

The Plattsmouth Journal

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NO. 91

Damage Suit on Trial in the District Court

Case of James Topp vs. Dale R. Toppliff, et al., Is Now on Trial in Court.

From Friday's Daily.—The district court was a busy place today with a very large number of spectators, chiefly the residents of south of Murray and north of Nehawka, who had gathered to hear the evidence and the trial in the case of James Topp vs. Dale R. Toppliff, et al.

The day was a busy one also for Bailiff William Atchison as he had two juries on his hands, the deadlocked jury in the Stull case and the jury that was hearing the damage suit. The Stull jury was locked in their consultation room while the other jury was forced to find makeshift quarters when not sitting in the box.

The case on trial has a large number of defendants and a very large array of witnesses summoned by both the plaintiff and defendants and which will make the case progress over into Saturday from all indications as the case was not gotten under way until 11 o'clock.

On the charge of using threatening and abusive language the plaintiff was acquitted in the county court, the defendants having been complaining witnesses in the case and whom the plaintiff now claims damages against by reason of the alleged false arrest.

A complaint of insanity was later filed against Mr. Topp and he was found sane by the county insanity board and released and which was followed in a few days by the filing of the present suit.

The plaintiff in the action is represented by Attorney D. O. Dwyer of this city and Attorney A. P. Moran of Nebraska City while the defendants are represented by W. A. Robinson of this city and Judge Paul Jessen of Nebraska City.

VISITING IN VIRGINIA

From Friday's Daily.—Mr. and Mrs. W. H. Seybert, who left here several weeks ago to visit at Dayton, Ohio, with their daughter, Mrs. C. A. Young and their son, Jennings Seybert, have taken advantage of the occasion to make a trip down into West Virginia, where they are the guests of Mr. and Mrs. Andrew Fudge at Montgomery, the latter a sister of Mrs. Seybert. The trip into West Virginia has been a great experience for the Seybert family and they have enjoyed the experience of looking over the great coal mines in that locality. Mr. Seybert states that he has seen more mined coal than he thought was in the world and the great heaps of coal are so high that they resemble small sized hills, the coal being piled out for shipment to the points over the country. The vicinity of Montgomery is filled with the small mountains and Mr. Seybert is enjoying the opportunity of accompanying Mr. Fudge and a party out into the mountains to cut down the evergreens for Christmas trees, these trees growing very profusely throughout that section. Mr. and Mrs. Seybert are planning to return to Dayton for the holidays before they start on the journey homeward.

DEATH OF MRS. AMICK

From Thursday's Daily.—Last night at the farm home near Murray, where she has made her home for a great many years, occurred the death of Mrs. Ruth Amick, an old time resident of the county and a loved and respected lady of this section of Nebraska.

The deceased lady was the widow of David L. Amick, well known in the county and who was at one time chief of police of this city, where the family resided after they had left the farm. It was while residents here that the husband and father passed away and since that time Mrs. Amick has largely made her home on the farm three miles north of Murray, where her death occurred.

Ruth N. Hickman was born in Iowa June 29, 1859, and has spent the greater part of her lifetime here, coming here when a young girl and at the age of twenty years was united in marriage to David L. Amick.

To mourn the loss of this estimable lady who was loved by all who had the pleasure of knowing her, there remains one son, Theodore Amick, who resides at the farm and has with his wife been assisting in the care of the aged mother.

JOE HENNIS HOME

From Thursday's Daily.—Joe Hennis, the accommodating clerk at the Mauzy & Co. drug store, who was at the hospital in Omaha for the past twenty days undergoing an operation for rupture, has so far recovered that he was able to return home last evening. Mr. Hennis is feeling in the best of shape although still a little weak from his stay in the hospital and his condition seems to be the best and he expects to soon be able to be around as usual.

Journal Want Ads bring results.

STORES TO CLOSE

The members of the Plattsmouth Ad club have decided to have their places of business close on Monday, Dec. 25th at noon for the observance of Christmas. The Christmas day this year will fall on Sunday, and as the day following is prescribed by law as a legal holiday, the holiday will be observed on Monday by the banks, county offices and other lines of business and industry. In order that there may be some observance of the day it has been voted to have the business houses close at noon and the business men and their employees have the opportunity of a few hours recreation and enjoyment of the yuletide season.

