

THE PLATTSMOUTH WEEKLY JOURNAL.

"BE JUST AND FEAR NOT."

VOL. 13, NO. 2.

PLATTSMOUTH, NEBRASKA, THURSDAY, JANUARY 4, 1894.

\$1.00 PER YEAR IF PAID IN ADVANCE.

ARGUMENTS DELAYED

Matters as to Hill's New Trial Postponed Until This Week.

THE PRISONER DISCONSOLATE.

He Appears to Be Indifferent as to a New Trial and Professes His Inability to Further Bear Up Under the Strain.

The motion filed by Attorney Matthew Gering asking that a new trial be granted Murderer Harry Hill was to have been argued before District Judge Chapman last Saturday, but a continuance was taken until some time this week because of the inability of the counsel for the prisoner to collect certain affidavits which he maintains will constitute a sufficient showing for a granting of a new trial. As before stated in these columns, the defense alleges that three of the jurors were ineligible to sit on the jury because of their possessing opinions as to the guilt of the prisoner, Hill. Dr. A. P. Barnes is one of the jurors complained of by the defense and is charged with making the remark prior to the trial that he would "purchase the rope with which to hang the prisoners." Mr. Barnes denies the charge strenuously, and to a JOURNAL reporter he said that he courted a complete investigation. He said he made no such statements, that he was not prejudiced against the prisoner and that he believes he did his full duty as a juror. He thinks he has been wronged in the matter and will spare no honorable means to secure a vindication.

In the meantime Hill, the prisoner, is spending a wearisome existence over in the county jail on Pearl street. He is the picture of disconsolation and his spells of crying are frequent. He feigns to care little as to whether a new trial is secured for him, as he maintains that if he is forced to stand the strain on his mental faculties he will surely die before the date of his execution—April 13, 1894. It is inferred from this that he may attempt suicide and the jail authorities intend keeping a close watch on all his movements.

Is Serving His Sentence.

Cade Rogers, who last week was given a sentence by Judge Chapman of thirty days in the county jail for assaulting Policeman J. N. Black with a heavy cane, is now upon Jailer Tighe's books as a regular boarder. Cade walked over to the jail Wednesday with a pair of blankets over his shoulder and gave himself up. He should have been incarcerated several days ago, but begged so hard to be given the privilege to go home, lock up the house and get a clean pair of blankets, that the officers were lenient with him. He failed to make good his word, and Wednesday was hunted up and given a few hours to make ready to go to jail. He made ready and is now serving on his time. Rogers is said to be laboring under the impression that his term commenced from the time of his sentence and not from the time of his imprisonment, thus hoping to beat justice out of eight days, but in this regard he will discover that his reckoning is an error.

Fell Under a Horse.

Herman Holschuh, who lives with his father on the Holschuh farm northwest of town, was badly bruised up in a rather peculiar accident last Saturday. He was leading a horse when the animal, in jumping across a ditch, lost its footing and fell on top of Herman, pinning him to the ground. The weight of the horse was entirely on Herman's hips, and the consequence was that he was given a bad bruising. It was feared at first by his family that he had sustained internal injuries, but a physician was speedily summoned from this city to attend to his injuries, and he is now resting easily, with good prospects of being out of his bed in a short time. Mr. Holschuh is rather unfortunate, as it is but a week ago that his team was mixed up in a runaway and Herman was painfully bruised.

Happy Wedding.

The wedding of Mr. Gustav Degendorfer and Miss Sarah Neverman was celebrated Wednesday, Dec. 27, at two o'clock at the home of the groom, three miles northwest of the city, in the presence of over one hundred relatives and friends of the contracting parties. Rev. Witte, pastor of the German Lutheran church, officiated.

After the ceremony the guests were treated to a bounteous wedding feast, to which all did ample justice. The groom is the eldest son of Louis Degendorfer, an old-time resident of this community, and is universally known as an earnest worker and honest young man. His bride has resided in Cass county most of her life, and is generally admired for her many womanly graces. The wedding presents were numerous and costly, and fairly represented the high esteem in which the two are held. They will reside on the Degendorfer homestead, northwest of town, and start in life with the best wishes of many acquaintances that happiness and prosperity may be their lot.

He "Borrowed" a Cloak.

