

THE PLATTSMOUTH WEEKLY JOURNAL.

"BE JUST AND FEAR NOT."

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PLATTSMOUTH, NEBRASKA, THURSDAY, JANUARY 11, 1894.

\$1.00 PER YEAR, IF PAID IN ADVANCE.

MR. MEEKER RESISTS

The Greenwood Bank Commences Suit to Retain County Funds.

BAD ON LOAN ASSOCIATIONS.

Judge Chapman Makes a Ruling Which, If Sustained by the Supreme Court, May Play Havoc With Loan Associations—Notes.

The question of making the Bank of Commerce of Louisville the place of deposit for the county funds, in accordance with the acceptance of that institution's bid by County Treasurer Eickhoff, will be opposed in the courts. The First National bank of Greenwood will furnish the opposition. N. H. Meeker of the Greenwood bank avers that the county treasurer took snap judgment and let the contract before the time agreed upon between the treasurer and himself. Meeker says that the contract was not to be let until Tuesday noon. On Monday he was in the city and left with the treasurer a sealed offer, stating that if he was not here by Tuesday noon, the seal was to be broken and the offer used as his bid. Meeker came to town Tuesday at noon, at the appointed time, but a diligent search failed to unearth the treasurer, although the latter was in the city. The Greenwood bank representative insists that Mr. Eickhoff purposely concealed himself. In the meantime Meeker had learned to his surprise that the bids were opened Monday afternoon and the contract let to the Louisville bank whose bid was 4.55 per cent—the highest presented. He states that he came Tuesday to make a better offer than his former one, which was only five-hundredths of a per cent under the Louisville bank. Before departing Tuesday afternoon, however, he filed with the county commissioners a bid offering to pay 6 per cent for a renewal of the contract with his bank. Mr. Meeker returned from Greenwood yesterday and in the afternoon Lawyer Byron Clark, on behalf of Mr. Meeker's bank, appeared before Judge Chapman and asked for an order restraining the county treasurer from removing the funds from the Greenwood bank and also filed a petition asking that the contract made between the treasurer and the Louisville bank be annulled. Judge Chapman granted the restraining order, but required the furnishing of a bond for \$100,000. The bond was speedily furnished with John Fitzgerald of Lincoln as surety, and the court fixed the date for the hearing on Monday morning of next week.

Against the Loan Association.

District Judge Chapman has handed down an opinion in the well-known foreclosure suit of the Livingston Loan and Building association vs. W. W. Drummond, which, if sustained by the state supreme court, may prove rather damaging to the many Nebraska loan and building societies who loan money on the plan of letting it out to the highest bidder. In the suit in question the local association sought to foreclose on the defendant's residence property in this city to enforce the payment of a mortgage given to secure a loan of \$2,000. The evidence disclosed that the defendant secured only \$1,640 from the association, the remaining \$360 going to the association as a premium secured through the system of bidding for the money. This the court held was usurious and the amount found to be due the association was \$1,640 with interest. Of this sum the defendant had paid \$847.73 as interest, fines, penalties and assessments, leaving a balance of \$792.27. This latter sum the court held was still due the association, with interest from the date of the last payment made by the defendant until the first day of the present term of district court. The association has given notice that the case will be appealed to the supreme court, and the final decision will be awaited with more than ordinary interest. In the proceedings before Judge Chapman the loan association was represented by Matthew Gering and the defendant by E. H. Wooley.

The Nebraska City News proceeds to call down the Vine street Herald for the claim which the latter made in being the most aged and poorest paper in Nebraska. As a matter of fact, the News is several years older than the Herald, but as to its being any poorer, we doubt very much if such a thing could be possible.

Supreme Court Decisions.

The supreme court last Friday rendered a decision in the case of Welton vs. Dickson, an appeal from Lancaster county. This case is of more than ordinary importance and involves several law points, in which sections 47, 48, 49, 50, 51 and 52 of chapter lxxviii, compiled statutes, 1893, authorizing the taking of private property for private use, the roads therein mentioned being essentially private and beyond the public control and said sections are therefore unconstitutional and void.

The facts in this case are that Aaron C. Loder of Greenwood owns a piece of land in Lancaster county which is entirely surrounded by property owned by other parties, and has no way of reaching a public highway without crossing his neighbors' land, and sought to have a road opened. The decision of the supreme court renders Loder's possessions valueless unless he can purchase an outlet for himself from his neighbors, or get on and off his farm by the balloon route.

