

# THE PLATTSMOUTH WEEKLY JOURNAL.

"BE JUST AND FEAR NOT."

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## A FINDING FOR TUTT.

County Judge Ramsey Decides the Fifth Ward Contest Case.

### AS TO THE SMALL POX RUMORS

How They Are Magnified and Spread by Idle Gossips—Andrew Factor Enjoying a Bunk in the County Jail—Notes, etc.

#### Decided in Tutt's Favor.

County Judge Ramsey handed down an opinion on Monday in the Tutt-Hawkins councilmanic contest case. It was in favor of the contestant, Mr. Tutt. In his finding the judge goes to considerable length to show the correctness of his ruling, and after quoting certain parts of the testimony which clearly went to prove that Hawkins considered himself prior to election a candidate for the long term, he concludes his finding as follows:

The court therefore specially finds from the pleadings in said cause and from all evidence adduced in support thereof:

1. That Wm. Slater and George C. Hawkins were candidates at said election for councilmen in said ward for the full term of two years, on different tickets.
2. That Edwin Bates and John D. Tutt were candidates in said ward to fill a vacancy, on different tickets.
3. That the contestee herein, the said George C. Hawkins, as shown by the face of the ballots on record thereof, was not a candidate for and received no votes for councilman to fill vacancy in said ward.
4. That the election board of said ward accredited to each, Edwin Bates and J. D. Tutt, three more votes than they were entitled to under the law, each of said three votes having been cast for both said candidates for councilman to fill vacancy in said ward.
5. The deducting said three votes so counted as aforesaid the vote should be and is hereby declared to be as follows:

- Edwin Bates (to fill vacancy)..... 23
- J. D. Tutt (to fill vacancy)..... 37
- 6. That said John D. Tutt, the contestant, received a majority of fourteen votes over his competitor, the said Edwin Bates, for councilman to fill vacancy in the Fifth ward of the city of Plattsouth on April 3rd, 1894, and is therefore entitled to a certificate of election to said office.
- 7. The court finds all issues in favor of contestant and against contestee.

Wherefore, it is here now considered and adjudged by the court that the said George C. Hawkins, contestee and incumbent, forthwith deliver over to said John D. Tutt, contestant, the use, possession and enjoyment of said office, and all books, papers and furniture appertaining to the same and allow said John D. Tutt to have full possession thereof without let or hindrance thereto on the part of the said George C. Hawkins or any other person or persons acting under or for said incumbent and that the said George C. Hawkins pay the costs of this proceeding, for which judgment is awarded, to all of which findings and judgment contestee excepts. By the court.

**H. S. RAMSEY,**  
County Judge.

The costs will amount to some \$50. The contestee's attorney, A. J. Graves, intimates that an appeal from Judge Ramsey's holding will be prosecuted, but in case such action is taken, Mr. Hawkins must furnish bonds in an amount covering the court costs and the salary which he will draw from the city within a period of six months. With justice and the county judge's decision on Mr. Tutt's side, public opinion is that Mr. Hawkins' had best step down and turn over the seat to Mr. Tutt.

#### No Small-Pox in Plattsouth.

Ever since the small-pox epidemic was reported from Pacific Junction rumors of supposed cases in this city have been floating around and Monday morning such reports were prevalent. An investigation of every one of these "supposed" or "reported" cases develops the fact that such suppositions or reports are entirely without foundation. There is no small-pox in Plattsouth at the present time, and there has not been a case here for several years. An instance of the flimsy source of the rumors that have been floating around town came to our notice on Monday. It was reported that a new case had made its appearance at the home of Riley Elge over at Bethlehem. This report has not been confirmed, and may possibly be without foundation. But it furnished a basis for a report that there was a case at the Hotel Riley, someone with a sensational turn of mind having misunderstood or become confused in the names.

Many people fear that in case Plattsouth does develop a case the newspapers will smother the facts and keep them from the public, for the reason

that such reports would injure our business interests. But our readers can rest assured that when a case is reported by any physician the news will be published, and all reports that are not confirmed by physicians or registered at the clerk's office may be considered as entirely without foundation.

#### Andrew Is in Jail.

Andrew Factor, who was indicted by the grand jury in company with Herman D. Crooker, for obtaining money under false pretenses in connection with the sale of a patent right on a washing machine, is now an inmate of the county jail. Since the finding of the indictment Factor has been keeping out of the way of the officers, according to the sheriff, but was finally located at South Omaha and brought back to this city and lodged in jail. Unless he can furnish bonds he will lay in jail until his case is called at the September term of district court.

