

PECULIAR CASE UP FOR TRIAL IN THE DISTRICT COURT

CONTROVERSY OVER SOME CORN SOLD TO FARMERS ELEVATOR CO. RECENTLY.

S. Olin Cole Bought the Corn from His Sons, and Resold to Elevator They Contracted To.

From Monday's Daily.
In the District court today is being tried a case rather peculiar in its aspect in that a farmer is suing for a balance he alleges due him on corn sold, which the elevator people claim they had purchased before at the price paid.

It seems that some time ago the Cole brothers sold to the Farmers Elevator company a quantity of corn to be delivered to the elevator at a later date, and when the time came, they offered to deliver it as agreed, it is claimed. But the elevator was not in position to receive the grain, there being no room for it and the elevator people being unable to get cars in which to load it. Therefore the boys sold the corn to their father, Mr. S. Olin Cole, who took it, and later when the elevator had room, resold to the Farmers Elevator company. When the time came for settlement the elevator allowed him approximately the same price it had been agreed the boys were to receive. Now comes Mr. Cole, Sr., in this case, and claims as rightfully due him the amount being paid for corn at the time of his sale to the elevator. The matter is before a jury composed of C. L. Peacock, Jas. Burnie, Ed. Doran, A. W. Norris, L. G. Todd, E. C. Giberson, Wm. Coatsman, Wm. Hoover, Charles Murphy, John Roth and J. Johnson.

Mr. Cole is being represented by Attorneys W. A. Robertson and C. S. Aldrich, while C. A. Rawls is in charge of the elevator company's interests. A number of witnesses are to be heard in the case, which is being closely contested by the attorneys on both sides.

THE THIRD BARN BURNS.

From Monday's Daily.
Last Saturday night, with the mercury hovering around zero, and with no apparent cause the barn of John A. Koukal was discovered to be on fire about seven o'clock. The barn was situated some three or more blocks beyond the reach of the line of hose from the nearest fire hydrant and no water could be gotten to the burning building. This is the third barn to burn mysteriously in that portion of the city, the first being that of J. F. Clugey, then the one of C. W. Baylor and now comes the one of Mr. Koukal. It looks like something was wrong; who is responsible for this kind of procedure should be compelled to answer for it in some way.

Mr. Koukal lost three horses, which he was not able to get out, some six hundred bushels of oats, 50 bushels of corn, besides much roughness. The farming machinery consisting of plows, cultivators, wagons, harness and the like as well as his car, were all consumed and an entire loss. Fortunately that he has insurance on the property, still the loss is great enough. The cows were not lost, and thus will assist in caring for the other losses, as the cows were a valuable asset to his farming equipment. A large crowd were out to assist, and the fire fighters were there doing what they could to put the fire out, but the inability to get water to the place made their efforts futile.

MARRIED AT THE MANSE.

From Monday's Daily.
A short time since, John Benton Livingston and Miss Lillian Bajack, both arriving at the age of twenty-one, procured a license of the county judge, permitting them to marry, and securing the services of H. G. McCluskey, were united in marriage. These are two of the finest of the young people in this city and vicinity. The groom John Benton Livingston is the son of Mr. and Mrs. W. B. Livingston, and a young man of high repute and many sterling qualities, and a young man who is

loved and honored by a host of friends. The bride, the accomplished daughter of Mr. and Mrs. John Bajack, was born in this city, educated in the public schools of this city, and is loved by a large circle of friends and admirers. The young couple will make their home here, where they will engage in farming.

WAS IN WRECK ON 'KATY FLYER'

From Monday's Daily.
Lee Bennett, who has been at Corpus Christi, Texas, for the past three weeks, visiting with an aunt, returned last evening, called to take the physical examination before the local board at Clark, South Dakota, being placed in the first class of the draft. Mr. Bennett was on the 'Katy Flyer' which went into the ditch a few days since when two men were killed and two more seriously injured which Mr. Bennett received was a small scratch on one hand and a little glass in the top of his head. Mr. Bennett departed this morning for Clark, South Dakota to report for service.