In the case of Alexander vs. Shaffer, appealed from our district court, a suit to foreclose a tax lien, the supreme court affirmed the decision of the lower court as follows:

A brought suit against B and others to foreclose tax liens. B in 1891 answered, averring that she had purchased portions of the premises in controversy in 1870 and in 1871 for taxes, the last payment being made in 1874, and asking that her title, interest and claim be decreed superior to A's. Held, first, that treating the answer as setting up title in B under the tax deeds issued thereunder it failed to state any defense against A's petition to foreclose liens for subsequent taxes; and, second, viewed as an assertion of tax liens, they appeared on the face of the answer to be barred by the statute of limitations.

2. An action to foreclose tax liens must be brought within five years after the expiration of the time to redeem.

3. When land has been sold for taxes and a suit to foreclose the lien therefor is not instituted within five years from the expiration of the time to redeem the lien is extinguished and ceases to be a charge upon the land. The statute in that respect does not merely operate to defeat the remedy, but limits the duration of the lien itself.

4. The holder of tax certificates, while lien is barred by the statute of limitations, has no equity against the holder of subsequent tax liens whereby he can require such subsequent lien or to discharge the barred liens or admit their priority as a condition for foreclosing his own.

Donations to Charity.

We give below a list of those who have so generously contributed to the needs of the poor through the agency of the associated charities. Many others have helped whose names we have failed to record, but the following will serve to show that our best people are interested in this work: F. S. White, E. G. Dovey & Son, F. E. White, F. G. Fricke, Richard Horsley, V. B. Roberts, A. Spangler, D. F. Kiser, Wm. Mertens, Geo. S. Ruby, Mrs. Johnson, S. A. Davis, Jno. F. Buck, Ike Dunn, Coon Heisel, Neis Agard, C. E. Wescott, C. A. H. H. J. Streight, J. C. Petersen, Oxford Dancing club, Hatt & Otto, Oliver & Range, Gus Heinrichs, T. J. Thomas, Hemple Bros., Mrs. Joe Kline, O. M. Streight, H. Beck, Joe Fetzer, Jno. Henshaw, Mamie Petee, Ben Elson, Mrs. J. N. Wise, W. F. Hamilton, J. Mc. N. Summers, O. H. Snyder, F. McCourt, J. W. Bridge, Mrs. M. A. Patterson, C. H. Parmele, Mrs. Elsie Moore, A. D. Eigenbroadt, W. D. Jones, Frank Ritchie, Jno. Coleman, A. B. Todd, C. C. Parmele, J. T. Baird, D. O. Dwyer, Mrs. R. R. Livingston, L. D. Bennett, Plattsmouth city schools.

Fire Record For '93.

D. C. Morgan, secretary of the city fire department, has handed to City Clerk Fox the record of fires occurring within the corporate limits of the city during the year 1893. The report is as follows:

Number of fires	235
Total damages sustained	\$3,250.00
Total insurance paid on same	2,100.00

The greatest loss sustained was in the Spies cigar factory fire. All told the losses sustained by fire is slight as compared to 1892.

The ladies of the Cottonwood church will give an oyster supper in D. S. Draper's new store at Mynard, Wednesday evening, Dec. 17, for the benefit of the minister. All are invited to attend.

Dr. Marshall, DEWEY & Fitzgerald block.

HE CARRIED A SAW.

Close Guarding Alone Prevented Harry Hill's Escape.

THE GENUINE STEEL ARTICLE.

Hill Surrendered It at the Time of His Baptism—Retiring County Officials Are Remembered—Other Local Dots and Dashes.

Hill Had a Saw.

It has developed that the case knife which Murderer Harry Hill handed over to Father Carney at the time of his baptism, Wednesday morning, was not the only implement which he had in his possession. Hill also had a small steel saw, and had not been so closely guarded, could have cut his way out of the big cell at the county jail with but little trouble. He gave the saw, along with the knife, to Father Carney. He had it concealed in the lining of his shoe, and it was hidden so completely that neither the jail officials of this or Douglas county succeeded in unearthing it. Everything goes to show that the man will warrant the closest kind of watching.

Retiring Officers Remembered.

