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NO. 35

Jury Finds for Railroad in the Leiner Contest

Verdict Returned This Morning by Jury in Favor of Chicago, Burlington & Quincy Co.

From Thursday's Daily—
The case of Lorenz Leiner vs. the Chicago, Burlington & Quincy Railroad company for damages in the sum of \$50,000, was terminated this morning at the opening of the district court when the jury in the case returned a verdict for the defendant railroad company.

This case has been on trial since Tuesday morning and was the first jury case of the May term of court and there were a large number of witnesses for both the plaintiff and the defendant in the action and the closing arguments were made yesterday afternoon and the jury given their instructions at 5 o'clock. The jury deliberated on the case last night until 10 o'clock and again this morning before reaching a verdict.

The members of the jury were J. B. Goodridge, R. C. Wenzel, A. B. Farnoff, C. D. Fulmer, O. F. Peters, Perry Nickels, W. H. Otte, F. E. Carter, Fred Schaffer, James Johnson, Myron Wiles and E. D. Snook.

This is an action arising out of the auto accident at the Oread crossing of the C. B. & Q. railroad, north of this city, on Sunday, August 16th, when the Ford sedan car owned and driven by C. L. Dietz was struck by passenger train No. 24, eastbound, on the Burlington crossing, and as the result of which James Edwards and Eloy Johnson were instantly killed and Mr. Leiner and Mr. Deitz severely injured.

The plaintiff had contended that the tall corn and weeds growing on the west side of the road on the property of the defendant company obscured the view of the tracks to the west to anyone crossing onto the crossing from the south and also that the whistle of the locomotive or the bell had not been sounded.

The defendant company had members of the train crew and passengers on the stand to combat the plaintiff's allegation as to the approach of the crossing being obscured from view of the tracks to the west and also of the fact of the whistles being blown and the bell of the locomotive sounded.

The case attracted a great deal of attention here where the parties in the accident were all residents and the progress of the case was followed with the greatest of interest by the court room full of spectators.

This morning the task of impaneling a jury in the case of Bertha E. Hutchison vs. the Missouri Pacific railroad was taken up.

SUFFERS SHOCK

From Thursday's Daily—
This morning while workmen were engaged in moving the residence property that Herman Thomas recently purchased, from the Masonic grounds to the lot of Mr. Thomas south of the Home, one of the men received a slight electric shock that put him out of commission for a short time. The moving of the house has made necessary the changing of the electric light lines and the wires had been run over the roof of the house and one of the wires had become loosened and this wire in some way dropped onto the tin work of the roof of the house and this in turn carried the current into the water pipes of the house. One of the workmen had been under the house jacking the building up and as he crawled out from beneath the house he held a small crowbar in his hand and this suddenly came in contact with the tin water pipes that were charged and the man and the bar were both hurled a short way and while not serious it made a few uncomfortable moments for the man. The workman recovered, however, and was able to resume his work this afternoon.

ABRAM RUPLEY VERY POORLY

From Thursday's Daily—
The reports from the bedside of Abram Rupy, one of the old time residents of the city, today indicate that the aged patient is still in very serious condition and his recovery from his illness is the matter of grave doubt. Mr. Rupy has been in very poor health for the last few years and with the progress of his years, his condition has grown steadily worse until the last few weeks when he had been confined to his home for the greater part of the time. The many old time friends will regret very much to learn of the serious condition of Mr. Rupy.

CARD OF THANKS

We wish to sincerely thank all those who sent beautiful floral offerings and who extended their kindest sympathy to us in our deepest hour of sorrow for the loss of our dear wife, mother, sister and aunt. We especially wish to thank the quartet for the beautiful music and Rev. Robb for the words of tribute given. Chas. Reid and Family, Mrs. Sophia Shanahan and Family, Mrs. Sarah Cook and Family, Mrs. M. S. Ebeling and Family, Chas. Winscot and Family, Geo. Winscot and Family.