AMONG THOSE EXAMINED

From Tuesday's Daily.
Kane A. Fredrickson came in yesterday from Weeping Water in company with several other young men from that city, who were examined today by the local board of exemption as among the first men in Class 1, Division A, for the next draft call. This is Mr. Fredrickson's second time to be examined he having been called in September to fill out a shortage in this county's quota, and after being examined the reversal of several exemption claims by the district board made available enough men so that he was not sent to cantonment in the fall. This puts him among the first up for the second draft call. While in the city over last night and today, Mr. Fredrickson was a guest of E. A. Webb, with whom he was well acquainted when the two worked in Nebraska City some months ago.

WILL CELEBRATE 62D BIRTHDAY

From Tuesday's Daily.
The I. O. O. F. No. One of this state located at Omaha will on February first celebrate the sixty-second anniversary of the Institution of the order in this state. On February 1st, 1856 the first lodge of Odd-Fellows was organized in Nebraska, and at Omaha.

That lodge will celebrate the occasion with appropriate ceremonies a program will be given, and a banquet served after the business and program have been completed. This occasion will be for the members and invited friends of the lodge; and their wives. J. H. Short of the Western Machine and Foundry company is a member of that lodge, and will attend. An invitation has been sent to the lodge at Plattsmouth which is number seven, and an old lodge also, Louisville has been invited as well, with the lodge at South Omaha and Council Bluffs and other near by towns. Arrangements are being made for a large number of people, members of the lodge here and their wives to attend the ceremonies. They will either go in cars or on the train, and both services are excellent. Call up the secretary or J. H. Short or phone and make arrangements for going and enjoying the evening.

GROUND HOG DAY SATURDAY.

The food conservation committee must have had a tender spot in their make up for the festive ground hog, as they have made that day a porkless day, so what is the use of getting the groundhog, when he can not use it.

GETS FINGER FAST IN SHELLER.

From Tuesday's Daily.
Last evening while shelling corn for his flock of chickens, which by the way are a fine lot of fowls, and one which would excite the cupid of any native of Alabama or Georgia, the judge of the county court Allen Johnson Beeson, got the great finger of his right hand badly lacerated on the end, so that it is practically out of commission. John R. Beeson who was visiting at the home of the judge, brought his brother to the city and had the member dressed, and the physician fixed it so that it will grow in a finger most as good as new.

Rand-McNally war maps for sale at the Journal office.

A BAD FREIGHT WRECK IN THE LOCAL YARDS

OCCURRED AT EARLY HOUR THIS MORNING—FIVE CARS DEMOLISHED IN IT.

TRAINS DETOURED VIA BLUFFS

Wrecking Crews Working to Clear Away Debris of Rear End Collision—Piano Smashed.

From Tuesday's Daily.
At about two o'clock this morning while the local switch engine was endeavoring to help train number 74 over the hill and across the river, a wreck occurred in which five cars were piled up and most of them demolished. Three of the wrecked cars contained ice, which was scattered over the adjacent ground and rolled down the river bank, while a car containing merchandise was practically strewn to the four winds of the Heavens. Boxes of crackers and cookies were scattered all around over the vicinity and a piano—or rather pieces of it here and there—bore mute testimony of having been shipped from "somewhere" to "somewhere" although we would opine it will never reach its destination. The sounding board and the hammers were still intact to a certain extent, and semi-occasionally someone would strike a weird note, intended to cheer but falling far short of its mission.

The collision, which was a rear-end, occurred just north of the switch office, where the tracks overlap each other, making it impossible for another train to pass and thus traffic was impeded and train number six—the morning eastbound passenger—had to detour via Council Bluffs, while number 15 made the run over here from Pacific Junction, carrying passengers for both east-bound and west bound connections. Men have been working with two wrecking outfits today to clear up the debris and put the track back in shape for traffic they having started shortly after the wreck occurred at the early hour this morning.