The latest and most approved method of making a raise without working, begging or borrowing has been invented by an Omaha thief, one W. H. Hall, who is now registered at the Omaha city jail awaiting the action of the authorities concerning his case. Mr. Hall visited Dean Gardner's guild in the Arlington block and requested the young woman in charge to please call a certain telephone number and inquire whether So and So was in. The woman complied with his request, and during her absence from the room, Mr. Hall took her cloak and placed it just outside the door. Upon her return he thanked her for her trouble and left, taking the cloak to a pawnshop, where he secured a small loan. The pawn officer located the cloak and returned it to the owner. Next day Mr. Hall called at the guild with the expectation of repeating the offense, but having been recognized, was turned over to the police.

The Usual Prevarication.

THE JOURNAL made a great roar a few days ago about E. E. Hilton, who had been elected county surveyor, who it said would not serve in that capacity. Mr. Hilton has given his bond, sworn in today and after tomorrow morning he may be found at the office of county surveyor in the court house—Col. Poke's News.

The above is in accordance with the usual methods of the News. This paper has never said that Mr. Hilton would not qualify. What we did say was that it was "quite possible that the county commissioners would be called upon to fill the office by appointment, as Mr. Hilton was not at all certain that he would qualify." Mr. Hilton was our informant, and he gave as reasons that the office did not afford reasonable compensation. In reality Poke's sheet misquoted Mr. Hilton, and not THE JOURNAL.

A Judge and An Editor.

A part of the proceedings in Judge Babcock's court at Auburn last week appeared to have escaped publication. Colonel Dundas, of the Nemaha Graner, is perhaps one of the best known newspaper men in the state. One morning Judge Babcock took occasion to sharply reprimand the attorneys for their dilatory practices and with this for a cue Colonel Dundas published an article that bristled all over with advice to the court. It was headed "Judicial Jugglery and Court Cussedness." Judge Babcock's attention was called to the article and he issued an order for Colonel Dundas to appear and show cause why he should not be fined for contempt of court, resulting in a fine of \$25, which the editor paid with a remark about the liberties of the press.

Kinnamon Goes to Jail.

Two criminal cases were disposed of Tuesday. The one against E. C. Graves of Malvern, and the other against Phillip Kinnamon of Bethlehem. In the first case Graves pleaded guilty, and was sentenced to pay a fine of \$35.00, which he did and in consequence was discharged. Kinnamon was fined \$50 and costs in default, of which he was sentenced to imprisonment in the county jail. Kinnamon's offense was assaulting Alex Powell, one of Bethlehem's prominent citizens, and painting a Swiss sunset over each optic. The effect was highly artistic, but the result was rather disastrous to the artist.—Glenwood Tribune.

In Favor of the Defendants.

The two garnishee damage suits of Tidd vs. Dovey and Kinnamon vs. Bona, in which all of the litigants are residents of Plattsmouth, were tried in Justice Peterson's court, at Eagle, yesterday. A jury was waived and the evidence and arguments in both suits were submitted to the justice. The result was that the justice ruled in favor of Dovey in one and Bona in the other. It is understood that the plaintiffs will take an appeal to the district court.

AROUND THE COURT ROOMS.

DISTRICT COURT.

Judge Chapman has overruled the motion to make the plaintiff give security for costs in the \$5,000 damage suit of Effie Thompson vs. the Missouri Pacific railway.

Judge Chapman made an order last Thursday allowing Matthew Gering the sum of \$400 for conducting the defense of the two murderers, Hill and Benwell. The amount was certainly none too much.

The three suits in which Raynard Gilmore appeared as plaintiff and Nancy Gilmore, Geo. H. Gilmore and John Gilmore as defendants, were dismissed without prejudice in district court last Thursday.

Judge Chapman has announced the following dates for holding terms of district court during the ensuing year: Cass county—March 5, May 8, September 24. Otoe county—February 12, June 5, November 4.

Three divorce cases, John T. Hawks vs. Ellen Hawks, Rachel M. Ford vs. Geo. C. Ford and Emily M. Glennon vs. Thos. Glennon, were dismissed in district court yesterday for want of prosecution, and it is just probable that the interested parties have kissed and made up.

The South Bend church squabble has been decided by Judge Chapman. The injunction restraining Dr. Kirk from preaching is made perpetual, but the doctor is given the privilege of attending the church services whenever he so desires. The costs in the case are divided equally between the two factions.