The several county officials who retired from office Thursday were summoned to the district court room last Friday and in the presence of Judge Chapman, their successors, the members of the Cass county bar and a few spectators, were each made the recipient of a present, given as a token of the appreciation and esteem in which they are held for the excellent manner in which their duties were performed.

Ex-Commissioner Jacob Tritsch, ex-Register of Deeds C. C. Parmele, ex-Deputy Sheriff John Tighe and ex-Coroner Unruh were each presented with a gold-headed cane, ex-Sheriff Wm. Tighe and ex-Superintendent Noble were the recipients of a finely-upholstered rocker, and Miss Maggie O'Rourke, late deputy for the register of deeds, was presented with an elegantly-bound book and a gold pen. The presentation speeches were made by County Judge Ramsey and Attorneys H. D. Travis, A. N. Sullivan, Matthew Gering, D. O. Dwyer, J. L. Root and R. B. Windham, while the presents were given on behalf of Judge Chapman, the surviving county officers and the county bar. It was a pleasant scene and will be long remembered by those participating in it.

Caught the Culprit.

Warden Beemer of the state penitentiary believes that he has at last, after many weeks of watching, located the convict who has started the fires in the workshops during the past two or three months. The man is named Miller and he was sent up from Douglas county about two years ago for a term of three years for burglary committed in Omaha. Ever since the disastrous fire last fall the warden has kept a close watch upon the men. Several weeks ago a second fire was started in the cooper shop just as the men were quitting work for the night. At that time an effort was made to locate the man who started the blaze, but it was unsuccessful. Tuesday night another fire was started, this time also in the cooper shop. Just as the men were marching out of the shop to the cell house Miller was seen to light a fuse and drop it in a pile of rubbish. He had evidently calculated that the fuse would burn long enough to permit the men and their guards to get out of the shop before the fire was discovered. In this, however, he was mistaken, for the warden had set a man to watch for just such a move. Miller was at once placed in close confinement. He is now believed to be the man who started the fire in the foundry last fall, which resulted in the destruction of the workshops occupied by the Western Manufacturing company and other concerns. Miller's term of imprisonment expires next August, and on his release he will be arraigned on the charge of arson.

Tom Martin, a colored tough at Nebraska City, is held in the Otoe county jail to answer to the charge of assault with intent to kill. At midnight Monday he got into an altercation with Robert Roberts, a white boy aged eighteen, and ended by sticking a knife between Roberts' ribs. The wound is not dangerous.

AROUND THE COURT ROOMS.

DISTRICT COURT.

The action of I. Oberfelder vs. C. S. Dawson was dismissed in district court at the plaintiff's costs.

W. J. Barr vs. Elizabeth T. Barr is the title of a divorce suit filed in district court Thursday. The plaintiff asks for a legal separation on the ground of desertion.

In the suit of Joe Klein vs. the Western Assurance company of Toronto, Canada, wherein the insurance company moved to set aside the judgment accorded Mr. Klein by default, Judge Chapman ruled Tuesday that the case could not be reopened and the judgment must stand. Mr. Klein's judgment was for \$2,000 due him on unpaid insurance. The company will take an appeal to the supreme court.

About one year ago Samuel Hathaway and Albert N. Sullivan secured a writ of ejectment against Wm. Leyda, causing him to remove from a farm owned and leased by plaintiffs. Since that time the premises have been occupied by Hargraves. Some time ago Leyda secured an injunction restraining Hargraves from using some corn which was on the premises. A motion to dissolve the injunction was argued before Judge Chapman Friday. W. C. Sloan of Nebraska City appeared as counsel for Hargraves.

Until several months ago William B. Essick was agent for the Missouri Pacific at Manley, which position he had held for three or four years. After he and the railway company dissolved partnership Essick commenced an action in the district court to recover \$3,481.40 for working over-time, under the provisions of the eight-hour law. Now comes the defendant company and asks to have the case removed to Judge Dundy's U. S. court for hearing, which motion was taken under advisement by Judge Chapman.

JUSTICE ARCHER'S COURT.

Mel Jean and Lee Leighton were called into police court Monday for engaging in a fist encounter in which Jean figured largely as receiver general, and both contributed to the city exchequer in the sum of \$10.

COURT ROOM NOTES.

The location of turning the Hotel Morton property of Nebraska City over to a receiver will come up before Judge Chapman in this city on Saturday next.