Stull Case on Trial in the District Court Here

Defendant is Charged with Violation of Liquor Law—Many Attend the Hearing.

From Thursday's Daily.—The case of the State of Nebraska vs. C. Lawrence Stull was called for trial in the district court today and with a large number of spectators present to witness the proceedings.

The state presented its evidence at the morning session, the testimony of the state chemist as to the alcoholic contents of the bottle of liquor alleged to have been purchased from Mr. Stull by two of the evidence men, showing that it contained more than the lawful one-half of one percent.

Details of the alleged purchase were given by the two evidence men, who claimed to have bought the bottle of liquor from Mr. Stull on August 26th, 1927, and that they had turned the bottle and its contents over to the county attorney. Sheriff Reed testified as to having been present at the arrest and to having taken the bottle to Lincoln to have its contents analyzed.

The evidence men were given a grueling cross-examination by Attorney Frank Bartos, of Wilber, the representative of Mr. Stull, as to the alleged purchase and their acquaintance with Mr. Stull and the circumstances surrounding the two visits that the evidence men made to the Stull farm, the last of which was on the day the alleged purchase of the liquor was made.

ROAD OPEN TO TRAFFIC

From Thursday's Daily.—"Dutch" Mullen, who drove down from Missouri Valley last night to attend the Legion dance, reports that the new paving laid this fall on the Lincoln highway and Federal 75, was opened to traffic last Saturday, doing away with detours between here and the Iowa city in which the Mullen family have opened up a meat market. This paving program was put through with great speed and but for one-half mile of the distance between Council Bluffs and Missouri Valley, which was held up when extreme cold weather set in, was finished in less than three months after the bonds were voted therefor.

Other work on the Lincoln highway between Missouri Valley and Denison is in progress and soon this fifty odd mile stretch of roadway will be passable the year round. The worst stretches around Loveland and Honey Creek, were taken care of in the paving already completed.

The Mullen boys report an excellent business in their new market at Missouri Valley, both on the opening day last Saturday and every day this week. There, as here, they are liberal users of newspaper advertising space and will tell you, if you ask them, that advertising is largely responsible for building up their fine business here.

GETTING THE SPIRIT

With the speeding approach of the Yuletide the Christmas atmosphere is being more and more felt in the community and the stores and surroundings are bearing the signs of the glad Christmas season. The merchants along South Sixth street are showing the Yuletide spirit by placing the small evergreen trees along the flag holders along the street and which add to the general attractiveness of the scene in that part of the city and letting the world know that they are aware that Christmas is near.

On Main street the Iowa-Nebraska Light & Power Co., and Jess Wargen have placed handsome trees in front of the places of business and which are decorated with the various colored lights and makes a wonderful appearance at night in the greeting of the season of joy and rejoicing.

CARD OF THANKS

The Social Workers of the Methodist church desire to extend to the public their deepest appreciation of the generous patronage at the chicken pie supper and bazaar last evening. The interest of the public will be always pleasantly remembered.

New Sweet Shop to Open Within Next Few Days

Splendid and Attractive New Establishment to Occupy Dwyer Building.

From Friday's Daily.—The last touches are being made in the redecorating and renovating of the building formerly occupied by the Morgan Sweet shop and which in the future will be used as a sweet shop and lunch room by Mrs. Eleanor Jezewski and son, P. M. Jezewski, as the proprietors of the new shop.

The new owners of the establishment come to this city from Auburn and are experienced in the line of conducting a modern and up to date sweet shop and lunch room and will be able to supply the needs of this city in this line in the next few days. The new owners expect to have a strictly up to date line of all kinds of confections as well as fountain service and lunches of all kinds that are found in an establishment of this nature.

The building has been very attractively arranged with light colored wall and ceiling that makes the room a very light and pleasant place to enjoy a few moments in the delights of the drinks and lunches that will be featured as a part of the sweet shop.

The new owners will find a very cordial welcome to this city with their high class establishment that will fill a long felt want in the community and the business interests of the city will join in wishing them the greatest of success in their new venture.

It is expected to have the place ready for service by Monday although the formal opening will not be held until on Wednesday, according to the present plans and the proprietors will be pleased to have the opportunity of meeting the residents of this city in which they are expecting to make their future home.

