



# The Plattsmouth Journal



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PLATTSMOUTH, NEBRASKA, MONDAY, JANUARY 26, 1942

NO. 104

## Cass County Cases Now in Supreme Court

County Attorney Smith Files Answer Briefs in Two Cases Appealed From This County

Cass county, Nebraska, through its attorney, Walter H. Smith, today filed its answer brief in the Supreme court at Lincoln in the case of Consolidated Chemical Laboratories vs. The County of Cass. This case, decided by Judge Wilson in favor of Cass county, arises from the delivery of certain merchandise consisting of soap and disinfectants to former Sheriff Sylvester between Oct. 30, 1936 and April 29, 1937 in the alleged sum of \$502.64. No claim was filed until January 18, 1938 and the board of county commissioners disallowed the claim whereupon an appeal was taken and from the dismissal of the petition by Judge Wilson, the Consolidated Laboratories have appealed to the Supreme court.

In its brief, Cass county, Nebraska, contends that in the interest of good and efficient government, as defined by the Legislature, and in accord with the contract into which Sec. 26-119 is automatically incorporated, the appellant's lack of ordinary diligence in filing its claim with the board in the time prescribed by law has deprived it of an opportunity to be heard on the merits. The constitutionality of this section of the law is attacked by appellant's in its brief and the brief of the county is principally directed to this attack in upholding its constitutionality. This case has been set for hearing on February 5, 1942, in the Supreme court at Lincoln.

On November 25, 1941, County Attorney Walter H. Smith filed the answer brief of Cass County in the supreme court in the case entitled King vs. Cass county. This is an appeal from a finding in favor of Cass county by Judge Wilson in which the plaintiff claims damages for an alleged widening of a road by Cass county, Nebraska in 1939.

In its brief, Cass county contends that the road in question was legally established as a public road in 1880 to a width of 66 feet and one falling to make a claim for property taken in the establishment of a road is barred from claiming damages by a lapse of 59 years during which he and his predecessors have acquiesced in the existence of such road. This case will be heard in March by the supreme court at Lincoln.

## PIONEER VISITS CITY

Frank H. Stander and daughter, Miss Lillian, of Omaha, were in the city Wednesday for a few hours to look after some business matters and while here Mr. Stander was a caller at the Journal to renew his subscription to the semi-weekly, he having been a reader of the Journal for more than 40 years.

Mr. Stander comes of one of the pioneer families that settled in the Louisville community in the late fifties and had a large part in developing that section of the county. Mr. Stander informs us that 82 years ago he arrived in Plattsmouth, an infant in the arms of his mother, his parents, Mr. and Mrs. Peter Stander, driving through in a covered wagon drawn by three yoke of oxen, making the crossing of the Missouri river at this city.

Mr. Stander was for years a very successful farmer in Cass county and is now retired, but has extensive interests in the county and is an officer of the Manley State bank at Manley.

## STATE AUDITOR HERE

From Thursday's Daily—State Auditor Ray Johnson of Lincoln, was in the city today for a few hours to attend to some business matters and also to enjoy a visit with old friends. Mr. Johnson is well known here through many political contacts made in the past few years.

## AN APPRECIATION

We wish to thank all our friends for the nice cards, flowers and paying visits at the hospital, where Mr. Herold was treated.—Mr. and Mrs. Ray Herold and family.

## SEEK BIRTH CERTIFICATES

The business in the line of delayed birth certificates is one of the largest items in the office of the county judge. With strict government requirements for birth certificates from workers in all government and defense work there is a mounting call for the certificates under the new Nebraska law.

Wednesday there were eleven of the certificates issued by Judge Duxbury, the largest single day's business so far. The office has issued a total of 479 of these certificates.

## Masonic Home Board Meeting Held in Omaha

Fine Condition of Home Business Shown and Officers All Re-elected for Coming Year

The board of directors of the Nebraska Masonic Home association met Friday at the Masonic Temple at Omaha to hear the annual report of the officers and of the conduct of the Masonic Home in this city.

The report of Superintendent W. F. Evers was very complete to every detail of the home management, the residents, cost of operation and the many other factors that enter into the operation of a large institution of this type.