Sheriff Eikenbary has accepted the resignations of H. A. Booth and Dan Coffey as guards over Harry Hill at the county jail, and in the future the sheriff's son, Fimer, and Deputy Sheriff Harvey Holloway will take care of the prisoner.

The county commissioners and Sheriff Eikenbary inspected the county jail last Friday and as a consequence the place was undergoing a thorough renovation and fumigation that afternoon. During the time the prisoners, including Harry Hill, were confined in a room at the court house.

The county commissioners were in session on Tuesday and instructed County Clerk Dickson to notify county physicians that bids for the performance of medical services for the county would be received, opened and the contract let on Feb. 8. The contract for the printing of the court docket, road notices and treasurer's statements will also be let on the same date.

Settled and Dismissed.

The Walstow will tangle, which has been in the courts for the past several months, has been settled to the satisfaction of the opposing factions. The costs which had already accrued in carrying on the legal fight amounted to over \$400, and the opposing attorneys wisely concluded that it were best to get together and agree to a settlement before the entire estate was swamped. Such was done Tuesday, and by the agreement the cases in the district court were dismissed and County Judge Ramsey was directed to settle up the affairs. The court costs are to be paid by the estate and \$225 are given to Wm. Carroll and wife of Rock Bluff. The rest of the property, the value of which is scarcely over \$500, goes to the two heirs in England. The total value of the estate is less than \$1,500, yet its settlement has developed one of the liveliest legal tussles in the history of Cass county's probate court.

The editor of the South Bend Times is a minister, but we can hardly vouch for the following: "A Greenwood farmer weaned a calf too young, and the poor, innocent brute, in attempting to suck its tail turned itself wrong side out, and made the butcher swear when he attempted to skin it."

IN AND AROUND THE TOWN.

THAT EXORBITANT (?) FEE.

The court allowed Matt Gering \$400 for attorney fees in defending the murderers of Matt Akeson. It causes us to sigh to think we're not a lawyer instead of a poor, uncompensated country editor. But then this is not a big fee, considering the profession.—Elmwood Echo.

LOOK OUT FOR THE SHARPER.

A smart, smooth scalawag is traveling about the country pretending to repair pianos and organs. He takes the job of putting the organ or piano in first-class order for \$5, or if the owner objects to that price he will take less rather than lose the job. He goes to work apparently in a business-like manner, and after fooling with the instrument an hour or two pronounces it all right, collects his pay and departs; not, however, until he tells the owner of the instrument not to use it for at least a half a day as he has used glue in making the repairs, and it must have time to get hard. This is only a ruse, of course, to give him time to get away a safe distance before the owner discovers by using it that the instrument is in the same condition as before the stranger had touched it.

Safe breakers at Ponca looted the postoffice Monday night and walked off with \$42 in stamps and \$18 in coin.

Editor Henry Huckins, of Nebraska City, who was arrested on the charge of criminal libel, on a warrant sworn out by Mayor Bartling, had his hearing before Judge White Tuesday morning, and was bound over to the district court in the sum of \$400.

While Officer Gus Warner of Nebraska City was reading a warrant to George Tolle for the latter's arrest on the charge of carrying concealed weapons Tuesday Tolle started to run. Warner discharged his revolver in the ground to frighten the fleeing prisoner, and the bullet glanced, striking Tolle in the fleshy part of the leg, making a painful, but not dangerous wound.

The second annual masquerade of the Sokol society will be held at the West End opera house on Saturday evening, Jan. 13. No effort will be spared to make the event a pleasant success.

Farmers' Insurance Company Officers.

The stockholders of the Farmers' Mutual Insurance company of Cass county held their annual meeting on Saturday last in Eight Mile Grove precinct, and the following officers were elected to serve during the present year: President—Jacob Tritsch, Plattsmouth. Vice President—P. H. Meisinger, Cedar Creek. Secretary—J. P. Falter, Plattsmouth. Treasurer—Anton Schaefer, Cedar Creek. Directors—C. F. Lau, South Bend; G. W. Stohmann, Manley; J. G. Hansen, Nehawka; H. J. Miller, Cedar Creek; J. M. Meisinger, Plattsmouth; John Albert, Cedar Creek; Henry Horn, Plattsmouth.

