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## ANDREW HOEFER FILES SUIT AGAINST THE AMERICAN EXCHANGE BANK

Petition Alleges That Bank and John Gerry Stark Have Unlawfully Retained and Used Money of Plaintiff

A sensational suit was filed in the office of Clerk of the Court Robertson this morning by D. W. Livingston, representing Andrew Hoefer, a well known citizen from the vicinity of Elmwood. The suit in question grows out of a land deal which took place several years back and the consequence failure of the American Exchange bank and John Gerry Stark, its cashier, to account for the funds. The petition makes some charges of a very serious nature against the defendants and the bank officers and promises to lay the foundation for a lively fight in the courts.

The petition is entitled Andrew Hoefer vs The American Exchange Bank of Elmwood, Neb., and John Gerry Stark, defendants, and it sets forth the legal incorporation of the bank together with the officers of the same and its powers. The petition then goes on to state that on January 1, 1907, the plaintiff owned a farm in Cass county, Nebraska, which was worth the sum of \$9,000. That an agreement was made with one David Kunz to sell him the lands for \$9,000 and that sum was received from Kunz by the defendants for the plaintiff and that a deed for the land was delivered to the said Kunz. That \$4,200 had been paid by the defendants to the plaintiff and that \$100 had been paid by the defendants to quiet the title to the lands for Kunz. That there is still due the plaintiff from the defendants the sum of \$4,700.

This sum of \$4,700 remained in the custody and possession of the defendants for the plaintiff and that the plaintiff had before filing this suit demanded that amount of the defendants but that the defendants had failed, neglected and refused to pay the same over and have converted said

money to their own use and benefit. That this conversion was with the knowledge and authority or attempted authority of the officers of the bank. The charge is then made that the sum of \$4,700 was on June 30th, last, appropriated and embezzled by the defendants and the bank officers, and a judgment is asked against the bank and Stark for this amount with interest.

It is not known here just what the facts in the case are outside of those set forth in the petition but it is probable there is some legal obstacle in the way to a settlement of the suit and that the matter will receive an airing through the courts. The case has created a great deal of comment here owing to the sensational embezzlement charge and the public is curious to see what the defendants have to offer in defense. The American Exchange bank is a well known banking institution of Elmwood and has been in business for a number of years. It has enjoyed the confidence of the public of its locality to a great extent and the management has generally been considered as safe and conservative. John Gerry Stark, the other defendant in the case is a well known resident of Elmwood and last fall ran for county treasurer on the Republican ticket. He is personally a very popular man and is quite well known in this city and vicinity, having visited here off and on for years past. Hoefer who makes the charges against the bank and Stark is not very well known here, although several are acquainted with him. He is said to be a solid and influential citizen and to rank high in his home community. The case will probably be for trial in September when district court convenes.

View, Mich., while on the trip to Chicago, forming a very pleasant break in the journey. On the whole the entire journey was such as could not help but be most delightful and it was one of immense value to both Mr. Windham and his daughter in its restfulness and health-giving qualities. He was delighted, however, to get home once more and back into harness.

## RETURNS HOME FROM CONVENTION

Hon. R. B. Windham Delighted With Eastern Trip

From Monday's Daily.

Hon. R. B. Windham who has been making an extended visit at eastern points, has returned to his home in this city. Mr. Windham has been gone for a month past and returns much benefited by his trip. He went from this city to Springfield, Ill., where he was in attendance as a delegate to the grand council of the Knights and Ladies of Security, mention of which was made from time to time in the Journal, through the medium of newspapers so kindly sent this paper by Mr. Windham. He reports this gathering as the greatest in the history of this flourishing order and as one of the finest gatherings ever seen in the country. There was much important business transacted which dealt with the welfare of the order and there were many reports read which showed the strong financial condition of the order and its phenomenal growth. The grand drill which was participated in by crack drill teams from all parts of the country, was a revelation to all who witnessed it and Mr. Windham is enthusiastic over the fine work which was shown by the teams.

From Springfield, Mr. Windham went on to Chicago where his daughter Ellen joined him and where they made quite an extended visit with relatives in that city. They also visited with relatives at Plainwell, Mich., for several days and then Mr. Windham went to Ann Arbor where he was in attendance upon the commencement exercises of the University of Michigan of which institution he is an alumnus. He had a very fine and enjoyable time while there and met many an old friend of his college days. From Ann Arbor they journeyed to Detroit where a steamer was taken and the trip made back to Chicago via the lakes and the Saulte canal. This was perhaps, the grandest part of the outing, as this country is ideal summer country and the lakes and waters, the most delightful of the land. A week was spent at Bay

Funeral of Chauncey Doty.