AUDITORS MAKE REPORT

From Thursday's Daily—
The firm of Vanbuskirk & Remington, who have been making an audit of the books of the various county officers, have completed their task and filed their report with the board of county commissioners. The report is a very pleasing one and shows that the business of the various offices has been handled in first class shape and with a remarkably few errors in any of the offices and in the large amount of bill that pass through the office of the county commissioners there were but two errors. The report of the auditors is very pleasing to the county officers and is one of the best that has been received in several years of the condition of the affairs of the offices.

Piano Pupils of Miss Olive Gass Give a Recital

Large Number of Parents and Friends Enjoy Pleasant Occasion at Public Library.

From Friday's Daily—
On Wednesday afternoon, at the auditorium of the public library, a piano recital was given by the pupils of Miss Olive Gass.

The day was one of those rare days in June of which the poets write. The decorations consisted of the spring flowers in great variety, and added a touch of beauty to the scene.

The motto of the class for the year is "memory work" and this year the recital had the distinction of being a "100 per cent memory recital." Parents and friends filled the auditorium, and the members of the class, appreciating the interest shown, gave a recital that was a credit to all who took part in it.

To give variety to the program the members of the class gave several special numbers, which were very much enjoyed.

These were as follows: Trio—harmonic, piano and drums by Eugene Bushnell, Donald Bushnell and Vernon Arn. Vocal solo—Gertrude Valley, Virginia Trively, accompanist. Pianologue—Beatrice and Marjorie Arn. Xylophone solo—Eunice Burbridge and a solo dance by Amy Elliott.

The recital program was divided into two parts. Part 1 was given by boys and part 2 by the girls.

The members of the class on the program were as follows:

James Comstock, Maynard McCleary, Cecil Comstock, Vernon Arn, Donald Bushnell, Clarence Nielson, Jean Elizabeth Holmes, Gertrude Valley, Maxine Wiles, Leona Meisinger, June Keil, Mary Berrak, Virginia Trively, Mabel Brittain, Amy Elliott, Mary Lois Wiles, Frances Benak, Carlyn Thomas, Fonda Trively, Gladys Bushnell, Richard Baldwin, Eunice Burbridge, Bernice Arn, Marjorie Arn, Treva Edgerton.

HOLD BIRTHDAY GATHERING

From Friday's Daily—
Last evening a "Birthday" party was held at the First Christian church in this city and in which some 125 of the members of the church participated, each of the members of the party bringing with them a tiny sock in which was deposited the number of coins that represented the years of their life and which served to net a very neat sum for the church activities. The oldest member of the congregation in attendance at the party was Mrs. S. E. McElwain who has passed her eighty-fourth year and there were a number of the tots that came under the one cent class in the birthday ranks.

The evening was spent most delightfully in the enjoyment of a varied program of songs and instrumental selections as well as a large number of readings by the members of the party both young and old and which made a feature that was most thoroughly appreciated by all of the members of the party.

At a suitable hour dainty and delicious refreshments were served that added to the enjoyment of the occasion and proved the evening to be one that everyone will appreciate to the utmost.

COMPLETING SCHOOL WORK

Friends here have received word from Raymond Campbell, former principal of the local high school, that he has completed his preliminary examinations at Columbia University, New York, for his master's degree, for which he has been pursuing a course of study at the university for the past year. Mr. Campbell is expecting to complete his school work this month and will then return to Nebraska and will probably stop at Plattsmouth for a visit with the old friends for a short time. Mr. Campbell will continue his school work and is expecting to locate at some of Nebraska's schools for the coming year's work if possible.

Creighton Uni Dramatic Club Very Pleasing

Omaha University Dramatic Organization Presents "The Goose Hangs High" Last Nite.

From Friday's Daily—
A real opportunity of enjoying a delightful dramatic production was afforded the Plattsmouth public when the Creighton University Dramatic club presented on the stage of the Parmele theatre the popular comedy drama, "The Goose Hangs High."