The officers selected the following, all re-named:

President—William A. Robertson, Plattsmouth; 1st vice-president, A. C. Thomsen, Omaha; 2nd vice-president, James H. Adams, Omaha; 3rd vice-president, Charles Nicodemus, Fremont; secretary, Lewis E. Smith, Omaha.

Following the session of the board of directors, the officers of the grand lodge of the Nebraska Masons entertained the members of the board of the Nebraska Masonic Home as well as the president and superintendent of the I. O. O. F. Home at York, Nebraska.

The meeting was one for the interchange of ideas on the operation of the institutions for the aged that both orders have maintained for a great many years.

## BRING IN MANY OLD PLATES

Heeding the call of the nation for scrap metal of all kinds, the residents of Cass county are bringing in their old license plates to the office of County Treasurer John E. Turner, for turning over to the proper authorities.

H. P. Gaebel of near Louisville, was one of the donors of a large number of plates, bringing in 104 of the old plates, dating back to 1916, before county numbers were placed on them, the plates being numbered from 1 on up for the entire state. All the plates had been purchased and used by Mr. Gaebel himself.

George Vogler, also of the Louisville community brought in 100 of the plates to be turned in for scrap metal.

## STATEMENT INCORRECT

In the Journal several days ago in an article concerning the induction of William Floyd Shanholtz, the statement was made, "He was formerly a stenographer, employed by the United States government at Washington, D. C., but he was forced to return and report to his local draft board in Plattsmouth."

This is not true as no one is "forced" to return to the place where he claims his residence in order to be inducted. By notifying the board of his location, he may be inducted by the board in the place that he may be located at the time, and not have to return to the community where he made his residence.

## RETIRES FROM SERVICE

Mr. and Mrs. Fred H. Reznor, who for many years made their home in Omaha, are now located on the farm formerly occupied by Mr. and Mrs. J. H. Tams, parents of Mrs. Reznor.

Mr. Reznor was for a great many years the general foreman for the Burlington at Omaha, retiring from that position on December 1, and has since been arranging to locate here where they will make their home.

## Mrs. H. G. McClusky Called to Rest Last Evening

Death Comes as Shock to Bereaved Husband and Many Friends in City and Over State

It was with profound shock and regret that the Plattsmouth community this morning learned of the passing of Mrs. Margaret McClusky, 60, wife of Dr. H. G. McClusky, pastor of the First Presbyterian church.

For the past 10 days, she was taken to Omaha the first of the week and placed in the Methodist hospital for treatment and Thursday had been reported as showing some gains, that greatly encouraged the husband who had spent the day at the hospital. The sudden change came on the heart that brought instant death.

Mrs. McClusky was a loved and honored figure in Plattsmouth and in the religious circles of eastern Nebraska, where her ability and leadership has been so often felt. She was especially active in the various women's groups of the Presbyterian church. Mrs. McClusky was also an active figure in Chapter F. P. E. O. and the Plattsmouth Woman's club.

To Dr. McClusky in his bereavement goes out the deepest sympathy of the hundreds of friends in this hour of trial and separation. In his 26 years of service in this community Dr. McClusky has brought comfort to many in their grief, may he too receive this blessed consolation at this time of stress.

A sketch of the life of Mrs. McClusky will appear later in the Journal.

## GARAGE ROBBED

From Saturday's Daily—The Bauer Garage on Vine street was robbed last night or early this morning with the parties taking three tires and also some \$14 in change that had been left in the register at the garage.

The loss was discovered this morning when the building was opened for the day's business and the office of the sheriff was notified of the loss.

It was found by Sheriff Mrasek and Deputy Sheriff Doody that one of the windows at the rear of the garage building had apparently been left unlocked or opened to allow the party or parties to make their entrance to the main part of the building. Exit was made through the door at the front of the building.

Two tires taken were 616 Bison tires and one 650 Dunlap tire.

## FUNERAL OF JAMES A. SCHWAB

The funeral services of James A. Schwab, long-time resident of this community was held Friday afternoon at the Bigsby chapel at 7th and Oak streets. A large group of the old friends and neighbors from the community where he had made his home were here for the services.

Rev. G. W. Gardner of the Elmwood Christian church, conducted the services and gave one of the old and loved hymns during the service, Mrs. Gardner being the accompanist.