W. J. Streight yesterday was in charge of the funeral services of the late Chauncey Doty from his late residence east of the river to interment in the Glenwood cemetery. There was quite an attendance of old friends and neighbors of the deceased at the obsequies, the little church of East Plattsmouth being packed with those assembled to hear the tribute which Canon Burgess of this city paid to the deceased. Canon Burgess delivered a powerful and impressive sermon upon the life and the many attributes which the deceased had to his credit in the course of a long and busy life. The sermon was received with the most respectful attention by all who heard it. The funeral procession left the church at about 2:45 p. m., and moved through Pacific Junction to the Glenwood cemetery where the body was laid at rest. Mr. Streight made the trip from the church to Glenwood and back to this city in five hours despite the heat of the day.

Returns From California.

Miss Mary Nemetz who has been taking a trip to the Pacific coast for her health and for recreation, returned last Saturday evening. Miss Nemetz had a very delightful trip and returns feeling much better than when she left. She visited the various points of interest in Washington, Oregon and California while on the coast and also visited Salt Lake City, Denver and Rocky Mountain points on her way home.

I. S. White and wife of Murray are in the city today looking after business matters. While here Mr. White called upon the Journal and renewed his subscription to the paper for another year. Mr. White is one of the rock-ribbed Democrats of Murray neighborhood and a mighty fine man personally and the Journal is pleased to have him as a friend.

## CARNIVAL CLOSES WITH BIG TIME

Street Crowded With Frolickers Until Late Hour.

Work on cleaning up the city after the close of the carnival commenced this morning when the Red Men put a force of men on the streets to clean them up and put them in shape just as they promised when the use of the streets was granted them. The local council of Red Men pay these workers and not the city as some seemed to erroneously thought. The work will be done by night and the streets will be in excellent shape by that time.

The close of the carnival brought a decided relief to the several committees which had the matter in charge and they are glad to note that the entire week passed off without a single serious accident. Barring the one little accident of little Rosa Patterson and a runaway Saturday night, no accidents attributable to the 4th or to the carnival took place—something which the Red Men and the committee can feel justly proud of. The remarkable quietude which prevailed throughout the week and the lack of roughness or boisterousness on the final night of the carnival, is also something which is pleasing to the management. That there was very little in the line of crime going on and one burglary which amounted to anything, is largely due to the effective work done by the police under Chief Rainey. The special police in particular did good work and deserve to be commended. The untiring energy of Chief Rainey and his promptness in arresting all suspicious characters is also worthy of note and stamps him as the right man in the right place. Chief Rainey's ability has been commented upon most favorably by all who were aware of the work he did.

Saturday night marked the closing of the big week and there was a tremendous jam of men, women and children on the streets. In spite of this large crowd there was no roughness or boisterousness to speak of but in wandering from one attraction to another and in surging up and down the streets and throwing confetti. This sport waxed fast and furious and when the streets shut down at midnight the streets looked as if they had been swept by a fierce mid-winter snow storm. In addition the night was made memorable for the din and uproar which prevailed. Tin horns and laughing, shouting boys and girls made a racket which timid and nervous people jumped at. These hoydens certainly did enjoy themselves if they ever did and when the affair was over it left behind a mighty tired but happy bunch.

The program for Saturday was carried out as advertised although the high wind came near ending the chances for the balloon ascension. The slide for life took place as advertised at 4:30 p. m., there being a large crowd of people from the country on hand to see the young man as he slid from the top window of the court house to the ground at the corner of Vine and Fourth streets. This act made quite a spectacle and pleased all who saw it. The high wind caused the carnival management to hesitate about putting up their balloon but they finally did so just about dark. The aeronaut who went up had a bad case of heart trouble and did not go very high, being afraid of landing in the Missouri river. He cut his parachute loose long before the managers were ready and long before the crack of the revolver which was to signal him to cut loose was given and in so doing, he came very near ending his mortal career. He was only some two hundred and fifty feet from the ground with his head downward, he caught his foot in the cut-off rope and came down like a rocket. It looked as if the parachute would not open and the crowd cringed in terror expecting to see the man dashed to the earth and killed. The parachute, however, opened when it was about thirty or forty feet above the earth and checked his descent. The man came down in the alley south of Main street with the hod of the parachute on one side of the telephone wires in the alley and the man on the other. The result in saving him from probable injury. The opening of the parachute frightened the team of John Elliott which was standing hitched in the alley and they dashed away up the alley and onto Sixth street. This made a thrilling and exciting runaway and for a few

moments it was thought some serious damage had been done. The team was caught out on Maiden Lane more than a mile from where they started. The harness was torn up but this was the extent of the damage.