The play was given in a manner that was worthy of the most finished of actors and the young men and women that comprised the cast gave an interpretation of the play of which they can well feel gratified and those who attended the performance realized an evening of the rarest enjoyment.

While the offering has been presented here before both in the spoken drama and the motion pictures, there has been no presentation as really artistic as that which the Omaha student dramatic club offered and with the naturalness and skillful handling that the members of the cast afforded.

The story was of the fond and sacrificing parents who had kept their children in college and provided with every advantage and apparently with the disregard of their love and sacrifices by the children, with the sharp reaction of the children in the hour of apparent financial difficulty, by coming to the parents aid with their love and personal service.

As the parents, Clifford Reyberg and Miss Louise Patton proved finished actors and enacted their roles in a strong and forceful manner and their support by John J. Gillen, Jr., Guy Gaddis, and Agnes McDermott was charming and in the naturalness of the young people a real dramatic treat. Miss Helen Foley as "Granny," Mildred Zaffle as "Julia," Ethel Oliverius as "Dana," and Lawrence Bramen as "Noel Derby" aided in the making of a perfect story and those of the cast in the minor also proved real artists.

The production was given under the direction of Mr. Costello of the dramatic art department of the Creighton university and in the finished work of his company he is deserving of congratulation and the company certainly will receive a warm reception if they can be secured for a future offering in this city.

LAYS DOWN BANKING LAW

From Thursday's Daily—
The supreme court has reversed and sent back for retrial the case of the Community State bank of Table Rock, against the First National bank of David City, to recover a deposit of \$2,543.66 in the latter bank. The defendant had counter claims on notes that it had bought under the guaranty of the Table Rock bank, but one of these the court below refused to allow. The note was executed by a customer named Phillips, who had already borrowed his limit at the Table Rock bank.

It was the contention of the receiver that this being an excess loan, it was an illegal transaction, and that under court decision this constituted the contract illegal and unenforceable by the First National, it being in effect a direct loan by the latter. The supreme court says that this is not a good law. The maker of a note that represents an excess loan cannot plead as a defense that the loan was made in disregard of the statute, and it follows that the guarantor of it can make no such claim either.

LOCATING AT NEBRASKA CITY

From Friday's Daily—
Gerald Fleming, who has been at the University of Nebraska the past term, arrived home yesterday and at once entered in on his vacation work that will keep him largely occupied in the summer months. Gerald has accepted a position with the Robb Candy Co., at their Nebraska City offices and will serve as salesman and accountant at that place. Mr. Fleming is a young man of great ability in the lines of salesmanship as well as in his accounting and book work and will make a very valuable addition to the staff of the candy company at their Otoe county wholesale house.

RETURNS FROM HOSPITAL

From Thursday's Daily—
Mrs. Charles M. Manners, who has been at the hospital in Omaha for the past ten days taking a course of treatment as the result of a nervous breakdown, is now at home and feeling somewhat improved from the course of treatment, but still far from well and it will be some time before she is entirely on the way to complete recovery. The many friends are pleased to learn that she is doing so well and trust that she may continue to improve.

GRADUATING FROM UNIVERSITY

From Friday's Daily—
The graduating class of 1926 at the University of Nebraska will number in its membership two Plattsmouth young people, Miss Mary Tidball, daughter of Mr. and Mrs. John L. Tidball, Jr., and William Dean Douglass, son of Mrs. Daisy Douglass of this city. Miss Tidball has been completing her final years at Nebraska after a course of study at Doane college while Mr. Douglass has largely taken his entire course at Nebraska barring one year at the University of Indiana at Bloomington. A number of the friends of the young people are planning to go to Lincoln Saturday to attend the graduating exercises.

Former Plattsmouth Boy Becomes Benedict

Mr. Drury H. Phebus and Miss Esther Luchterhand Married at Manitowoc, Wisconsin.

From Friday's Daily—
At 10:00 a. m., Wednesday, June 2nd, 1926, occurred the marriage of Drury H. Phebus, a former Plattsmouth boy, and Esther Caroline Luchterhand of Manitowoc, Wisconsin.