FAIR CROWD AT DANCE DESPITE BAD WEATHER

From Thursday's Daily.—The Legion dance last night in the new community building drew a fair sized crowd in spite of the blizzard-like storm that followed in the wake of a near rain during mid-afternoon. Music was furnished by the Omaha Nite Owls, the first colored orchestra to play here in the new building and they were loudly acclaimed by the dancers as the finest dance orchestra appearing here since the opening dance with Tracy-Brown's orchestra. Their drummer was a wizard and had a good sized audience of his own throughout the evening. Efforts to re-book them for early in January may prove futile on account of their accepting a permanent engagement in Omaha to play for a new cafe and night club opening up at 22nd and Farnam streets.

The weather held the crowd down to where the boys will fall a little short of meeting expenses, but had it been an at-all decent night, a good sized crowd would have been here from Nebraska City, Weeping Water, and points south, as well as more from Omaha.

The usual Saturday night dance will be held this week, with an orchestra, but a week from Saturday night, December 24th, being Christmas eve, no dance will be held on that date, and the following Saturday night, December 31st, the Firemen have been given free use of the building in which to hold their annual ball.

Pat Kroh and his popular gang will play a return engagement here on December 25th, as the second big feature mid-week dance of the month. They are well known throughout the eastern half of Nebraska and have a wonderful drawing ability.

VERY HAPPY EVENT

From Saturday's Daily.—This morning the home of Mr. and Mrs. C. R. Hutchison south of this city was gladdened by the arrival there of a fine little son. The young man tipped the scales at ten pounds and is one of the finest little lads in this part of the great state of Nebraska. The mother and little one are doing nicely and the event has brought a great deal of joy to the proud father as well as the other relatives and friends.

HAS SMALL ACCIDENT

From Friday's Daily.—This morning while a young man named Frederick was driving down high school hill he was a victim of a very annoying accident caused by the slippery condition of the street and the fact that he had no chains on his car, a Ford sedan. The car skidded to the side of the street and struck the curbing, causing the breaking of one of the rear wheels of the car.

A few of the Cass county maps showing every man's farm are left. You can get one at the Journal office for 50c. Hurry, before they're gone.

BENEFIT CARD PARTY

Another of the popular benefit bridges in a series sponsored by members of the Catholic Daughters to raise funds for school equipment and supplies at the St. John's parochial school, was held Thursday at the home of Mrs. Herman Reichstadt, with Mrs. F. I. Rea, Mrs. Cyril Kalina and Miss Elizabeth Bergmann assisting hostesses.

Six bridge tables and a couple for high five proponents were provided and spirited play continued throughout the evening for the large number of prizes.

The high five prize went to Mrs. Joseph Kvapil, and winners at the respective bridge tables were Miss Mae Murphy, Mrs. C. A. Rosencrans, Mrs. Frank Bestor, Miss Eleanor Hiler, Mrs. Lon Henry and Mrs. L. B. Eschenberger. The door prize award went to Mrs. Fred Eesenberger.

At the conclusion of the session at cards, a very fine luncheon was served by the hostesses, it being past the midnight hour when the guests departed for their homes.

Modern Woodmen Hold Elect'n Last Evening

Edward Gabelman Named as Consul of the Cass Camp at Meeting—Show Fine Increase.

From Thursday's Daily.—Last evening Cass Camp No. 322, Modern Woodmen of America, held their meeting at the lodge rooms in the M. W. A. building and as the chief business of the evening the election of the officers of the lodge was taken up, the following being named:

Consul—Edward Gabelman. Banker—Michael Hild. Clerk—Henry P. Goos. Watchman—H. M. Wilcox. Sentinel—W. C. Hudson. Manager—V. T. Arn. Physician—Dr. R. P. Westover.

The local camp has had a very pleasing growth in the past year and now has a membership of 255, making the order still one of the largest in the city and the M. W. A. has proven one of the fraternal orders that has maintained the highest standing in all changes that has come and gone in the city. In the past the M. W. A. has served as the support of many families by their insurance features that come in the hour of the deepest sorrow to give material aid when the bread winner of the Plattsmouth homes have left the tender care of the Woodman when they have needed it for membership.