The shows Saturday night had a nice business and the crowds drifted from one to the other and seemed to want to see everything which was going on. The net result for the week has not yet been figured up but it is very good and nets the Red Men a neat sum for the benefit of their building fund. The members of the order are pleased at the outcome and especially grateful for the aid which they have received from the public and especially the other fraternal orders who so generously tendered their aid in making the affair a grand success.

The Red Men management is also pleased with the manner in which their relation with Brown's Amusement company passed off. There was no friction with them at any time and Mr. Brown and his partner, Harry Lewis leave here with the assurance that their acts are appreciated and that they demonstrated they were men who could be relied upon.

The Brown shows which open this week in Wahoo, did a very nice business and satisfied the general run of the people. The Ferris Wheel and the merry-go-round in particular cleaned up a nice sum of money and carried many passengers. The former was easily the star attraction in the way of a riding device while the ever popular merry-go-round held its own as usual. The Nero show—the huge snake show grew in popularity as the week went on and had large and interested crowds present at the closing performances. The feat of feeding the snakes which took place last Saturday night helped largely in drawing a crowd all of whom witnessed the feeding with great interest. The Dixie Land Minstrels had a number of good houses and seemed to thoroughly satisfy. The Alaskan dog and wolf show did quite a business and netted handsome returns. The Wild West show did not do so well as the others. McFadden's college did considerable business and furnished quite an instructive show. The various stands did a good business during the afternoon and evening and the owners seemed to be well pleased with their business.

The close of the week found the public more than pleased with the outcome and especially gratified at which marked the week. It was a great show and the Red Men are to be congratulated upon the success attending their efforts. There were some hard obstacles to be overcome but this was done and Plattsmouth succeeded.

Narrow Escape From Death.

From Monday's Daily.

A narrow escape from death or very serious injury took place last Saturday afternoon as George Brooks was working in an excavation which the gas company is making on Chicago avenue. He was in a hole some eight feet in depth when a cavein took place and he narrowly escaped being buried alive in the trench. The great mass of earth in some manner broke away from the wall of the excavation and fell with a great roar. Some three tons or more of earth came down and very nearly caught him. His foot was caught and badly crushed but aside from this no harm was done. Mr. Brooks was a mighty tickled man to escape so easily and does not want another experience of the kind as it was too close for comfort. He will have to get about with a cane for some days to come but he is glad it was no worse and is willing to undergo that inconvenience in order to escape from a horrible death.

Death of a Brother.

From Monday's Daily.

M. M. Beal yesterday received a telegram from Sigourney, Ia., conveying the sad intelligence of the death at that place of his brother, Russell Beal. The news was not unexpected, the brother having been in very bad health for some years past and several times having been considered as at death's door. The many friends whom Mr. Beal has in this community will unite in their sympathies for his great loss.

Deceased was the last surviving member of the family aside from M. M. Beal, being the oldest son. He had reached the ripe age of 76 years. He is survived by a wife and two children. The funeral of this beloved man is set for Tuesday afternoon and it is probable Mr. Beal will leave this afternoon to attend the obsequies.

## THAT ANTI-SUNDAY BALL PETITION

It Receives But Little Recognition From Business Men

The news that a petition was being circulated to stop Sunday base ball in this city aroused a great deal of interest among the people and strong opposition is manifested to this being done. The opinion of the general public is decidedly against shutting off the games as it means practically the prohibition of base ball in the city. A ball team without Sunday games cannot pay in this city and this fact is known. In the next place the general opinion is that the games are not in any sense a nuisance and those who live in the immediate neighborhood of the park are strongly of the opinion that as long as they have no kick the general public outside, should have none. Sunday base ball is a sane and respectable method of recreation. It is a rest for the men who have to work throughout the week and it certainly is as clean and moral as any sport can be. The Journal is sorry that such an effort is even talked of here and it hopes that the petition will be dropped and the games allowed to proceed without molestation. It was thought some effort might be made to stop yesterday's game but none materialized. It is thought perhaps the circulators of the petition have found signers harder to get than they thought and that they have found the public loath to take a stand against the games. The Journal knows of a large number of respectable and Christian men to whom the petition was presented who turned it down cold and refused to have anything to do with the movement. These men are exercising common sense and good judgment and deserve to be commended.

In connection with this question Nebraska City is all torn up over the same matter and yesterday's game there was played across the river in Iowa. The Press of that city yesterday morning printed the following statement from one of the most prominent pastors of that city condemning the crusade against the games and what he says is timely and worth considering now. The article follows:

"Rev. Wesley W. Barnes, rector of St. Mary's church and editor of the 'Church Militant,' the parish paper, has this common sense opinion on Sunday base ball:

"We regard the controversy over 'Sunday base ball' as most unfortunate and unnecessary. Croquet, golf tennis and other games may be played on Sunday and the supreme court decision which places base ball in any other category than these we regard as ridiculous. So long as the games are conducted decently, without rowdyism or gambling and for the purpose of recreation we can see no harm in them. If, however, they are made the means of bringing crowds to town to do trading, thus keeping all the stores open and compelling many employes to work seven days we are opposed. At the beginning of the controversy we introduced a resolution in the ministerial association which would have allowed games for recreation while prohibiting objectionable accompaniments. The resolution failed to pass and personally we have done nothing in the matter since that time. But we are very sorry the situation has been allowed to become so acute because of the ill-feeling it has engendered in the community."

