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NO 204

THE MOST IMPORTANT CIVIL CASE TO BE TRIED AT THIS TERM OF COURT

Mrs. Julia Wanderholm, Administratrix Brings Suit for the Death of Her Husband, Oscar Wanderholm, Who Was Killed by a Burlington Train While Going to His Work at the Pumping Station, Last January.

From Monday's Daily.

The most important civil case to be tried this term of court was commenced this morning before Judge Travis in the district court, being that of Julia Wanderholm, as administratrix of the estate of Oscar Wanderholm, deceased, against the C., B. & Q. Railway company and S. A. Saddle, a fireman on the defendant company's train. The cause of action is for the loss of life of the plaintiff's husband by being run over and killed on the defendant's right-of-way on the first day of January, without informing Mr. Wanderholm of any change in the operation of its trains, the defendant company ran its west-bound train No. 15 over and upon the east-bound track, and while Mr. Wanderholm was pursuing his way to his work, as usual, the company negligently ran its engine and cars over him, causing his immediate death.

The defendant, S. A. Saddle, was fireman on No. 15 that morning, and the plaintiff alleges that it was a part of his duties to keep a constant lookout for obstructions on the track and to warn the engineer of such, which the said Saddle failed and neglected to do on that morning, and in consequence the deceased lost his life.

The defendants deny liability and allege that the deceased was a trespasser on their right-of-way and that he was negligent in thus being found walking upon the railway track. It is expected that the contest will be spirited and the case closely tried. Some of the best talent the company can employ will appear for the defense, while Mr. Gering will try the plaintiff's side of the case.

FRANK McCANN DECLARED GUILTY BY THE JURY

One of the Three Safe-Blowers Will Go to Penitentiary for Not Less Than 20 Years.

From Monday's Daily.

The jury in the case of the State vs. Frank McCann was out less than an hour Saturday afternoon, the case having been submitted to the jury about 3 o'clock. On retiring to the jury room A. E. Lake was elected foreman, and the twelve men lost no time, but got busy studying the instructions of the court and soon solved the problem so far as the guilt of McCann is concerned. When the jury was brought back into the room McCann was brought in and his attorney notified. When the verdict of guilty was read and the jury all gave assent that it was their verdict, on being asked if the defendant desired the jury polled, Mr. Britt, attorney for McCann, replied, "No, your Honor." The jury was then excused until Monday afternoon.

The penalty for safe-blowing or burglary by explosion is from 20 years to life imprisonment, and this is the sentence that awaits McCann. In talking over the matter afterward, Mr. Britt stated that while he was not so sure about McCann and Doud, he knew that Lytle was not with them at the time the safe-blowing was done.

On the other hand, Mr. Slabaugh and County Attorney Taylor are just as sure that Lytle was the third man in the trio. Lytle appears to be sick, and it has been suggested that he is addicted to the use of drugs; in fact, he has a bad color. The men, with the exception of Doud, have changed their appearance somewhat since their visit to South Bend and Louisville, McCann having grown a moustache and Lytle a full beard in the intervening weeks.

Doud and Lytle will not be tried until January 15, owing to important civil cases taking the time of the court this week.

worked for over a year; that an implied invitation had been given by the company to the said Oscar Wanderholm to traverse the company's right-of-way to and from his work, and there was no other way to reach the pumping station except over the defendant's right-of-way. That Mr. Wanderholm was in the habit of going north to his work each morning on the east-bound track and returning from work at night over the west-bound track. That the company knew this, but, nevertheless, on the first day of January, without informing Mr. Wanderholm of any change in the operation of its trains, the defendant company ran its west-bound train No. 15 over and upon the east-bound track, and while Mr. Wanderholm was pursuing his way to his work, as usual, the company negligently ran its engine and cars over him, causing his immediate death.

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In the District Court.

From Tuesday's Daily.

In the district court today Judge Cochran of York and a jury began the trial of the case of Julia Wanderholm against the Burlington Railway company for the death of her husband, caused by a Burlington train running Mr. Wanderholm down January first, last. The jury was selected before noon and part of the witnesses for the plaintiff examined. The jury consists of the following named men: William Atchison, John W. Rhuga, John Rauth, John Elliot, John Schroeder, Edward Eager, Fred Stock, James Niday, Oscar Gopen, A. C. Clymer, Charles Noyes and E. Norris. But one man was rejected by either side and this gentleman was on the coroner's jury, which speaks well for the quality of the men on the present panel, they being men of unquestioned character. At the time of going to press eight witnesses for the plaintiff had been called and sworn.