The Cass camp has organized their drill team under the captainship of R. T. Stout and which will be able to present very interesting initiation services in the future and be an added feature of the lodge activities. At the meeting last evening six new applications for membership were acted upon and approved by the camp and which will add to the rolls of the camp membership.

DEATH OF FORMER RESIDENT

From Saturday's Daily.—The message was received here yesterday afternoon of the death Friday morning at Denver of Mrs. Frank Carruth, an old time resident of this city and who will be well remembered by the older residents of the city. The Carruth family were very prominent in the city in the late seventies and eighties and Mr. Carruth actively engaged in the business life of the city, operating a jewelry store here for a number of years until moving to Denver where he has resided for the past thirty-seven years and where Mr. Carruth died a number of years ago. Mr. Carruth erected the building at Fifth and Main street now occupied by the C. E. Westcott's Sons clothing store and also erected the residence on high school hill that was for years one of the most attractive in the city and occupied the site just across the street from the T. H. Pollock home.

The body of Mrs. Carruth accompanied by her son, Fred Carruth, will leave Denver on No. 6 over the Burlington Sunday afternoon and reach this city at 7:15 Monday morning. The body will be taken to the Satter funeral home where services will be held on Monday morning at 10 o'clock. The interment will be at Oak Hill cemetery on the family lot where Mr. Carruth was buried a number of years ago.

SANTA AT THE PARNELE

From Friday's Daily.—Last evening was Santa Claus night at the Parnele theatre and some 300 boys and girls were present at the theatre to greet Santa who was the same jovial and jolly old boy of tradition. The demonstration for Santa was very enthusiastic and it required the services of Andy Moore to help Santa give out the presents at the close of the show and to assist in getting the youngsters out of the theatre after they had greeted the jolly old Santa.

Journal Want Ads bring results.

Blue and White in First Test of 1928 Season

Weeping Water Is Foe in the Opening Game and Locals Win 43 to 5—Good Attendance.

From Saturday's Daily.—The basketball season of 1927-28 was opened in this city last evening when the high school quintet and the Weeping Water five battled on the court and with the result that the locals won handily by the score of 43 to 5.

The Weeping Water team showed much better form than last year and proved more aggressive, launching several attacks on the blue and white that looked serious at times. Bernard Klinger and Bob Fitch were the more seasoned team proved itself in the repeated scoring of the locals.

For the opening game the fans felt well pleased with the blue and white and Westcott, Hadraba, Hatt and Perry veterans, played the game in their old time form that will be developed into a great scoring combination before the season has long progressed. The guard position that was filled by Bernard Galloway, another of the vets, was filled by Ralph Mason, as Galloway has not as yet been able to resume his playing, and Mason made the visitors going rough.

Bernard Klinger and Bob Fitch were also used in the game for a part of the time and showed their ability at guarding, making it difficult for the visitors to penetrate their defense. Klinger showing some fast and aggressive work in his guarding.

The Weeping Water team depended for their scoring largely on W. Bickford, left forward, who scored all of the points that the team chalked up.

George Perry was the high point man of the locals with ten field goals and Captain Ed Westcott second with five of the baskets, closely followed by Hatt with four.

The score at the half was 18 to 5 and the visitors were held scoreless for the second half of the battle. The following is the tabulated score of the game:

Plattsmouth	FG	FT	PF	TP
Westcott, rf	5	0	0	10
Hatt, lf	4	0	0	8
Perry, c	10	0	0	20
Hadraba, rg	1	0	0	2
Mason, lg	1	1	0	3
Fitch, lg	0	0	1	0
TOTALS	21	1	1	43

Weeping Water	FG	FT	PF	TP
D. Bickford, lf	0	0	0	0
W. Bickford, lf	2	1	1	5
Johnson, c	0	0	0	0
Hinds, c	0	0	2	0
Emberly, rg	0	0	0	0
Anderson, lg	0	0	0	0
TOTALS	2	1	3	5

Substitutions—Hadraba for Hatt, Hatt for Hadraba, Fitch for Hatt, Klinger for Hadraba, Fitch for Mason, Klinger for Mason, Mason for Fitch, Hinds for Johnson, Snipes for Emberly.