A Fine Solo.

From Monday's Daily.

Those attending the services at the Methodist church yesterday were greatly pleased and delighted to hear a very fine solo given by Mrs. Max Adams, a new resident of this city. Mrs. Adams has a very strong and natural voice and one which is very pleasing to the ear. She has recently moved to this city from York, Neb., and it is her intention to take up the musical work of the church permanently. She greatly impressed all who heard her in the solo and without a doubt will become one of the city's most valued singers. It is the hope of all who attended the services and heard her, that she can be induced to furnish these solos for each Sunday in the future. The choirmaster is greatly pleased with her addition to his choir and is delighted to secure a young lady with so pure and strong a voice as one of the attractions of the choir. Mrs. Adams was recently married to Max Adams of this city at her home at York and is a very pleasant and agreeable addition to the city's ladies.

Install New Sign.

The Fraternal Order of Eagles on Saturday last installed a brand new electric sign which hangs in front of their hall. It is a thing of beauty, being very handsome in appearance and neatly and attractively made up. The wording of the sign is F. O. E. 365, which when the lights are on show up very conspicuously. The sign is one which the Eagles can well be proud of and which they properly appreciate. It is the product of local painters and they did themselves proud in its preparation.

## PRISONER IN POLICE COURT

One Goes Back to Jail to Wait Investigation While the Other is Given Leg Bail.

From Monday's Daily.

Ed. Williams, the man arrested several days ago by Chief Rainey for having in his possession two pairs of shoes with the price mark of the Kip Shoe company, Deadwood, S. D., in his possession which he could not satisfactorily account for, was arraigned before Judge Archer this morning charged with being a vagrant. He was given a hearing and sentenced to ten days in the county jail. He will be held there until he can be given a thorough investigation by the officers. A letter was received from the Kip Shoe company by Deputy Sheriff Manspeaker in which they say they have not missed any shoes and do not know how they came into William's possession. They wanted the shoes forwarded to them at Deadwood, Sheriff Quinton has the letter, and will put the matter up to County Attorney Ramsey for advice.

When Williams was arraigned Sheriff Quinton surprised him with a question as to whether or not his name was Williams which he readily admitted. On Saturday he had insisted his name was Wilson. He told the sheriff and Justice Archer that he had come through from the coast and that he had bought the shoes of a man in Lincoln, paying him two dollars for the two pair. This two dollars was all the money he had and he could not remember anything about the man he had bought the shoes of. This looks very fishy to the officers who cannot understand why he used his last dollar that way. He sold one pair down here to a man connected with the Brown shows for two dollars and kept the other pair. He finally admitted he had been at Cedar Rapids, Ia., after considerable questioning. He was very nervous and the officers are convinced he is a crook, probably a sneak thief. His past will get an overhauling while he is in jail on the vagrancy charge.

Judge Archer also had a malefactor before him this morning in the shape of Ben Buchanan who disclaims any relationship with the illustrious Jim of the same name. Ben answered to a P. D. charge and admitted to the court that he had some coin of the realm when he struck town Saturday but that he spent it all in a vain effort to aid prohibition and Mr. Bryan's county option propaganda by drinking up all the product. The result was not a noticeable victory for the cause as it led to Chief Rainey harvesting him and filing a plain drunk or as it is known in swell circles a P. D. charge against him and also led him to a noisome cell in the city jail. He told the court that when he worked he was a telegraph operator and that his last job was as extra man on the Rock Island system under H. U. Mudge. He expressed great contriteness for his offense and insinuated that he was willing to compromise with the court and leave town if the court would so order. Judge Archer considered carefully and then spoke guardedly upon the evils of malefactoring in the John Barleycorn way, winding up by giving him five simoleons and costs worth of his celebrated brand of justice. He suspended the fine pending the hegra of Ben from the city wherent the letter marched forth into the sunlight singing psalms of praise for the good judge.

Pleasant Fishing Party.

A fishing party at Four Mile creek yesterday consisted of Messrs. Henry Hesse and Earl Barclay and Misses Velma Knott and Frances Kushinsky. They had a very pleasant time. They went out in a carriage early in the morning and spent the entire day under the cooling shade of the trees hugely enjoying themselves and having a fine time.