IN HONOR OF THEIR DEPARTURE FOR DAYTON

From Tuesday's Daily.
At the home of Mr. and Mrs. L. Feller on Sunday evening was gathered a small company of friends to partake of a delicious eventime meal which Mrs. Feller had prepared for them, the affair being in the nature of a reception for Mr. and Mrs. Harry Eyer, who this week take their departure from our midst, going to Dayton, Ohio, where Mr. Eyer has accepted employment with the Outlets Fare Registering Manufacturing company, as a tool maker in their newly equipped plant which will manufacture mounts and sights for guns to be used in the U. S. Army. The evening was enjoyed by those present, the time passing all too rapidly with music, song and social conversation. Those present were Mr. and Mrs. Eyer, E. A. Webb, Miss Hillebrand and Mr. and Mrs. Feller.

Last evening was held another social gathering at the home of Mr. and Mrs. J. H. Short, there being present a number of friends and the time being spent at playing cards, etc., the Eyers being the honored guests of the evening.

Mr. and Mrs. Eyer will complete the moving of their goods to Omaha, for storage at the home of his parents tomorrow, when a moving van will come down and convey them to the city. Mrs. Eyer will also leave for Omaha to visit her parents, but her husband will continue his work here until the latter part of the week on account of pressing need of getting out some partially completed work, and on Thursday evening at the home of Mr. and Mrs. J. H. Short, in the Coronado apartments he will be tendered a farewell reception by his fellow workmen in the Western Machine and Foundry company's works. Following this he will visit briefly in Omaha and then take his departure for the new position at

Dayton, while Mrs. Eyer will visit at the home of her and his parents in Omaha several weeks before joining her husband in the east.

The occasion tomorrow night at the home of Mr. and Mrs. Short will be one of pleasure, and like those that have gone before, it will give a practical demonstration of the esteem in which the Eyers are held by the friends they have made during their several months' stay here.

LAI D AT REST YESTERDAY.

From Tuesday's Daily.
Yesterday was held the last sad rites over the mortal remains of James Kennedy, who passed away a few days since, at his late home south of this city. Mr. Kennedy who was born in Ireland, was a resident of this city and county for about thirty-five years. He has been an employe of the Burlington shops, during almost the whole of his residence here. Some four weeks since he was taken with pneumonia, and has fought to the last for the life, which the dread disease was threatening.

The family of which there are three sons and two daughters having given their utmost in care and attention for minister and make comfortable their father, and to aid in his recovery, all seeming to no purpose as in the end, he had to give his life, to the disease which had fastened itself upon him. The funeral was held from the St. John's Catholic church yesterday morning, the reverent Father M. A. Shine officiating.

IN DISTRICT COURT TODAY.

From Tuesday's Daily.
The jury being waived in the case of The International Harvester Company and V. B. Dewey of Greenwood, the hearing was had, with the result that a verdict for the plaintiff, for the sum of \$1,394.12 was granted for goods purchased and delivered. The interests of the Harvester Company was looked after by W. A. Robertson.

Yesterday the bondsmen for O. H. Tower in the sum of one thousand dollars, which were entered into on January 23, 1917, for his appearance were released, they being John Bauer sr. H. M. Soennichsen, S. L. Cotner and Wm. Ballance and Mr. Tower discharged.

The jury was selected this morning for the hearing which is being held this afternoon, wherein Omar A. Coon, brings suit against the Missouri Pacific Railway company, Benj. F. Bush et al. receivers, for burning of hay by the locomotive of their road, on his farm near Manley. The jury selected for the hearing were B. F. Dill, Wm. M. Hoover, John M. Chalfant, John Routh, W. J. Althouse, Walter Clause, George Weideman, James Burnie, Ed. Doran, E. C. Giberson, J. Johnson. The parties are being represented by C. E. Tefft for the plaintiff and J. A. Kennedy for the defense.

WILL LIVE AT AVOCA, IOWA.

From Tuesday's Daily.
Last Friday Albert Donaldson and wife departed for Avoca, Iowa, going there to look over a proposition for working there during the coming year. They were offered fifty dollars per month, or six hundred dollars per year, with board for both for Mr. Donaldson's work, with nothing for Mrs. Donaldson to do. They accepted the proposition, Mrs. Donaldson staying, while Albert returned to close up what business he had here, which he did, and this afternoon departed for that place to begin his work at once.