Goes to Minneapolis.

From Tuesday's Daily.

George Morrison resigned his position with E. Wurl's general store, and today departed for Minneapolis, where he has accepted a remunerative position in the job department of one of the leading dailies of that city. We are sorry to lose Mr. Morrison from the circles of the young men of the city. He has always been in the front rank in every movement for the good of the young people of the town and will be greatly missed. His talent demanded a wider field, and in Minneapolis we feel sure he will meet the expectations of his employers, and without question we shall hear of George later.

Clerk for County Court.

Judge Beeson filed with the county commissioners today the appointment of Miss Gertrude Beeson as clerk in the county judge's office at a salary of \$1,000 per annum for two years. The appointment and salary were approved by the board.

Remodels Home.

Walter Scott is just completing the remodeling of his home on North Tenth street, putting in new wood-work, bathroom, electric light and making a modern home in every way. Mr. Scott has a beautiful location near the Masonic home, and when the paint is added to the exterior will have one of the prettiest homes in the city. The carpenter work has been done by William Brisse, John Reuland has had the contract for the brick work, John Kinser has done the plastering and the electric wiring was done by Guy Reece, one of the expert electricians of the city.

YOUNG MAN WITH BOTH HANDS OFF

William Albee, Who Met With Accident at Alliance, Visits Wife's Parents in Plattsmouth.

William Albee, the unfortunate young man who had both his hands taken off in an accident at Alliance a few weeks ago, accompanied by his wife and children, arrived last Thursday to visit Mrs. Albee's parents, Mr. and Mrs. Barwick, for a short time. Mr. Albee has been at the home of his parents at Glenwood for a month, and will remove from Alliance to Glenwood and make his future home there.

At the time the accident occurred, as related by Mr. Albee himself, he was switching for the Burlington and was not regularly employed at that work, but was a clerk in the office at the storehouse. On the night of the accident he was helping out on account of the force being short, and the train that was being made up was pushed in on a track that he was told was clear. At the time he was struck an electric headlight so blinded him that he did not see the car that knocked him down. He was thrown on the track in such a position that he would have been instantly killed had he not grasped the rail with both hands and thrown himself outside the rails.

Mr. Albee was in the hospital only a few weeks, his splendid constitution coming to his aid in withstanding the shock. Indeed, he was not in bed at all and a few hours after the operation was able to walk about. He will devote himself to the study of law, and after reading a year at home will enter a law school and take a course and prepare himself for the practice.

Miss Trilety Gives Box Social.

The pupils and their teacher, Miss Helen Trilety, of district No. 37, located about three miles west of this city, held a most delightful box social and program at the school house Saturday evening. Miss Trilety does not do things in a half-way manner and the program and entertainment on this occasion was exceedingly fine and a most interesting one. The school room, very attractively and appropriately decorated, was crowded with the parents and friends of the pupils and their teacher. The evening's entertainment was opened with the program by the pupils and consisted of some most excellent numbers, there being songs, recitations, dialogues and the like. This program was very much enjoyed by the large number in attendance. After the program a large number of handsomely decorated boxes, filled with delicious lunches, were sold at auction and the crowd had a merry time bidding. The sale of these boxes netted the neat sum of \$35.40, and this amount will be used for supplies for the school. After all the boxes had been disposed of the lunches were spread and all joined in the banquet. Miss Trilety wishes to thank all who so kindly assisted her in arranging for this entertainment and in making it a success, both in a social and financial way.

Park Chriswiser of Dunbar came up Saturday to visit his parents, Bennett Chriswiser and wife, for a short time. Park has been suffering from an attack of appendicitis for some time, and will enter a hospital soon for an operation.

E. H. BOOTH IS CALLED TO HIS FINAL REWARD

Funeral Occurred This Afternoon Under Auspices of the Masonic Order.

From Tuesday's Daily.

E. H. Booth, an old and highly respected citizen of this city died at his late residence on West Granite street Saturday about 7:30 p. m. Mr. Booth had been confined to his bed only a short time, but had been in rather poor health for several months.