Preliminary to the big game the fans were treated to a fine exhibition of basketball when the Sophomore and Freshmen clashed and with the result that the Freshmen emerged victors by the score of 16 to 10 in the hard fought battle. The younger players showed good form in their work and the promise of some real "hot" basketball players for the future blue and white squad. Hubert Dew, freshman, was the high point man of the team with three field goals while Hershel Dew and George Sayles of the sophomores snagged two baskets. John Galloway of the freshmen also showed fine floor work and has a brilliant future before him in the future playing.

GIVEN PLEASANT SURPRISE

William Mrasek, who has just passed his sixteenth birthday, was given a very pleasant surprise on Tuesday evening at his home on West Oak street when a number of the young friends gathered to assist him in seeing that the event was properly observed and which was a most delightful event for all those attending.

The event was a complete surprise to the guest of honor who was unaware of the "invasion" until the members of the party arrived to announce their intention of making the birthday one that the young man would not soon forget.

The time was spent in games and a general good time until the close of the evening when Mrs. Mrasek, assisted by her daughters, Mary, Margaret and Mrs. Will Lindner, served dainty and delicious refreshments.

Those enjoying the event were Misses Carolyn Thomas, Erna Mayfield, Dorothy Hirz, Sylvia Skalak and Janet Snyder. Messrs. Bernard Galloway, Newton Sullivan, Floyd Cline, John Galloway and the guest of honor, William Mrasek.

Christmas cards in a wonderful array of beauty and designs are now on display at the Bates Book & Gift Shop.

WEDDING AT COURT HOUSE

From Friday's Daily.—Yesterday afternoon at the court house occurred the marriage of Miss Agnes Blunt and Mr. Walter Burk, the ceremony united the lives of the two young people being performed by County Judge A. H. Duxbury, in the presence of Loveta Blunt, sister of the bride and Miss Lillian G. White, deputy in the office of the judge.

The bride is a daughter of Mr. and Mrs. Clarence Blunt and has made her home in this city for some years; past while the groom has grown to manhood in this city where his father, William Burk, has been an old resident.

The young people are expecting to continue to make this city their home in the future.

Jury in Stull Case Unable to Reach Decision

Disagreement Such that Jury is Dismissed Last Evening at 55:30 After Long Deliberation

From Saturday's Daily.—The jury that heard the case of the State of Nebraska vs. C. Lawrence Stull and then deliberated over the evidence from 4:30 Thursday afternoon until 5:30 last evening, was unable to reach an agreement and in view of the deadlock, the twelve men were dismissed last evening by Judge Begley.

The final ballot of the jury showed seven to five for acquittal, according to the report, so the jury decided they would be unable to reach a verdict and their dismissal followed.

The disagreement of the jury in the case will make it necessary to pass it for this term of court, as the jury will complete its work the coming week and all be home for the Christmas season.

LEGION AUXILIARY MEETS

From Saturday's Daily.—The American Legion Auxiliary held a very pleasant meeting yesterday afternoon at the community building and with a very pleasing number of the ladies out to enjoy the occasion.

The Unit, which has the reputation of being one of the liveliest in the state on all matters pertaining to the relief work and interests of the former service men, received a letter of appreciation for the twenty dozen cookies that the ladies had provided for Thanksgiving for the ex-service men who were at hospitals and otherwise unable to be out and enjoy the holiday.

The ladies voted to expend the sum of \$40 in having cupboards built in the kitchen of the community building which can be used for the china service that the ladies have donated to the building.

It was learned with pleasure that the silverware that has been ordered to equip the service, would be here the coming week and making complete the service that will enable the serving of banquets of 200 persons in the future if it is desired.

The ladies will also supply popcorn balls for the Legion's Christmas treat to the children on Christmas eve and which the ladies will also assist in any way possible.

The meeting yesterday was presided over by Mrs. J. P. Johnson, the new unit president, who had this as her opening meeting of the new administrative year.

The hostesses of the occasion were Mesdames Harold Holcomb, Robert Hatt, Carl Kopschke and Mrs. J. P. Johnson, who served very dainty and delicious refreshments during the course of the afternoon.

DONATION FOR CABINET

From Saturday's Daily.—The American Legion Auxiliary, at their meeting yesterday voted the sum of \$40—profits from pop sales at the recent carnival—to the Legion, to be used in the construction of an additional cabinet in the kitchen of the new community building.