WILL FARM IN COLORADO.

From Monday's Daily.
Thomas Heinrich, who has been working at the plumbing trade at Omaha for some time past has resigned his position, and was home over Sunday, a guest at the home of his mother in this city. Mr. Heinrich departed this morning for Omaha, and from there he will go to Holyoke, Colorado, where he will engage in farming, they having a farm there.

WOOD FOR SALE.

A little help in the way of reducing the high price of fuel. Dry cottonwood poles for \$2.00 a load, at Rock Bluffs, near Rocky Point. A good road out. Stanley Hall. 1-28-1tditwky.

Subscribe for the Journal.

THE CITY COUNCIL HELD REAL SHORT SESSION

SHOWED A DISPOSITION TO SAVE FUEL BY ADJOURNING AND GOING TO HOMES.

DISCUSSED FLAG IN THE PARK

But Little Business to Transact and Didn't Take Long to Transact It—Few Bills Even.

From Tuesday's Daily.
When the Mayor's gavel rapped for order last evening at the meeting of the members of the city's legislative body, all were found in their seats with the exception of Johnson and Buttery. Johnson, who was at a Building and Loan meeting, came in a few minutes, arriving before the minutes had been read and approved, but Buttery failed to put in his appearance at all.

The report of the Finance committee showed but little stirring in the business life of the city, and the accounts which were recommended for payment were very few, leaving but a short list of

Claims Allowed.

Clause Boedel, burying dogs...	\$ 1.50
L. N. Cummings, same.....	.50
M. Lutz, testing brick.....	14.70
J. H. McMaken & Sons, matl..	33.40

Total allowed\$50.10

One petition was read asking that an increase of rent be allowed for a foot path over some lots, on account of a bridge being out in the west portion of the city. The amount of rent now being paid is four dollars and the petition asked that it be increased to five dollars. The petition was referred to a committee to investigate.

Following this the Judiciary committee had a report to offer regarding the increased cost of insuring the city employees, which has advanced from \$148.26 to \$185.22. This is the matter which was recently placed in their hands for investigation. Upon inquiry, it was ascertained the employees of the city are now drawing considerably larger salaries than heretofore, and this fact together with some changes in the law touching upon the Employees Compensation act, made the risk greater and other insurance writers had given as their opinion that the advance was nothing but what was just and right. The increase in this instance amounted to \$36.96, which sum was, upon motion duly made and seconded, ordered paid.

The bill of Bruce and Standhaven which was referred to the Streets Alleys and Bridges committee for investigation at a previous meeting, was reported on at this time, the committee recommending that \$3.22 be paid, and that the remainder be left until work was completed.

The reports of the Fire and Water committee and of the Chief of the Fire Department were pronounced to be O. K.

The matter of standard width and materials in sidewalk construction was brought up by Harris of the Fifth, and the City Attorney was instructed to draw an ordinance covering the subject, for consideration at some future meeting. The mayor claimed that contractors would bid a half cent cheaper and make walks five cents poorer to pay for it.

Harris also brought up the matter of the failure of the Park committee to place a flag on the pole at Garfield park, and the matter was discussed. Mayor Sattler said there was but little money in the fund available for this purpose and that he thought it would be better to give it to the Red Cross than to invest it in flags at the price and with the certainty that the weather at this time of year would tear them up. He thought when the weather got good again it would be a good thing to put some up. Mr. Harris insisted that the people wanted to know why the flags were not up as per the recent order of the council and the request of the people, saying, that if it had been decided not to put the flags up, the people should be "let

in" on such decision, which would do away with so much needless explanation and also serve to stop criticism.

RECEIVED SAD NEWS.

From Monday's Daily.
Last Saturday afternoon Mr. Clarence Robeson, one of the operators on the linotype for the Journal, received a message from his brother, Robert G. Robeson, who is a warrant officer on the U. S. S. Kentucky, stationed at Newport, R. I., that he had just lost his wife and that he had a fine baby boy. Mr. Robert Robeson has been with the navy for the past eleven years, and Mrs. Robeson who was an eastern girl, has been living with her folks at Newport. The message comes as a hard blow to Mr. Robeson and family here.

