of documents were submitted in evidence by Mr. Leyda for the remonstrators and then he offered the statute relating to liquor traffic and also the city charter and ordinance.

Mr. Gering then moved to dismiss the remonstrance for a large number of reasons and Councilman Dwyer suggested the matter be submitted without argument. Leyda insisted on reading the statute and ordinance, after which Mr. Gering made a few brief remarks. On motion of Councilman Dwyer the remonstrance was then denied. Mr. Dwyer made a strong argument for his motion and contended the remonstrators had failed absolutely in their case, and there was nothing on which the council could act. He was of the opinion that there was no provision by which a permit could be refused under the conditions which the remonstrators attempt to do. His argument was a clear exposition of the legal aspects of the case and satisfied the council of their right to issue the permit.

The remonstrance was then refused, the vote being: Aye—Dwyer, Weber, Kurtz, Bookmeyer, Neuman, Schulhof, Gravett. Nays—None.

It is claimed this morning on the street that Mr. Leyda received several blows on the back of the head during the melee spoken of above and that he has quite a well developed bump on that part of his anatomy in consequence. It is claimed Henry R. Gering dealt these blows during the excitement but the reporter did not witness this part of the fracas. General opinion in the city, while deploring the affair, condemns more severely the tactics that brought on the entire matter. There is particularly strong comment heard concerning the position which Messrs. Carter and Glenn have taken in the various troubles which have been disturbing the city for several years past and the public is rapidly tiring of their malevolent and capricious actions.

Careful investigation since the above was put in type satisfies the Journal reporter that the statement that Mr. Henry R. Gering struck Leyda during the fact is prob-

ably correct. Witnesses of good repute who saw the fight insist this is the case. No complaints have been filed in police court up to two o'clock regarding the fistieuffs which took place but there seems every probability that proceedings may be taken later by some of the interested parties. It is intimated that the filing of a complaint against any of the parties to the affair will result in the filing of counter complaints and that there would likely be an unceasing stream of litigation before the matter was ended. The Journal would regret this very much as it would tend to disturb the community and would serve no good end. The public is heartily sick and tired of the constant warfare which involves the city and it will welcome a return to sanity and the dropping of these matters.

SONG SERVICE AT ST. LUKE'S CHURCH

One of the Most Interesting Programs Ever Rendered by the Choir

From Monday's Daily.

The song service at St. Luke's church last evening given by the choir, under the direction of Prof. H. S. Austin, together with a number of excellent solos, was one of the best, if not the best program ever given here. There was a large and appreciative congregation present and all who attended were well repaid. The program was one of unusual merit and every number on it was given in splendid manner and form.

The selections which the choir rendered included "Make Haste, O God," by Rogers, "Angel Voices Ever Singing," by Nedlinger, and "Lights Abode," by West. Each of these numbers were excellent and the choir did itself proud in rendering them. A trio, "We Will Sing the Wondrous Story," by Hart, was charmingly given by Mrs. H. S. Austin, and Miss Gretchen Donnelly and Miss Marie Donnelly. These three singers were in fine voice and their execution of this beautiful trio was, indeed, very charming and highly appreciated. Solos were given by Prof. H. S. Austin, Messrs. C. W. Baylor and Glenn Scott and Mrs. Austin. Prof. Austin's selection was "Far From My Thought" and he rendered West's beautiful song with an interpretation most excellent and pleasing. Jerome's hymn "Shepherd Divine" was sung by Mr. Scott who sang the hymn splendidly. Mrs. Austin gave as her solo "The Lord is My Light" by Mann and her rendition of the song was highly pleasing to the large audience as it always is. That grand old familiar melody "The Rock of Ages" was very effectively rendered by Mr. Baylor, it being one of the best selections upon a program of the highest order.

The work of Mrs. Anna Britt at the organ was very highly appreciated by the congregation and Mrs. Britt received great praise for her artistic work. Her rendition of the offertory was commented upon by all as splendid and many words of praise have been heard since the program was given, for her excellent work. All told the program was highly pleasing and reflects great credit upon Prof. Austin and the several participants in it.

Fiftieth Wedding Anniversary.

From Monday's Daily.

Today is the seventy-first appearance upon this sphere of William D. Jones veterinarian, and the aged veteran was down town and greatly enjoying himself showing little of the effects of age and being about as spry and lively as a man many years younger. Tomorrow is the fiftieth anniversary of the marriage of Mr. and Mrs. Jones and the worthy couple expect to duly observe the occasion. This happy combination of two anniversaries is something seldom witnessed and Mr. Jones is quite proud of the circumstances. The many good friends which these pioneers have in this city and throughout the county unite in hoping they will have a recurrence of many more anniversaries, both of Mr. Jones' birth and the marriage.

Engineer J. J. Buttery of Lincoln spent Saturday night with his brother, Mart and family in this city. Johnny was delighted with his brother's farm, and believes he will develop into a great farmer.

THE BALL GAME LAST FRIDAY

What the Nebraska City Papers Have to Say About Contest

From Tuesday's Daily.

Just to show that the life of the umpire is not a bed of roses and that those of the local team and its fan supporters are slightly prejudiced in blaming him for the riotous game last Friday, the Journal today reprints what the Nebraska City papers had to say about the game. Incidentally, the remarks about the attendance are some well put and if the team is to remain in the field and play winning ball, the attendance will have to pick up. The Nebraska City Press says:

"Captain Burns warriors journeyed to Plattsmouth yesterday to play the team at that place and won the game 18 to 9 without an effort. Following was the lineup: Plattsmouth—Beal, Droege, Fitzgerald, McCauley, Smith, Mason, Perry, Kelly and Werge. Nebraska City—Mayfield, Badura, Morarity, Hicklin, Chapman, Richter, O'Shea, Whitmore and Fletcher. Fletcher pitched a good game for the locals but his support at times was ragged. The umpire knew about as much about a ball game as a pig does about Wall street and his decisions should have won the game for Plattsmouth if it was possible with the umpire with them. The local crowd kept up their hitting stunt and knocked the ball until they were tired. The team and the rooters accompanying them arrived home in time for supper. The attendance at the game was bum, fifty-three persons were noted in the field and three cows grazed peacefully during the game."