The case of the Methodist church of Weeping Water vs. the First National bank of Plattsmouth and Sheriff Tighe, was decided yesterday. At a former hearing a temporary injunction was issued restraining the sheriff from selling the property to satisfy a judgment obtained by the bank. The injunction was made perpetual and the judgment held to be valid and binding upon the individual members of the church.

COUNTY COURT.

Ward Barr was arraigned before County Judge Ramsey this morning on the charge of incontinuity, and was sentenced to a term at the Kearney reformatory. Deputy Sheriff John Tighe took him thither this afternoon over the B. & M.

COURT ROOM NOTES.

Court Reporter Tom Chapman is preparing the transcript for the appeal of the Hill murder case to the state supreme court. It will be the most voluminous of any transcript ever prepared by a court reporter in this judicial district.

In the supreme court the different districts will be called in the following order and dates: First, January 2; Second and Third, January 16; Fourth, February 6; Fifth, Sixth and Seventh, February 20; Eighth, Ninth and Tenth, March 6; Eleventh, Twelfth and Thirteenth, March 20; Fourteenth and Fifteenth, April 3.

The supreme court of the state decided yesterday that the Hon. Patrick Egan of Lincoln must pay to the Catholic church a subscription which he made some time ago and afterwards refused to pay. Bishop Bonacum, on behalf of the church, took the matter into the courts, and is now rewarded by winning the case. Patrick must put up.

The new county officers chosen at the fall election stepped into office today at noon. Sheriff J. C. Eikenbary will have for his deputies Messrs. R. W. Hyers and Harvey Holloway, while Jno. E. Denson will have charge of the county jail. In the office of register of deeds Mr. Hay will be assisted by Geo. Houseworth. On the county board the retirement of Jacob Trisch makes S. W. Dutton chairman, while Geo. W. Young, the newly-elected commissioner, along with Jno. C. Hayes, makes the three members of the board. County Superintendent Noble turned over his keys to his successor, Geo. Farley, and E. E. Hilton took the place of A. C. Mayes in the surveyor's office. No changes were made in the offices of the treasurer and clerk, as Messrs. Eickhoff and Dickson succeed themselves.

Several of the latest and most artistic faces of job type have been added to THE JOURNAL'S job department, and we are in readiness to turn out job printing which can not be excelled. A trial order will convince.

Thos. W. Shryock, postmaster at Louisville, is in town today.

EMBRACED THE FAITH

Murderer Harry Hill Will Seek Repentance As a Catholic.

INSURANCE RATES INCREASED.

Local Agents Given Orders to Raise the Rates—Supreme Court Reverses and Remands the Vandeventer Case—Other Notes.

Murderer Harry Hill, who, according to the joint decree of a jury and Judge Chapman, will suffer death on the gallows on the 13th of next April, has evidently given thought to what is in store for him after he shall have paid penance for the killing of Matt Akesson by a sudden plunge from the gallows trap. For the past two weeks he has been studying a Catholic catechism presented by Rev. Father Carney of the St. John's Catholic church and the result of his meditation came yesterday morning when he was baptized and formally admitted as a member of the Catholic church. The services were conducted from within Hill's cell at the county jail by Father Carney and was witnessed by an audience of eight or ten persons, most of whom were ladies who accompanied the reverend gentleman to the jail.

Hill was seen at the jail by a JOURNAL representative today and he seemed in better spirits than at any time since his incarceration. He said that he had meditated for some time over his latest step, that it was done in all sincerity and that he firmly believed his Maker would reward him for it. He denied that he had planned to commit suicide, and said that had he done so a knife which he gave yesterday to Father Carney would have sufficed to accomplish such a design.

Insurance Rates Increased.