#### Judge Chapman's Decision.

The decision of Judge Chapman in the Bonacum-Corbett case, where a motion was made to vacate injunction, was filed with the clerk of the district court of Otoe county at Nebraska City Friday. In brief it is as follows: "The pleadings present a sharp and distinct issue of fact, a determination of which will require an examination of the discipline and canons of the Catholic church as well as the evidence upon the question as to whether the complaining bishop agreed with his superiors to suspend his authority over the defendant. The bishop's right and title to the parish or mission property is not disputed, neither his right or power to remove a priest in his diocese. Father Corbett claims he was not lawfully removed. Upon the legal question argued on this motion touching the jurisdiction of the court I am satisfied, from an examination of the case cited and the law of the case, that this action comes within the rule authorizing civil tribunals to inquire whether or not civil rights are denied the individual. While it is the duty of courts of law to avoid if possible the assumption of jurisdiction when questions ecclesiastical or spiritual are alone involved, yet they find from experience that no fixed rule can safely be established which will enable them in all cases to do so. He denies the ruling asked for by the defendant and says the authorities are all in favor of the jurisdiction of the civil courts in such cases, for when civil rights are abridged or denied the law of the land are above and superior to all ecclesiastical tribunals. The part of the injunction forbidding the defendant to occupy the parsonage at Palmyra is modified. The case will be tried on its merits at Nebraska City on June 6."

#### Thinks Plattsouth Is in Danger.

The Glenwood Opinion says: "A certain Plattsouth paper has been publishing the fact that the small pox exists in Glenwood. This is in every sense false. The nearest point of danger is the one only a few miles from Plattsouth, and as a free ferry goes to that village, they are in great danger. Glenwood has taken every precaution and there is not the slightest prospect of any case here, more than in any community in Iowa."

The Opinion should print the name of the Plattsouth paper that has printed the alleged libel on their town.

#### Mrs. Emma Ritter Is Dead.

The report reached this city last night that Mrs. Emma Ritter, wife of J. L. Ritter, had died at her home in Washington, D. C., at six o'clock yesterday morning.

Mrs. Ritter was a resident of Plattsouth for many years, and had many acquaintances in this city. She was a daughter of Mr. and Mrs. S. S. Hinkle, and her brothers, Sam and Charles, are now living at Havelock.

Walt Seely, that well-known corporation capper and fence-repairer for corrupt, office-seeking republicans, came down today from the state capital to partake of some of the pure ozone in this locality. The last time Seely was in town he was laboring against the renomination of Judge Maxwell. Today it was understood he was fixing fences for the hickory-waisted statesman from Nemaha county.

John L. Minor, of North Platte, is a candidate for the receivership of the land office at Alliance, and his candidacy bears the endorsement of U. S. Marshal White, J. B. Sheehan, of the state central committee, and a number of citizens of Cass county. THE JOURNAL hopes that John will knock the persimmon.

**Dr. Marshall, DENTIST** Fitzgerald block.

## HOW REPUBS VIEW IT.

A Consensus of Opinions As To the Tutt-Hawkins Contest.

### AXES AND CLEAVERS IN THE AIR

A Pair of Africans Choose Bad Weapons to Settle Their Differences—Frank Coursey Lands a Monster Pike—Other Notes.

A representative of THE JOURNAL took an hour off yesterday afternoon and busied himself in interviewing leading republicans about the town as to their opinions of County Judge Ramsey's decision in the Tutt-Hawkins contest case, in which the judge decided in favor of Mr. Tutt. It was in view of the fact that because the contestant, Mr. Tutt, was the democratic nominee for the short term councilmanic seat in litigation, that it might be claimed that the judge's decision was made from a partisan standpoint, which led THE JOURNAL man to go the rounds. None were approached except republicans. Two or three were non-committal, two held for Mr. Hawkins and three held for Mr. Tutt but supplemented their remarks with the statement that they were not for "publication." Here is what the different gentlemen have to say:

J. W. Johnson—"I really know little as to the purported facts in the case, but from the information at hand it certainly seems to me that Mr. Tutt is entitled to the seat."

O. H. Snyder—"As to the Nebraska election laws I cannot lay claim to being well posted, yet it is my honest belief that Mr. Tutt was fairly elected."

Joe Klein—"Judge Ramsey's decision is in exact accord with my theory of the case. When the question first arose I took the same view, and the decision confirms my views entirely. In my judgment there can be no question of Mr. Tutt's right to the seat."

Frank Dickson—"Not professing to be a lawyer, I would not attempt to give a legal opinion, but from my construction of the statutes it appears quite clear that Judge Ramsey's decision in favor of Mr. Tutt was a just one."

R. B. Windham—"Yes, I read the decision in last night's JOURNAL, and it is in exact harmony with my view of the question. To me it is plain that Mr. Tutt was elected."

L. D. Bennett—"I have maintained since election day that Mr. Tutt was entitled to the short term seat in the council from the Fifth ward, instead of Mr. Hawkins, and Judge Ramsey's decision in favor of Mr. Tutt does simple justice to the latter gentleman."

S. A. Davis—"As a matter of fact, I have given the question very little thought. However, I have confidence enough in Judge Ramsey's sense of fairness to believe that Mr. Tutt is entitled to the seat in accordance with the judge's decree."

A. N. Sullivan—"As to the facts I am not well-informed, nor have I critically studied the law points involved, but when two men are opposed as candidates for a short term seat in the council, as were Messrs. Tutt and Bates, a candidate for the long term seat, as in Mr. Hawkins' case, cannot step in and claim an election to the short term. The decision to me certainly appears as the only one which Judge Ramsey could justly render."