The body was laid to the last rest in the Lewiston cemetery, near the scenes of Mr. Schwab's life activities. The pall-bearers were Myron Wiles, S. S. Davis, Reuel Sack, Fred Campbell, H. A. Schneider, Ray F. Becker.

## INSTALL AT PAWNEE

Friday evening Mr. and Mrs. Raymond C. Cook and Mr. and Mrs. Edward Wehrlein of this city were at Pawnee City, attending the installation of the officers of Pawnee lodge No. 23, the ceremony being open to the public.

There were representatives from eight of the lodges in that section of the state to enjoy the impressive ceremony.

Mr. Cook, who is the deputy grand custodian of the grand lodge of Nebraska, was the installing officer, being assisted by Henry Carson, Nebraska City, grand tyler of Nebraska, as the marshal, and R. L. Becker of Pawnee lodge as the chaplain.

Following the installation a fine banquet was served to the members of the lodge and their friends that came as the climax of a very delightful and inspiring evening.

## INFANT DIES

The infant daughter of Mr. and Mrs. Don Williams died Thursday. The babe was born in this city yesterday morning. Interment took place at the Oak Hill cemetery and the Sattler Funeral home was in charge.

In addition to its parents, the baby is survived by a sister, Mary Jo, and a brother, Donald Joe, jr.; maternal grandparents, Mr. and Mrs. Joseph Solomon of Plattsmouth, Mrs. Williams was the former Martha Solomon.

## Viewmen Win by Score of 32 to 20 Last Night

Blue Devils Show Real Action in Opening Quarter But Weaken in the Last

College View, a suburb of Lincoln, handed the local boys their seventh loss of the season at the local court before a sparse crowd. It was one of the wildest games ever played on the local court, the shots were bad on both sides. College View applied a good zone defense that put the curb on Ralph Hill's scoring. The tall, rangy boy dropped in but one fielder and some of his shots failed to hit the basket. Stern, who played his last game for the Viewmen, hit from any place.

The freshmen walked off victorious in the preliminary by a score of 31 to 20 as Cole dumped in 16 counters. The game started out like it did a week ago and at the half the Blue Devils had to be contented with a 13-13 tie but through the next half all the Plattsmouth team could drop in was seven points and only one in the third quarter. Plattsmouth put on a brief rally in the fourth but could not put the brakes on Henson, who kept dropping them in.

The box score of the game:

Plattsmouth				
	PG	FT	PF	TP
Bratt f	2	3	1	7
Noble f	0	0	0	0
Larson f	2	1	2	5
Hilt c	1	2	3	4
Rice g	0	0	1	0
Gayer f	0	0	1	0
Slatsinsky g	0	3	3	3
Dooley g	0	0	1	0
Johnson g	0	1	1	1
5 10 13 20				

College View				
	PG	FT	PF	TP
Henson f	4	1	3	9
Fielmsing f	3	0	1	6
Westbrook f	1	0	1	2
Porter f	0	0	1	0
Maulier c	0	1	0	1
Miller c	0	0	0	0
Stern g	5	2	2	12
Fisher g	0	0	1	0
Richardson g	1	0	3	2
14 4 14 32				

## SHERIFF HAS ANNIVERSARY

From Saturday's Daily—Today was the thirty-fifth wedding anniversary of Sheriff and Mrs. Joe Mrasek, we were informed at the court house today. Miss Hazel Edna Kline and Joe Mrasek were married at the court house on January 25, 1907, by Judge J. E. Douglass and since that time have made their home in this section of Cass county. Their many friends will join in extending their congratulations on the pleasant anniversary.

The sheriff observed the day by going to Weeping Water after two prisoners that had been arrested there last night and escaped only to be recaptured.

## RECEIVES SIXTY DAYS

From Friday's Daily—Charles Clark was arraigned in the county court this morning on complaint of his wife, Mrs. Pauline Clark. The young man was arrested by Deputy Sheriff Doody and following the testimony in the court was given a sentence of 60 days in jail by Judge Duxbury.

## DEPARTS FOR SERVICE

From Saturday's Daily—Today two Cass county young men, selectees under the last call, departed for Fort Leavenworth, Kansas, for induction into the army. Ralph Dreamer of Elmwood and Kenneth R. Wessell, of Nehavka, were the two to respond to the call.