Mr. Booth was born in Middletown, Conn., a little more than fifty-four years ago, and grew to young manhood in the east, having resided in Boston, and for a time, before coming west, in St. Louis. While a resident of St. Louis he was married to Miss Sarah Hilton. After residing in St. Louis for some years Mr. and Mrs. Booth went to Cleveland, O., then to St. Joseph, Mo., and from there, where they resided for a time, later removing to Denver, Colo., and from that city moved to Plattsmouth. Mr. Booth had been a resident of this city for the past eighteen years, and had been in the employ of the Burlington all that time, working in the paint shop. He is survived by his wife and two sisters, Mrs. T. G. Goodsell of St. Joseph, Mo., and Mrs. S. B. Turner of Denver, both of whom visited Mr. Booth only a few days ago.

Mr. Booth was a consistent member of the Episcopal church and a member of the Masonic order; also a member of the Loyal Mystic Legion. The funeral, which was in charge of the Masons, the pall-bearers being selected from that fraternity, occurred at 2 o'clock this afternoon from St. Luke's church, Bishop Arthur L. Williams of Omaha conducting the service.

The pall-bearers were: W. A. Tippens, Harry Barthold, D. B. Smith, L. B. Egenberger, J. C. Peterson and Ed Lutz. Interment was made in Oak Hill cemetery.

Card of Thanks.

To the kind neighbors and friends who have aided so much during the late illness and death of my beloved husband, I desire to express my sincere thanks.
Mrs. E. H. Booth.

Not Like Some Plattsmouth People

We are informed that a young lady who has lived in Plattsmouth most of her life, but is now a resident of Omaha, came down last Saturday from the big, crowded city and went to one of our local merchants and bought a new skirt and coat. She said that she had purchased garments in Omaha and did not believe that she had received good values for the money, and came to Plattsmouth, where she had bought clothing and goods all her life, knowing that if they were not as represented she could return them and get her money back. She also stated that the price was lower than the same goods could be bought for in Omaha, with a guarantee to be as represented in the deal. This young lady paid her fare from Omaha to Plattsmouth, while many are going from Plattsmouth to Omaha to buy the very line this lady was leaving.

Death of John Ellington.

Mrs. Laura Kennedy of Murray changed cars here Wednesday evening, returning home from Wabash, where she had been to attend the funeral of her brother, John Ellington, who died suddenly last Sunday night at his home at Fairmont, Neb., the remains being brought to Wabash for interment. The deceased was a resident of Rock Bluffs a number of years ago, and was quite well known throughout the county in those days. He was a son of the late William R. Ellington, who was Cass county's first sheriff.—Union Ledger.

CONFETTI BALL.

Given by the "Just for Fun" club of Omaha at Coates' hall. This is a novelty dance and the first time introduced here. Cash prizes to be given away. Everybody invited and a good time assured all. Admission, 50c per couple; 25c extra lady.

CITIZENS SHOULD ATTEND THE BAND CONCERT THURSDAY, DECEMBER 28TH

Parade Theater Should Be Packed to the Doors as a Tribute to the Band Boys and Director Schulhoff Who Have Labored to Produce the Best Band in the State.

There could not possibly be any better holiday amusement attraction than the Burlington band concert that is to be given on Thursday night, December 28. This promises to be an attraction that our music-loving people will have cause to remember.

Aside from the entertainment feature, the benefit is one that should appeal to every citizen who loves to see a first-class band in our midst, and one of the finest musical organizations in the state of Nebraska. The money derived from the concert is to go for the purpose of purchasing uniforms for the members of the band, that they may make a creditable appearance when called upon to play in public, which we would all delight in noting.

The uniforms will cost three or four hundred dollars, and the boys have hit upon the plan of giving a series of three concerts during the winter in order to enable them to purchase uniforms without soliciting aid direct from the business men of the city. Everybody can afford to attend these concerts, and the price of admission is so low that it will not be noticed to any great extent by anyone. In this manner everyone can assist a little in this worthy object.

Our citizens generally are

proud of the Burlington band, and heretofore have responded well to their solicitations, and they will respond liberally in the way of attending these concerts. The boys are striving to give a concert that will prove more than worthy of the attendance of every one of our citizens, so the boys are not asking a charity contribution. They are simply asking, in the planning of these concerts, for your amusement, to give you value received for your money, and their aim is to more than please. Every business man should appoint himself a committee of one to assist in seeing that the Burlington band is greeted by the largest audience that ever assembled in the Parade theater, on Thursday night, December 28.