#### Both Wanted Blood.

Geo. Walker, a young colored man, caused a warrant to be issued from police court yesterday afternoon for the arrest of Richard Frampton, also colored. It appears that the two men met at Thomas' meat market yesterday afternoon, when Walker made a demand on Frampton for a gun belonging to the elder Walker. Frampton would not recognize the demand unless accompanied by a written order from the owner of the gun. The pair then argued the case and finally became exceedingly hostile toward one another, so much so that one grabbed up an ax and the other armed himself with a butcher's cleaver, and for a few minutes it looked like a job for the coroner. Marshal Grace arrested Frampton at the depot at four o'clock this afternoon.

#### A Seven Pound Pike.

The members of an Omaha wheel club spent a day at La Platte last week, equipped with all the modern fishing paraphernalia, including lance-wood rods with silver mountings, fish-baskets, the latest in flies and all col-

Our + Red + Letter + Day HAS COME.

## ELSON, THE CASH CLOTHIER,

Has determined to Sacrifice his Stock of Merchandise, REGARDLESS OF VALUE. Read this list carefully. The prices quoted are Bona-Fide and will Save You Fifty Cents on Every Dollar:

Men's light colored Cas- simer Suits.....	FORMERLY \$10.00 NOW \$5.00
Men's Business Suits.....	7.00
Men's Black Corkscrew Suits.....	15.00
Boys' Suits.....	6.50
Children's Suits.....	2.50
Men's working Pants.....	1.50
Men's Jeans Pants.....	1.25
Children's Pants.....	.35
Men's Morino Under- wear.....	.75
Men's working Shirts.....	.50
Men's Black Shirts.....	1.25
Men's Dress Shirts.....	1.50
Men's Fur Hats.....	2.00
Men's wool Hats.....	.75
Men's Straw Hats.....	.65
Men's working Gloves.....	.65
Fine Calf Shoes.....	1.25
	2.50
	1.65
	.85
	.35
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	.35
	.85
	1.65

DO NOT BUY ONE DOLLAR'S WORTH OF Clothing, Furnishings, Hats, Caps, Boots or Shoes Until you have seen this great Sacrifice Sale. ELSON, THE CASH CLOTHIER, PLATTSMOUTH.

Spring, House-Cleaning and New Furniture GO HAND IN HAND. Nature supplies the first, the Busy Housewife must attend the second, but for the last, Pearlman Is the Careful Buyer's Refuge. PEARLMAN has the Stock, his Prices are Right and Sure to Suit. If you want anything in the way of NEW FURNITURE, for either Parlor, Bed Room, Dining Room or Kitchen, PEARLMAN has it at the Lowest Price. PEARLMAN, The House Furnisher. OPPOSITE COURT HOUSE, PLATTSMOUTH.

ors of bait. The club returned home in the evening without any fish, and in their opinion fishing at La Platte is an unknown quantity. Yesterday afternoon our fellow-townsmen, Frank Coursey, accompanied by a five cent line and a cane pole, happened up to La Platte. Without using any judgment whatever in selecting a "likely" place, he cast in his hook and pulled out a pike measuring twenty-nine inches long and weighing seven pounds. The fish was on exhibition at the apartments of the "Sundown Club" last night and created a genuine panic among the members, causing one of them to overlook a melt of "three hundred penneche." A spirited controversy arose, whether the fish was a pike or a pickerel, and the nestor of the club—who has caught everything from a minnow to a whale—decided that it was a pike, and it was so entered on the log-book of the club. It was certainly the finest specimen of game fish that has ever been taken from the waters in this neighborhood.

#### Major Wheeler's Opinion.

Judge Ramsey received a letter from Major D. H. Wheeler this morning, commenting on the judge's decision in the Tutt-Hawkins contest case. Mr. Wheeler is a member of the city council of Omaha, and is a staunch republican, therefore his opinion of the decision will be read with interest. The letter is as follows:

COUNCIL CHAMBER, OMAHA, Neb., May 23, 1894.  
Dear Sir—I have just read in THE JOURNAL a report of your decision in the Tutt-Hawkins contest case. Under our present statute I can not see how you could come to any other conclusion than you did. I think it correct and in strict conformity with the law and the wishes of the parties placing these men in nomination. Very truly, etc., DANIEL H. WHEELER.

One of those thin planks on the Platte river bridge gave away last Saturday and a valuable horse belonging to a Sargy county farmer came near being ruined. Its leg was skinned from the hock joint down and its hoof was broken loose. This is the bridge which our board of commissioners examined not two weeks ago and reported in good condition. A good-sized damage suit may bring them to their senses.—Louisville Courier-Journal.

This section of the county was visited by a slight frost Friday night, which did considerable damage to gardens and truck patches, especially in the low lands. Potatoes, beans, tomatoes and in fact all vegetables suffered more or less from the effects of the frost. Reports from the county are very meagre, but as far as heard from grapes and small fruits were nipped in certain localities. See Brown and save money this year on your wall paper, paints and oils.