All of the local agents for the numerous fire insurance companies doing business in this city received notice yesterday that in the future insurance rates would be subjected to an increase. Business or commercial risks are alone affected, while the rate on dwellings, school buildings, churches, etc., will remain as before. The new rate calls a premium increase of twenty per cent if the insurer agrees to a co-insurance clause being tacked onto the policy, otherwise the premium rate will be forty per cent over the old. The co-insurance clause is a new wrinkle in the insurance line. It is done in order to induce the property holder to insure close to the total value of the property. Eighty per cent of the value is what the companies seek to have insured. For instance: Suppose a piece of property, the cash value of which is \$1,000, eighty per cent, of which is \$800, is insured for \$500 under the standard percentage co-insurance clause in the case cited, if the property was totally destroyed the insurance company would pay the face of the policy, or \$500. Again, if the property were damaged \$800, the company would pay the face of the policy (\$500) if, however, the property were only damaged \$500, then the insuring company would pay only five-eighths of the loss, or \$312.50, the owner being a co-insurer; that is, having agreed, or being required by his contract, to carry insurance to the extent of eighty per cent of the value of his property (in this case \$800) he takes the place to the extent of the deficit (\$500) of an insuring company and bears his pro rata share of all partial losses where the damage is less than eighty per cent of the value of the property.

The increase will, very naturally, meet considerable resistance, but the insurance companies claim to have been doing a losing business for several years past and they argue that it is either a case of increase or "shutting up shop." It is understood that the new rate will affect every state in the union. The experiment may fail, but in any event will bear close watching.

State vs. Vandeventer Reversed.

Messrs. Beeoon & Root, attorneys for the defendant in the case of State vs. Vandeventer, received notification from the state supreme court today that the verdict of the jury in the district court of this county had been reversed and the case remanded for another trial. It will be remembered that Vandeventer was tried in district court about a year ago on the charge of shooting Lawrence Stull with intent to kill, and the jury, after a long session, brought in a verdict fixing

Vandeventer's guilt as plain assault and battery, and assessing the costs of the prosecution against him. Vandeventer's attorneys argued that their client deserved a verdict for acquittal if not guilty of the crime charged, and promptly appealed to the higher court. It is possible that the action may be dismissed, but if such is not done the case will be re-tried at the next term of district court.

Wedding Bells.

At the beautiful country home of the bride's parents in Mt. Pleasant precinct, on December 28, 1893 at 2 o'clock p. m., Mr. William J. Philpot and Miss Gusta K. Bock were united in the holy bonds of matrimony, Judge Ramsey officiating. The groom is the son of Mr. and Mrs. Charles Philpot and the bride the daughter of Mr. and Mrs. John Bock, both families being among the wealthiest and leading farmers and stock growers of the county.

A large number of guests were present on the occasion and did ample justice to a splendid wedding dinner prepared with most artistic culinary art.

The young couple will at once commence housekeeping on the groom's well improved farm.

Among the numerous and valuable presents were the following: Set China dishes by Mr. and Mrs. Wolf; linen table cloth, Mr. and Mrs. Peters; linen table cloth and set of dishes, Mr. and Mrs. Charles Philpot; glass water set, Mr. and Mrs. Wallace Philpot; Columbian clock, Mr. and Mrs. W. M. Hunter; lamp, Mr. and Mrs. William Peters; spread table cloth and napkins, Mr. and Mrs. John Reich; tidy, Miss Ella Philpot; hanging lamp, Johnny Philpot; tidy for rocking chair, Mr. and Mrs. Bock.

Announcement of the Associated Charities.

At the meeting of the associated charities last Sunday afternoon in the Presbyterian church a handsome offer was reported from Hemple Bros., the fuel and feed dealers, who agree to furnish free one car load of coal, to be delivered to the poor when so ordered by the society, providing transportation of the same could be secured free. This certainly is very encouraging to all interested in helping the deserving poor in our city, and we hope others who are able to give will be moved with the same spirit to make like offers. This work is not circumscribed by creed or party, but the general public—citizens of Plattsmouth and vicinity—are invited and expected to take a hand. A very encouraging report was received from the school children's entertainment given Friday night last in the Presbyterian church. Something like \$50 was thus gathered to be placed at the disposal of the proper officers. A vote of thanks was extended to the primary teachers for their untiring efforts in preparing this entertainment. A very flattering report was given by H. J. Streight, the steward of provisions, because it showed good work done in supplying the necessities of life to those who stood in actual need. We hope the public will see the necessity of keeping this department supplied with provisions, fuel, etc., so that it will not be necessary to turn away any deserving ones from lack of supplies. Everyone especially invited to attend the regular meeting of this organization next Sunday afternoon at 3:30 o'clock in the Presbyterian church.