The News says:

"The Minks went to Plattsmouth yesterday and cleaned up the team at that place by a score of 18 to 9. The game was a tame one and there was a very light attendance, not being over seventy-five people on the grounds, including the crowd that went from this city. It would look as if the Plattsmouth people did not really care much for a ball game nor were they going to give their team hearty support they are entitled to if they are to be kept in the field during the coming summer."

The Journal does not agree with the Nebraska City papers about the Minks winning with ease for they certainly would have lost had the Plattsmouth team played anything like the ball they are capable of. If Nebraska City hopes to win the Mink league pennant with players such as their team seems to have, it looks as if their dreams will be sadly shattered. The team looks very weak from the exhibition they put up here.

The management of the local team is much discouraged with the attendance at the games and hopes that next Friday when Green's Indians play here it will be far better. The idea in selecting Friday as one of the days on which games will be played was to permit the merchants and clerks to attend. That they have not taken advantage of it is disappointing in the extreme. The next opportunity and possibly the last to see games on Friday will be when Green's Nebraska Indians play here next Friday. This team is one of the strongest semi-professional teams in the country and the local team will be strengthened to meet them. Plattsmouth can get good advertising out of its ball team if the merchants and towns people will patronize the games in sufficient numbers to warrant a strong team staying here. The nucleus of a strong team is already here and the management is prepared to strengthen it if the patronage will permit them to do so.

Green's Indians in themselves are well worth seeing for they play ball which keeps the fastest of them guessing. They are real Indians and many of them have established reputations as being the best ball players among the redmen.

Let everyone who wants to help Plattsmouth and who wants a good, fast ball team here, turn out Friday and attend and encourage the boys to play winning ball.

The only new filing today in the office of Clerk of the Court Robertson was a transcript in the case of Blunt vs. the C. B. & Q. Ry., an appeal case from the county court where Blunt recovered a judgment against the Burlington Relief department for \$315.

Break in the Drouth.

From Monday's Daily.

A break in the drouth which has prevailed all this spring over this section took place early this morning when a light rain fell. This occurred between four and five o'clock and throughout the day, the rain has been slowly falling. The precipitation is not great but it is sufficient to wet the surface of the ground and it will enable spring plowing and corn planting to proceed. The weather is considerably colder and the weather bureau predicts much colder weather for tonight with slowly rising temperature tomorrow.

The rains have been general throughout the state, although light in all parts and they afford a measure of relief to small grain and puts the ground in better condition for planting. There is every indication that the rains may continue for at least twenty-four hours over this section which will be a vast improvement. Snow fell this morning at intervals, there being a few flakes mingled with the rainfall. Should the weather grow much colder it is possible under present conditions.

Reports from Wyoming and South Dakota show snow in both of those states and also some snow in Colorado. Kansas reports a cloudburst at Emporia which may have done extensive damage. A heavy windstorm was raging there last evening when all wires into the city went down and communication was cut off. The Santa Fe railroad together with the telegraph and telephone companies was making extraordinary efforts to restore communication with the city and learn the extent of the damage done but up to a late hour this had not been done.

Disposing of Mortgage Property

Deputy Sheriff Manspeaker last Saturday evening took into custody Silas C. Breckenridge on the charge of disposing of mortgaged property. The complaint against Breckenridge was filed with Justice Archer several weeks ago by County Attorney Ramsey, acting on the instructions of District Judge Travis. The arrest grows out of the litigation between the First National bank of this city, Hatt & Son, W. F. Gillespie and others which has been heard several times in the county and district courts. The property in question was some corn which Breckenridge had mortgaged to Hatt & Son and which he sold to W. F. Gillespie, the Mynard grain dealer. In the litigation which arose over the property the fact of the sale developed and also the fact that he received the money for the same from Gillespie. After hearing the case in district court, Judge Travis called in the county attorney and instructed him to file the complaint.

Breckenridge had been sought by the officers for some time and Saturday night was the first time they were able to get hold of him. He tried to get bail but could not secure the same and is still in jail. His hearing will probably take place tomorrow.

Delightful Farewell Surprise.

The cozy home of Mr. and Mrs. Ed. Donat on west Granite street, was the scene of a little merriment and frolic yesterday afternoon. The occasion was in the nature of a farewell surprise in honor of Frank and Eddie Donat. About twenty schoolmates and friends had been invited and they gathered at the Donat residence about 2 o'clock in the afternoon. Upon their arrival at their uncle's home, Frank and Eddie were somewhat shocked to see the rooms filled with their playmates but soon recovered and joined in the fun. The usual amusements were had such as games, music and the like and the pleasant affair closed with a delightful luncheon to which all did ample justice. It was a late hour in the afternoon and after expressing their regrets at having to lose the boys from their midst but wishing them much happiness in their new home, the guests departed for their homes.

Old Comrades Meet.

A. H. Pratt, an old soldier friend of J. W. Johnson, who has been making him a brief visit, departed this morning for Freeport, Maine. The aged gentleman is quite feeble and the trip is a very long and tiresome one for him to make athisage. In making the trip to this city from Tecumseh, he was so exhausted when he changed cars at Lincoln that he had to be wheeled from one train to the other. Judge Johnson attended to arranging the details for his trip and made all possible endeavors to have the trip made as comfortably as possible.