The Journal is proud of the Burlington band, as it is of every other worthy institution in our city, and in our humble way will do all we can to help the boys onward and upward to the place they properly belong—one of the finest musical organizations west of the Mississippi river, and everyone having the best interests of Plattsmouth at heart should feel the same as the Journal does. Make your arrangements to attend the first concert—Thursday night, December 28.

OLD CITIZEN STRICKEN WITH PARALYSIS

Mr. Moses Hiatt the Unfortunate Sufferer—A Highly Respected Citizen.

From Monday's Daily.

Moses Hiatt, an aged and highly respected citizen of Plattsmouth, last Saturday night suffered from a stroke of paralysis and has been in a critical condition since that time. His condition this morning had not changed materially from yesterday morning. A physician was called at once, but could do nothing to relieve Mr. Hiatt and the near relatives were informed that a second stroke might occur at any time. The disease attacked the brain, and while the arms and feet of the patient are not affected, yet he is unconscious of what transpires about him. The attack came on about 11 o'clock Saturday night, Mr. Hiatt having retired for the night, and he passed a very bad night. Mr. Hiatt is 70 years of age and has not been strong for some time, and in addition has been troubled with a harassing cough until his strength is well nigh gone.

Everything that can be done to relieve Mr. Hiatt and all that medical skill can do has been done, but for the peculiar disease there is little that can be done.

The M. P.'s Fine Train.

Commencing the first of the year the Missouri Pacific Railroad company will install through train service between Omaha and St. Louis. The cars will be of steel construction, electric lighted and modern. Each train will carry two standard sleepers, a parlor car, a cafe and library and baggage car. The train from Omaha will leave the Union station about 4 o'clock, and arrive in St. Louis at 8 the following morning.

Loses Christmas Money.

A little girl, whose name we did not learn, came to the Journal office heart-broken and in tears Saturday afternoon. Her Christmas money that she had so carefully saved and hoarded, amounting to 80 cents, was lost, as well as her pocketbook, in which the money was carried. She missed it at the 10-cent store. This notice is made by the Journal with the hope that the person who found the purse and money will see that it is returned to the little girl.

Doud Wanted in North Dakota.

From Tuesday's Daily.

Sheriff William Bronf of Williston, N. D., got a court reception from his former boarder, John Doud, one of the men charged with safe-blowing, when he called at the county jail yesterday. Sheriff Bronf was admitted to the jail to identify Doud as a prisoner who had escaped from the Williams county jail not many months ago, by beating the sheriff into insensibility. When Mr. Bronf came into the presence of Doud the latter affected not to recognize him, and when asked by the sheriff if he recognized the North Dakota sheriff, the prisoner replied that he did not.

The reply seemed to nettle the William county official, and he addressed Doud in very emphatic language, calling him a thief and a prevaricator, etc. Sheriff Bronf positively identified Doud as being a man in his jail for stealing shoes, and at an unguarded moment the sheriff was knocked down and badly beaten by the prisoner, who made his escape and is still wanted for the crime.

Sheriff Quinton could not think of letting Doud go with the North Dakota sheriff while the serious charge of safe-blowing is pending against him in this court, but as soon as the Nebraska law has been satisfied, which has been violated by the prisoner, the North Dakota sheriff then wants Doud for his crimes in that state.

Xmas Time at Holly's.

"That 'Christmas time is joy time' is evidenced at the clothing store of our good friend, William Holly, and if you will step in at his clothing emporium he will convince you that the motto above is a true one. His window display evidences the Xmas spirit in the greatest degree. A brick chimney creation with the old-time fire place and the red flames burning about the sticks of wood make a realistic picture, calling back the old-fashioned Christmas.

The annual meeting of the Farmers' Mutual Fire and Live Stock Insurance company of Cass county, Nebraska, will be held at the Hill school house in District No. 88, on Saturday, January 6th, at 1:30 o'clock p. m., for the purpose of the election of officers for the coming year and to transact such business that may come legally before the meeting.

J. P. Falter, Secretary.
12-21-5m1-wk.