## ASKS FOR DIVORCE

In the office of the clerk of the district court today an action for divorce has been filed by Mary Fenwick against Robert H. Fenwick. The petition sets forth that the parties were married at Lexington, Missouri, February 14, 1939. The defendant is a non-resident of Nebraska. J. Howard Davis appears as the attorney for the plaintiff.

## RETURNS TO NEBRASKA

Albert H. Bornemeier, formerly a resident of Wabash, has returned from Baltimore, Maryland, where he was engaged with the Glenn L. Martin company at their plant in that city. Mr. Bornemeier is preparing to take up his work at the Fort Crook plant of the Martin company.

## Subscribe to The Journal

## Church Sponsored Rural Life Meet and Conference

Will Be Held at Several Places in the Diocese of Lincoln—Church Leader to Speak

The trend toward tenancy, commercialized farming and large concentrated land holdings in American agriculture is now regarded everywhere as one of the major problems confronting both church and state. To stimulate an intelligent study of this vital question, the Catholic Diocese of Lincoln, under the auspices of the National Catholic Rural Life Conference, will sponsor a Farmers' Institute which will be addressed by Monsignor Ligutti, the Conference Executive Secretary, and several speakers recognized as qualified authorities on the things which concern the nation from the viewpoint of the farmer. Altogether five regional meetings will be held. They are scheduled for Monday, January 26, C.Y.O. hall, 18th & J streets, Lincoln; Tuesday, January 27, Tichen Gymnasium, Falls City; Wednesday, January 28, St. Angela's hall, York; Thursday, January 29, St. Cecilia's school auditorium, Hastings; Friday, January 30, St. Catherine's hall, Indianola.

In his Pentecost address last year, His Holiness, Pope Pius XII, referred to the farm home as a "vital space." On that occasion, the Holy Father declared: "Of all the goods that can be the object of private property, none is more conformable to nature than the land, the holding in which the family lives, and from the products of which it draws all or part of its subsistence."

"And only the stability which is rooted in one's own holding makes of the family the vital and most perfect and fecund cell of society, joining up, in a brilliant manner, in its progressive cohesion, the present and future generations."

"If today the concept and the creation of vital spaces is at the center of social and political aims, should not one, before all else, think of the vital space of the family and free it of the fetters of conditions which do not permit even to formulate the idea of a homestead of one's own."

The material basis of family culture is ownership. It must, therefore, be the aim of human society to give its support to all measures, legislative and otherwise, which seek to promote the family-type farm. Our tenancy system is probably the worst among civilized nations. It has developed a policy of commercialized farming that is destructive of family life and home culture. Now that our county is engaged in the most stupendous program of all history for the defense of basis human rights and fundamental freedoms, it is a patriotic duty to stem the tide of servile farming and restore the countryside home to its proper place as a native habitat of the human family.

Conant Wiles, who has served as one of the stenographers in the Cass County Assistance office for a period of 11 months, has tendered his resignation and is to report for work as clerk-stenographer in the office of the Soil Conservation Service at Albion, Nebraska, Monday. A Weeping Water resident, Conant's new position is a Civil Service appointment. No one has been named to succeed him.

## NAME DRIVE COMMITTEE

In preparation for the annual Boy Scout drive and the 32nd anniversary of the establishment of the organization, the local Scout committee met on Thursday night at the office of W. A. Robertson to plan for the drive to raise funds for Scouting in this community.

Dwight Edwards and W. A. Robertson were named as the majors for the dawn to dusk drive and empowered to name the captains of the various teams.

Dr. Leonard Fitch was named as the solicitation chairman George Dobson, arrangements chairman and Andrew Robinson as the publicity chairman.

## PROCEEDS FROM FLOUR SALE GOES TO RED CROSS

John Bishop, an employee of the Consumers Public Power Company, has been the recipient of a sack of flour. Wanting to do his bit for the American Red Cross War Relief Fund, he donated the flour to the organization and it was disposed of in a fitting manner. The proceeds netted the Red Cross \$5.80.

## ENGAGED AT FORT CROOK

Edgar Glaze of this city, sometime ago took a civil service examination for chauffeur and has been notified that he was successful and assigned to a position at Fort Crook. Mr. Glaze has been for some time engaged as guard on one of the local railroad bridges but will take up the work at the fort.