The ceremony was performed by Rev. Otto A. Menke, pastor of the Lutheran Reform church of Manitowoc, Wis., the beautiful ring service being used to unite in the holy bonds of wedlock the lives and hearts of these two estimable young people.

Miss Esther Luchterhand is the accomplished and only daughter of Mr. and Mrs. William Luchterhand, who reside on a farm near Manitowoc, Wis., and has a host of warm friends.

Mr. Phebus was reared to manhood in Plattsmouth and graduated from our public schools with the class of 1904, after which he engaged in the railroad business and for several years was connected with the store department of the Burlington at the local shops, after which he served in the same department at McCook, Neb., Hannibal, Mo., and Sheridan, Wyo.

At present Mr. Phebus is chief clerk to the general storekeeper of the C. M. & St. J. railroad, with headquarters at Manitowoc, Wis.

Mr. Phebus is one who numbers his friends by his acquaintances, all of whom will be pleased to hear of his new found happiness.

Immediately following a wedding luncheon at the farm home of the bride and Mrs. Phebus left for an extended honeymoon trip to Los Angeles and Seattle, and will be at home to their friends after July 16th, at 1022 39th st. Milwaukee.

DAMAGE SUIT STILL ON

From Friday's Daily—
The trial of the suit of Bertha E. Hutchison, administratrix vs. the Missouri Pacific railroad company is still occupying the time of the district court today and the defendant railroad company has a number of witnesses on the stand to support their side of the case in which the plaintiff seeks the recovery of damages in the sum of \$50,000 for the death of Fay Hutchison, husband of the plaintiff. Hutchison, husband and company offered in evidence today a large number of photographs of the scene of the accident at the "Bates" crossing two miles east of Weeping Water, the exhibits being intended to combat the charges that the view of the crossing was obscured. The plaintiff attacked the defendant's testimony as to the safe condition of the crossing, the plaintiff contending that the condition of the crossing was one of the causes of the accident when the truck in which the deceased man and his infant son was riding was stopped, and which caused the truck to be struck by the train. The railroad company testimony also was to the effect that the whistle of the locomotive was sounded for the crossing which had been denied by the plaintiff.

LOOKING OVER SCOUTS

From Friday's Daily—
The Boy Scouts of this city will be under the supervision of Floy Plack, the new science teacher of the high school and who was here one day this week looking over the situation here and meeting a number of the local Scout committee and getting a lineup on his work for the fall and winter. Mr. Plack is a fine young man and of a personality that is agreeable and will eminently fit him for the work of supervising the Scout activities and the personal touch with the members of the boy's organization. The scouts here have had some very able and agreeable scoutmasters in C. H. Peden and Irving Wittse and in Mr. Plack they will doubtless find an agreeable and instructor and friend as in their former leaders and who will assist them in the higher development of their troops in this city.

SCHMADER IS PAINTER

Andy Schmader, once a drawing card on Omaha fight bills, is working as a laborer for the police department. Schmader is now on the paint crew, painting safety zone "arts" and curbstone parking warnings. "Maybe I'll get into condition to fight again," Schmader said.—World-Herald.

All kinds of business stationery printed at the Journal office.

Plattsmouth Young Folks Wed in Iowa

Charles Lamphear and Miss Mable McFarland Joined in Marriage at Council Bluffs.

From Friday's Daily—
The marriage of two of the well known young people of this city, Charles Lamphear and Miss Mable McFarland occurred on Wednesday afternoon at 3 o'clock at the office of the Rev. Henry DeLong veteran Council Bluffs pastor. The bridal couple accompanied by Mr. and Mrs. George McFarland, parents of the bride motored to the Iowa city for the ceremony and on their return here started their married life in this community where they are both so well and favorably known.

The bride wore a very charming gown of pink crepe as her bridal costume.

Both of the young people have a host of friends in this community who will learn with the greatest pleasure of their new found happiness and extend to them their wishes for many years of future happiness and success as they journey down the highway of life as one.