IN HONOR OF BIRTHDAY.

From Monday's Daily.
Mrs. William Baird very pleasantly entertained a number of friends at her cozy home, Saturday afternoon, in honor of her father, Mr. Tourtelot's eighty-fourth birthday anniversary. The afternoon was devoted to progressive Rook, a game, which Grandfather Tourtelot has played quite often and one which he enjoys very much. The games were entered into much interest and enthusiasm, even Grandfather was as enthusiastic over the games as the younger guests. About four o'clock Mrs. Baird, assisted by Mesdames J. E. Wiles, L. L. Wiles and A. J. Beeson, served a dainty birthday luncheon. After the luncheon, the games were resumed. Grandfather Tourtelot was presented with a number of pretty birthday gifts. On their departure, the guests thanked Mrs. Baird for the splendid afternoon's entertainment afforded them and wished Grandfather many more birthdays on which to play Rook.

SWITCH THE SWITCHMAN.

From Monday's Daily.
Some changes are made in the hours of the switchmen, or rather in what some of them work. Everett Gooding and Glen Edwards who heretofore have been working during the night shift have been placed on in the day time to supply the positions which heretofore was occupied by Harry Cochenour and N. W. Chrissinger who a short time since resigned their positions.

RETURNING TO THE SERVICE.

From Monday's Daily.
Lieut. L. W. Whitacre and wife arrived from Hastings this morning, where they have been visiting for the past week, and Mrs. Whitacre will take up her work with the high school, while Lieut. Whitacre will return to his duties at Camp Sherman in Ohio.

Her Trouble Is Gone.

Mrs. Thomas H. Davis, Montgomery, Ind., says she had trouble with her bladder and had doctored for several months without relief, when Foley Kidney Pills were recommended and she commenced using them and got relief. They relieve backache, rheumatic pains, stiff, swollen joints and kidney trouble. Sold everywhere.

TWO MILLION TROOPS READY FOR FIGHTING

WAR SECRETARY REVEALS MILITARY SECRETS BEFORE SENATE COMMITTEE.

BAKER MAKES A LONG REPORT

Huge Army, Fully Equipped, is Now in France—Others to Follow as Fast as Possible.

Washington, Jan. 28.—Five hundred thousand American troops in France early this year and a million and a half more ready to go—fully equipped with the artillery to support them, this was the answer Secretary Baker gave the senate military committee to the charge of inefficiency and breakdown in the military establishment.

As the climax of a day's explanation of all that the military establishment had done, freely confessing faults and imperfections in so vast an undertaking, but maintaining that out of each deficiency the remedy has been found, the secretary of war disclosed what hitherto has been guarded as a military secret and what the German people little suspect.

This great fighting force, probably little expected by the German general staff itself, will be composed of the men now with General Pershing, the thirty-two divisions of troops now in cantonments and camps in the United States and ready to move, Secretary Baker said, and by the next increments to be drawn and trained this spring under the selective service law.

Elemental equipment of the men from the United States is assured and the artillery necessary to their support will come from the British and French governments which have held an excess of ordnance that they have on their own initiative, offered to supply the guns and save ships which would be used for their transport.

The secretary of war even went further and laid bare facts regarding preparations for the American army in France, which have hitherto been held as close military secrets or else spread only to a few who have enjoyed the confidence of government officials.

Gets Good Results Quickly.

These few lines from J. E. Haynes, McAlester, Okla., deserve careful reading by every one who values good health: "I find no medicine which acts so mildly and quickly with good results as Foley Cathartic Tablets. They empty the stomach and bowels, giving all of the digestive organs a healthy action." Sold everywhere.

For Sale—A number of white Brahma Cockerels. Mrs. C. E. Heebner, Nelawka.

This is the Time for Every Citizen to Support the United States Government.

Many are doing so at considerable cost or sacrifice to themselves.

We have joined the Federal Reserve Banking System established by the Government to give greater financial stability and strength to the member banks and protection to their depositors. You can give your support to this great Government enterprise and also obtain its protection for your money by becoming one of our depositors.

First National Bank
United States Depository