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## CHANGES PLEA TO GUILTY

From Thursday's Daily—This morning in the county court Ellis Phillips was present to change his plea of "not guilty" to the charges of grand larceny and breaking and entering to "guilty."

The young man was accordingly bound over to the district court and will probably be arraigned the coming week. Judge Wilson has notified the clerk of the district court today that he will be here on Thursday and Friday, January 29 and 30.

## Geo. Van Horn, Old Resident, Died Last Night

Had Made Home in Cass County for the Greater Part of His Lifetime

From Friday's Daily—Last night at 8:30 at the Cass county farm west of the city, George Creston Van Horn, 61, passed away after a long period of failing health, the past two years being a partial invalid.

Mr. Van Horn was born April 1, 1880 at Creston, Iowa, son of Henry C. and Dora Van Horn, they later moved to Cass county where they resided until their death. The father passed away in 1931 and the mother in 1905, both living here at the time.

Mr. Van Horn was married in 1905, after the death of the mother, to Ethel Bates and was married the second time January 29, 1913, to Cecelia Peterson at Omaha.

There survives the death of Mr. Van Horn the widow and one brother, Albert of Granville, Idaho.

## LOCATED AT SHEPPARD FIELD

SHEPPARD FIELD, Tex. Jan. 23—Beginning the first lap of a course that eventually will give him a rating as an aviation mechanic, Pvt. Bernard A. Jackson, of Plattsmouth, today is enrolled in the mechanics school at Sheppard Field, Texas, the world's largest Air Corps Technical Training School.

Private Jackson, attached to the 312th School Squadron, began class work Jan. 1, and is scheduled to graduate in May. The son of Mr. and Mrs. Clyde Jackson, 5th street, he attended Plattsmouth high school.

At present, Private Jackson is in the third week of school and is studying structures. Before he qualifies as one of the eight specialists necessary to keep one plane in the sky, Private Jackson will have undergone intensive training designed to give him a complete working knowledge of the battle birds.

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## Murray Reaches Quota in Red Cross Drive

Total Now Two Dollars Over Requested Sum; Committee Still Receiving Contributions

Murray residents, and those in the community, have responded to the Red Cross War relief in splendid manner, raising the quota set for them and raising \$150. Not satisfied with the showing the members of the chapter are carrying on the work and contributions can be made to Willard Nelson, Dale Wohlfarth or Charles H. Boedecker. The report of the contributions follows:

Murray State Bank	\$ 10.00
C. D. Spangler	5.00
Geo. E. Nickles	5.00
E. S. Tuttle	5.00
Rev. Neil Stewart	1.00
Henry Kirchner	2.00
J. A. Davis	1.00
A. L. Carper	5.00
Charles H. Boedecker	5.00
Ben J. Noell	5.00
John J. Stones	1.00
Dr. R. W. Tyson	5.00
G. E. Brubacher	5.00
Frank Mrasek	2.00
C. M. Road	5.00
Parr Young	5.00
Veal G. Smith	1.00
W. G. Boedecker	10.00
Bert Jameson	2.00
Irma Dvorak	1.00
Chester Stone	1.00
Mr. and Mrs. W. L. Seybolt	2.00
William Sporer	1.00
Curtis Faris	2.00
F. T. Wilson	1.00
Willard Nelson	1.00
Mr. and Mrs. Ed Gansamer	2.00
Mr. and Mrs. J. L. Young, sr	5.00
Philip Keil, jr.	2.00
Harold Jacobs	3.00
Robert Weston, Mgr. Robinson Elevator Co.	5.00
Elbert Keil	1.00
F. J. Hild	5.00
Arthur Hild	2.00
M. H. Worthan	1.00
Dale Wohlfarth	1.00
J. J. Glenson	2.00
Wilbur Lang	1.00
Dr. and Mrs. G. H. Gilmore	5.00
John Sans	2.00
Mr. and Mrs. O. A. Davis	2.00
Mrs. Margaret Brendel	1.00
Rev. H. B. Hutchnan	1.00
Esther Rhoden	1.00
Mr. and Mrs. Everett	1.00
Spangler	10.00
Mrs. J. H. Faris	1.00
Mrs. A. D. Asch	5.00
Mr. and Mrs. Glen Bethel	2.00
Mr. and Mrs. Herman Wohlfarth	1.00
Emma Reine Topliff	2.00