The bride, a daughter of Mr. and Mrs. George McFarland, has made her home in this city for the past four years and has been attending the Plattsmouth city schools up until the time of her forthcoming marriage and is a lady that has the highest respect of a large circle of friends.

The groom is a native son of Plattsmouth and a son of George Lamphear of this city and a young man of the highest standing in the community where he has grown to manhood. At the present time Mr. Lamphear is engaged with his brother, Henry Lamphear in the conduct of a restaurant on South 5th street. A young man of most genial personality he has made a large circle of friends who are delighted to learn of his marriage and of the fact that Mr. and Mrs. Lamphear are planning to continue to make this city their home in the future.

MAKES BRIDGE PAYMENT

From Thursday's Daily—
The counties of Cass and Sarpy that are now operating the King of Trails bridge north of this city as a toll bridge until funds have accumulated to pay the amount of the purchase price of the bridge due from the two counties, yesterday made their first payment of their part of the bridge, turning over the sum of \$3,500 to the King of Trails Bridge Co., the builders of the structure and from whom it was purchased.

The payment was made and a surplus fund of \$700 was left on hand after the payment was made to be applied on the operation of the bridge and the next payment of the county's half of the purchase price.

The contract for the purchase of the bridge was made on April 17th and the commissioners feel well pleased that they have been able to make as substantial a payment on the principal of the bridge indebtedness.

The commissioners also re-arranged the schedule of the bridge tenders so as to divide the work into three eight hour shifts. Albert Cotner and Joe Wooster, the present bridge tenders will serve as two of the force while a third is to be added. A number of applications have been received by the commissioners for the positions.

FILES SUIT IN COURT

From Friday's Daily—
In the office of the clerk of the district court today an action was filed in which The Farmers Co-operative Hall Insurance Co., is the plaintiff and George H. Shrader and others are the defendants. The petition of the plaintiff alleges that it is a corporation organized under the laws of the State of Nebraska and that it has as its business the issuance of hall insurance policies through the means of a co-operative policy. It is further claimed that the defendants made application for membership in this company and that under the process of the by-laws of the said company that policies were issued by the plaintiff to the various defendants and that are now unpaid and due a number of fees and assessments. The plaintiff asks judgment against the various defendants in the sums that they have set forth in their petition.

SCHMADER IS PAINTER

Andy Schmader, once a drawing card on Omaha fight bills, is working as a laborer for the police department. Schmader is now on the paint crew, painting safety zone "arts" and curbstone parking warnings. "Maybe I'll get into condition to fight again," Schmader said.—World-Herald.

ALL KINDS OF BUSINESS STATIONERY

Printed at the Journal office.

CELEBRATE BIRTHDAY

From Saturday's Daily—
The passing of the fifth birthday anniversary of little Miss Corinne Hallstrom, daughter of Mr. and Mrs. Elmer Hallstrom, was celebrated at the family home in Avoca a few days ago and was participated in by some thirty-five of the young people. The time was spent in games of all kinds that aided in making the occasion one that everyone of the little folks will long very pleasantly remember for its attractiveness and pleasantness. As favors of the occasion Mrs. Hallstrom presented the guests with a photograph of Miss Corinne. A large number of very attractive gifts were received by the little guest of honor from her friends. At a suitable hour dainty and delicious refreshments were served by Mrs. Hallstrom assisted by Mrs. J. H. Hallstrom and Mrs. James G. Mauzy of Plattsmouth and Mrs. J. L. Sindlear of Omaha.

Committee Will Take Up 4th of July Activities

Soliciting Committee Will Make Trip Over the City Monday to Test Out Feeling Toward It

From Saturday's Daily—
Many of the citizens here have been urging that the city hold a big celebration of the Fourth of July for the community of Cass county and which has been given such a general expression of satisfaction that the Chamber of Commerce has decided to follow the suggestion of the celebration up with a soliciting campaign that would give the committee some definite plan upon which to work.