The Auxiliary has just purchased silverware for banquet service and is arranging for table linens, which will meet all the requirements of banquet service and they have accepted the task of serving the next Happy Hundred banquet in the new building, early in January. Glassware and chinaware service for 200 has previously been purchased and it is the need for more room to store their dishes that led to the donation of \$40 for an additional cabinet.

Besides the shelving and work tables built into the kitchen by the contractors, one additional large size cabinet has already been built and with the one now being arranged for, the ladies should find little difficulty in having sufficient room to care for all their equipment.

The fine \$200 gas range will be put to its first real use when the ladies serve the January Happy Hundred supper.

Christmas cards at the Bates Book & Gift shop.

Santa Claus is Received by a Great Crowd

Hundreds of the Children Are Present to Give Santa Claus a Regal Reception.

From Saturday's Daily.—The city of Plattsmouth today entertained a royal visitor in the person of Santa Claus, the ruler of the kingdom of childish hearts and who received from hundreds of his loyal subjects, the boys and girls of Cass county, a most fitting reception that would please the mightiest monarch.

Santa arrived as per schedule on No. 4 over the Burlington at 10:33 and found the platform of the Burlington station filled with a great crowd of the little folks who shouted their welcome to the jovial old gentleman who brings each year a message of joy and happiness to the little folks of the community.

Santa was the object of admiration of hundreds of the children as he alighted from the train at the station and started the procession to the American Legion community building where his official reception was held and where the immense crowd was gathering to await the coming of the patron of the holiday season.

The parade to the community building was headed by Chief of Police Johnson and Claude C. Smith, councilman of the second ward, the official representative of the city government and with the juvenile drum corps to add their part to the program and to instill into the little folks the spirit of the occasion when they, with their monarch, Santa Claus, were the greatest factors in the city.

At the auditorium the program was in charge of Searl S. Davis who presided and introduced Mr. Smith, who welcomed Santa on behalf of the city and C. C. Westcott of the Ad club who also extended the greetings of the business men of the city.

The Boy Scouts did a great deal toward making the event a success by not only participating in the parade but also in assisting in the handling of the immense crowd at the Legion auditorium, where they and the scoutmaster, Floyd Plack, served to keep the large crowd moving past Santa Claus.

Santa needed no greeting from the hundreds of happy and bright faced children who filled the auditorium and who had made this day one of the happiest and brightest that the city had ever had. The little folks who were large enough were marched through the building to greet Santa and those of too tender years were accompanied by their mothers in the march that brought them face to face with the patron of the holiday season.

As Santa Claus greeted the little folks he presented them with a calling card that gave them some token of the occasion at one of the Plattsmouth business houses and as well gave them a bar of Candy as a personal greeting, there being 1,200 bars distributed.

After the reception the business section of the city was filled with the youngsters intent on having their cards redeemed and many very beautiful and attractive gifts were secured by the little folks from the business houses of the city as well as the offices of the professional men and the court house where the spirit of Christmas was felt in the generous expression of the various officials.

The day was one that will be notable in the history of the city and brought out a large number, estimated at 2,000 from the surrounding country and this city to add to the local children in their reception to the spirit of the Christmas season as represented by Santa Claus.

BANK BALANCES ACCOUNTS

Pawnee City, Neb., Dec. 15.—The Bank of Burchard has closed several days this week while employees checked balances of depositors as of May, 24, when the bank was taken over by the guaranty fund commission, and those of Dec. 17 for the purpose of opening new ledger sheets for all patrons whose accounts show an increase between the two dates.

R. H. Mohrman, of this city explained that the commission would immediately place the amount of increase in the two balances to the credit of depositors, while unincreased accounts and balances of May 24 would be held until the commission realizes on assets of the bank. Mr. Mohrman, a representative of the guaranty fund commission, stated that the Burchard depositors would receive payments in full, and added that the condition of the institution was better than many of Nebraska's small banks, showing a reserve of near 25 per cent.

The cards of the Christmas season now on display at the Bates Book & Gift shop are beautiful in design and those who call early can have the opportunity of selecting the best of the stock.

Christmas cards at the Bates Book & Gift shop.