Committee for adjusting losses—J. M. Meisinger, Plattsmouth; John Albert, Cedar Creek; Henry Horn, Plattsmouth.

The secretary's statement showed that 197 policies were in force, the total amount of which was \$200,829. The company sustained but one loss during the year '93, and the total expense, including the loss, for the year was \$90.35.

The Burlington's November Earnings.

The Burlington statement for November has just been made public. The statement includes the business of eleven months of 1893. For the single month the freight earnings decreased \$573,000 as against last year. There was a slight increase in passenger earnings, which is quite remarkable when the depression following the fair is remembered. Notwithstanding the remarkable decrease, the company is able to show an increase of \$30,000 in net earnings over 1892. This was accomplished by the most careful economy and reduction of expenses. A somewhat similar condition of affairs is shown for the eleven months. Altogether the statement may be considered hopeful. The company has been able to meet its fixed charges and have a small surplus. This has been accomplished only by the strictest economy. The reports for December will probably not materially change the record of the year.

D. O. Dwyer, lawyer, Plattsmouth.

HE TOOK LAUDANUM

John Ritchie, an Old Settler, Unsuccessfully Attempts Suicide.

AN OVERDOSE SAVES HIS LIFE.

He Planned to Suicide, But Swallowed Too Much of the Deadly Drug and Merely Brought on a Serious Sickness—Other Notes.

John Ritchie, aged 83 years and one of Cass county's earliest settlers, made an unsuccessful attempt to take his life Saturday afternoon at his home in South Park. Mr. Ritchie has been in such feeble health for several years past that, according to his own story, he became tired of living. He has been meditating over suicide for some time, and with that end in view procured a bottle of laudanum. The old gentleman lives with his son, Clinton, and during the latter's absence from the home swallowed a copious amount of the deadly drug. It was his plain intention to die, the result of which was to merely make him seriously sick. When the son returned and learned what had happened, a physician was speedily summoned, and no time was lost by the latter to alleviate his sufferings. At last accounts the old gentleman was resting easily with no prospects of the affair having serious results.

Demise of John Ritchie.

John Ritchie, aged 83 years and one of the earliest of Cass county's settlers, departed from this life at 5 o'clock yesterday morning at his home in South Park addition. Mr. Ritchie's death was the result of an attempt made Saturday to suicide by swallowing laudanum and which was exclusively mentioned in THE JOURNAL columns. His effort to suicide was a temporary failure as he swallowed an overdose, but his health was so badly under-mined that he was unable to withstand the sickness attendant to the affair, and death came today. The remains will be interred in Oak Hill cemetery, but the date of the funeral has not yet been fixed.

Aurora Court House Burned.

The court house at Aurora, Hamilton county, was totally destroyed by fire on Sunday morning at about three o'clock. The building was frame and burned very rapidly, so that it was impossible to save it. Nothing was left standing but the brick vault and a small portion of the walls at one corner. The records in the offices of the county clerk, county judge and clerk of the district court are uninjured, being in fire-proof vaults. Those in the offices of the county superintendent and surveyor were in safes and it is not known whether they are injured or not. The origin of the fire is a mystery and there are various opinions and rumors afloat. The treasurer and his deputy say the vault doors were properly closed and locked, but they were found open, and evidently done by an expert or someone who knew the combination. All the records in the treasurer's office are destroyed. There was a small amount of money in the safe, but there seems to have been no effort made to open it, and the time lock is still running. Whether it was an effort to rob or the fire was started for some other purpose, is the question about which there are many conflicting opinions. Peter Farney, the old treasurer, turned over the office to the new treasurer, W. J. Corner, last Thursday. That the fire was of incendiary origin there seems little doubt, but the motive for it is a matter of conjecture only, there being no apparent object.

Change of Firm.

The Boston meat market has changed hands, Messrs. Oliver & Range, the old proprietors, having disposed of their interest to Messrs. Sam Patterson and Carl Kuntzman. The new proprietors took possession Tuesday and THE JOURNAL trusts that they will merit a continuance of the large patronage enjoyed by the Boston market in the past. Mr. Oliver will apply himself to farming on his place, southwest of town, while Mr. Range will temporarily remain in the employ of Messrs. Patterson & Kuntzman.

Subscribers to the WEEKLY JOURNAL are asked to pay up their delinquencies now. A few dollars for the printer can be spared, probably, and will buy lots of coal.