The committee of the Chamber of Commerce will go out Monday for the purpose of soliciting the funds that may be necessary in putting the celebration over in proper shape, as there is more or less necessity for a considerable sum in putting on a celebration that would be worthy of the name.

The past two years the celebrations have been very successful in providing entertainment and a program that would be worthy of the national day of independence, although last year the fact that the date occurred on Saturday interfered to some extent with the participation of the business houses in the festivities.

This year the observance of the Fourth of July will be held on Monday, as the date falls on Sunday and by usage the day following will be celebrated.

The committee in their solicitation will give the public the opportunity of making the decision as to their wishes for or against the celebration and on their decision rests the question of whether we do or we don't.

MISS BOOTH TO RECOVER

New York, June 5.—Miss Evangeline Booth, commander of the Salvation Army, will undoubtedly recover from the attack of appendicitis from which she has been suffering at her home near White Plains, N. Y., her physician said Friday. He said her condition had improved greatly.

Jury Decides in Favor of the Missouri Pacific

After Short Deliberation the Members of Petit Jury Return Verdict in \$50,000 Suit.

From Saturday's Daily—
The case of Bertha E. Hutchison vs. the Missouri Pacific Railroad company, an action for \$50,000 damages for the loss of the life of Fay Hutchison, husband of the plaintiff, resulted in a verdict for the defendant railroad company in the district court last night when the jury returned a verdict for the defendants.

The case occupied all of Thursday and Friday with its trial as there were many witnesses to be examined by both sides and this required a great deal of the time of the court. Residents of the vicinity of the "Bates" crossing east of Weeping Water where the accident occurred as well as the two surviving members of the ill fated auto truck party were on the stand for the plaintiff while there was a large array of witnesses for the railroad company in the members of their train crew, the passengers on the train that struck the truck and also a few of the residents of the neighborhood of the crossing.

At the close of the taking of evidence yesterday afternoon Yale Holland, counsel for the defendant company moved for a directed verdict for his clients but which was over ruled and the case sent to the jury, the arguments concluded at 5:30.

The verdict was returned at 10 o'clock and the decision of the jury finding for the railroad company was read in open court.

At the conclusion of the verdict Judge Begley excused the jury until next week when they will return to complete the other cases on the docket that may be demanding their attention.

MOST DELIGHTFUL PARTY

From Saturday's Daily—
The home of Mrs. Frank R. Gobelman was the scene of a very delightful 6 o'clock bridge tea yesterday that proved one of the most pleasant social events of the late spring season. Mrs. Gobelman entertained a very large party of friends.

The rooms of the home were very attractively arranged in the decorations of the pink roses that in their profusion and beauty made the scene one of the greatest charm and added a real touch of natural charm.

There were seven tables at the ladies and in the playing Mrs. R. W. Knorr was awarded the first prize, Mrs. Paul T. Heinemann, the second prize and the consolation prize won by Mrs. Thomas Walling.

In serving Mrs. Gobelman was assisted by Misses Maxine Clويد and Jean Caldwell who most charmingly carried out this feature of the tea. The out of town guests of the tea were Mrs. Christine Kirkpatrick of Tulsa, Oklahoma, and Mrs. James H. Carter of Omaha.

Blank books at the Journal office.

Make 1926 a Year of Progress!

If You Were a Thief!
(Copyrighted)

If you were a thief and you wanted to break into a bank vault to carry away the wealth it contains, do you think you would select a vault like ours or your victim? Would you?

Don't you think you would look for a vault that would offer some chance for success? Every burglar knows the hopelessness of the modern bank vault for his work.

Come in—let us show you the vault and explain the many things that were done to prevent danger of every kind.

A modern burglar and fire proof vault like ours costs thousands of dollars. You can have a private box for your valuables for a few cents a month—thousands of dollars' worth of protection for almost nothing.

Think it over.

THE FIRST NATIONAL BANK
THE BANK WHERE YOU FEEL AT HOME
PLATTSMOUTH NEBRASKA