A Flourishing Organization.

The directors of the Farmers' Mutual Insurance society, an organization composed of farmers in this section of the county, were in session at the court house last Saturday for an inspection of the books and business affairs of the society. The inspection resulted most satisfactorily for all, and disclosed that \$70,000 in new insurance had been placed by the society during the past year, while the only loss sustained was \$40. The annual meeting of stockholders for the election of officers will be held next Saturday afternoon in Eight Mile Grove.

The Love Estate.

The last will and testament of the late James W. Love of Fremont, and formerly of Plattsmouth, has been filed in the office of the county judge of Dodge county, and his wife, Mrs. Thirza Love, has made application to be appointed administratrix of the estate. The day of hearing the application and for admitting the will to probate has been set for Wednesday, January 20th. The will of Mr. Love bequeaths his entire estate, real and personal, to his wife. The estate is valued at about \$100,000.

Dr. Marshall, DENTIST Fitzgerald block.

COST OF THE TRIAL.

What It Cost Cass County To Try the Murderers.

LESS THAN THREE THOUSAND.

A Detailed Statement of the Costs in Both Cases—A Riley Guest Blows Out the Gas, But Not With Any Fatal Results.

Cost Of the Murder Trials. Clerk of Court Dearing has compiled a statement of the expense incurred to the county during the two trials against Harry Hill and John Benwell for the Akesson murder. The figures are as follows:

HILL TRIAL.	
Clerk of court's fees.....	\$ 70 68
Sheriff's fees.....	94 40
Depositions.....	15 50
Witness fees.....	296 58
Incidentals.....	209 00
Total.....	\$506 16

BENWELL TRIAL.	
Clerk's fees.....	\$ 33 18
Sheriff's fees.....	50 20
Depositions.....	45 21
Witness fees.....	209 00
Total.....	\$337 59
Jury fees in both trials.....	\$1,227 75
Fee for defendant's counsel.....	400 00
Grand total.....	\$2,942 89

To the above total must be added the fees due the sheriff's office in summoning jurors and which is filed before the county commissioners and not with the clerk of court. This is estimated at a few hundred dollars, and thus brings the total cost slightly under \$3,000. It is certainly an excellent showing and should put to rout the few chronics who have constantly criticised the court, the county attorney and court officers in general, in claiming that the county's funds were being injudiciously expended. THE JOURNAL ventures the assertion that murder trials in other Nebraska counties cost much in excess of \$1,500.

Fire at Weeping Water.

The new year opened at Weeping Water with a fire, which destroyed the old Republican office, from which the proprietor had removed but a few weeks ago, and another unoccupied building and a barn adjoining.

About \$1,000 with no insurance will cover the entire loss, including three horses, which were in the barn where the fire is supposed to have originated. The wind was in the right direction. Had it been in the northwest the business portion would have been in danger. The fire department responded promptly and the fire was soon under control.

The fire interfered very materially with the New Year's festivities in progress in various parts of the town.

Arrested a Deserter.

Detective Mitchell of South Omaha on Sunday arrested C. D. Swanback on the charge of being a deserter from the United States army at Fort Leavenworth, Kansas. Swanback told the officer that he enlisted in Indianapolis, Ind., and served about ten weeks, when he became ill and was sent to the hospital. The hospital steward advised him to leave, as the army did not agree with him. He did not receive a discharge. Swanback denied that he enlisted, but said that his application was rejected on account of heart troubles. Swanback's home is at Greenwood, where his father now resides.

He Blew Out the Gas.

On Friday last a man registered at the Riley as W. J. Barr, and was assigned a room for the night. Upon retiring Mr. Barr, who evidently hails from Nebraska City and is therefore unacquainted with the ways of the world, blew out the gas, instead of turning it off. Luckily for him the transom over the door was open, and the night clerk noticing the strong odor of escaping gas, located the leak and rescued the verdant guest before he was completely overcome, and thus saved a case for the coroner.

Won the Water Set.

We, the undersigned persons, superintend the drawing for the water in the set given by the Carruth Jewelry Company, and certify that ticket No. 47 was the successful number.

F. J. MORGAN,
W. A. HUMPHREY,
J. J. CASSIDY,
CHAS. SANS.

John Murty, the Alvo grain merchant, was a Plattsmouth visitor today.