THE BEATRICE DAILY EXPRESS

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BEATRICE, NEBRASKA, SATURDAY, FEBRUARY 25, 1922

NUMBER 48

WANT NEW TRIAL IN CULVER CASE

ANOTHER CHAPTER TO BE ADDED TO FAMOUS AFFAIR

ALLEGE IRREGULARITY

Motion Filed for Retrial—Defense Gets Busy After Jury Returns a Verdict of $50,000

The history of the case of Arlie W. Culver against the Union Pacific railroad company was stretched another chapter yesterday afternoon when attorneys for the railroad filed a motion for a new trial on twenty-eight counts.

Gage couny's most famous court affair was believed by many to have wound up last Thursday, February 23, when the jury after a deliberation of nine and a half hours returned a verdict through its foreman, V. E. McGirr, awarding $50,000 damages to Arlie W. Culver for alleged personal damages resulting when loading a handcar near Raymond, Nebr.

Asked $65,000 Damages

Culver asked $65,000 damages in his original petition.

C. A. Magaw, T. W. Bockes, and Rianker, Kidd & Delehant, attorneys for the Union Pacific, in their motion for a new trial moved the court to vacate the verdict of the jury, and to grant a new trial for the following alleged reasons:

1—Irregularity in the proceedings of the court by which the defendant was prevented from having a fair trial .

2—Abuse of discretion on the part of the court, by which the defendant was prevented from having a fair trial.

3—Misconduct of the jury.

4—Misconduct of the plaintiff.

5—Excessive damages appearing to have been given under the influence of passion or prejudice.

6—Error in the assessment in the amount of the recovery.

7—The verdict is not sustained by sufficient evidence.

8—The verdict is contrary to law.

9—The verdict is contrary to the evidence.

10—Errors of law occurring at the trial and excepted to by the defendant.

11—The court erred in overruling the motion on the part of the defendant made at the close of the plaintiff's evidence to instruct the jury to return a verdict in favor of the defendant.

12—The court erred in permitting the plaintiff to withdraw his rest and produce further evidence.

13—The court erred in overruling he motion of the defendant to instruct the jury to return a verdict in favor of the defendant, which motion was made at the close of all of the evidence.

14—The court erred in giving to the jury instruction number two, three, four, five, five and one-half, six, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen.

Attorney Frank Bartos, of Bartos & Bartos of Wymore, and Thos. W. Keenan of Shenandoah, Iowa, attorneys for the plaintiff, had not taken any action at a late hour yesterday.

History of the Case

In his original petition, filed through his attorneys November 26, 1921, Arlie W. Culver stated the nature and extent of the injury to his back, and asked $65,000 damages.

On December 27, the Union Pacific railroad company's counsel filed an answer, their main allegation being that Culver's injuries resulted mainly from negligence or carelessness on his own part, and denying every allegation of the plaintiff, it is said.

The plaintiff's attorneys filed a reply January 13, denying that the risks and injuries from which Culver suffered were the result of negligence or carelessness and renewing his original prayer of $65,000 damages and costs of the action.

Most Interesting on Record

The case was called in District Judge Colby's court February 14, and there followed one of the most absorbing and interesting trials in Gage's chronicle.

Voluminous testimony given by physicians and witnesses for both sides kept reporters Ernest Kretsinger and Lee Johnson busy. Attorneys for both sides prepared for forensic fireworks in their argument, but Thomas W. Bockes, chief counsel for the railroad company, sprung a coup which surprised court room spectators when he moved that the case be submitted to the jury without further argument February 23. Judge Colby assented.

Price Young has gone to Florida to visit, for a few weeks with his father who formerly resided at this place.

FOUR TRAVELING MEN LOST IN STORM

Forced to Abandon Automobile and Seek Shelter in School House

Bassett, Neb., Feb. 25.—C. E. Allen, Frank Gales and Fay Gordon, traveling salesmen of Norfolk, and Fred Harkelrod, traveling salesman of Omaha, were lost in a terrific storm, forced to abandon their automobile and had a narrow escape from freezing to death while walking through the gale.

The men left Newport for Bassett Wednesday evening and when darkness came the blizzard overtook them. They were unable to drive the automobile and they started out on foot. After several hours' battle they stumbled on a schoolhouse where they spent the night. The men suffered frozen ears and fingers.

LAND TRANSFERS TOTAL $44,000

Register of Deeds J. A. Weaver Files Two Big Gage Transactions

Two land transfers, in the respective amounts of $28,000 and $16,000 were filed with Register of Deeds John A. Weaver today, and offer conclusive proof of the value of Gage county land, which is staying "up" in price despite the depression of the times.

Ralph G. Ellis and wife transferred to Gerhardt J. Buss, the northeast quarter of section 18 township, 4, range, 6 today for the consideration of $28,000.

Eliza Hall of New York City transferred to Frank F. Kerr of Beatrice the southwest quarter of section 28, township 3, range 8, comprising of about 160 acres of rich Gage land. The consideration was $16,000.

MAY VOTE ON BONUS WITHOUT MEANS OF FUNDS

Washington, Feb. 25.—Unless President Harding blocks it, the house ways and means committee is likely next week to vote for presenting a soldier bonus bill minus the definite means of raising the necessary funds.

Harding has strongly indicated that he would veto a bonus bill which did not provide the means for raising the money necessary to pay it.

GIRL LIVING NEAR COOK DIES IN SLEEP

Hilda Watermeier, 12, daughter of Mr. and Mrs. Emil Watermeier, living north of Cook, died suddenly Thursday evening while asleep.

She was not feeling well, so her mother put her to bed and administered to her. In the morning at 6 o'clock when Mrs. Watermeier went to call her daughter she found her dead. Neuralgia of the heart is given as the cause of death.

HENRY BRANDT STILL CONFINED TO HOME

Henry Brandt, well known farmer and stock raiser living west of the city who was badly hurt in an auto crash in West Beatrice two weeks ago, is not getting along as well as his friends expected an wished.

He is still confined to his home and suffers continually with his back and side.

STODDARD TO ATTEND SCHOOLMASTERS MEETING

Superintendent A. J. Stoddard of the Beatrice schools left Saturday for Chicago to attend the national convention of schoolmasters which is to be held in the windy city next week.

He expects to be gone about ten days and will no doubt secure some valuable pointers on school work while away.

BLOW STRUCK BY ROBBER FATAL TO WYMORE MAN

Word has been received at Wymore by Mrs. Mattie Turner of the death of F. L. Shepherd, formerly of that place, which occurred at his home at Memphis, Tenn.

The report states that Mr. Shepherd was struck over the head by a robber not far from his home, and that he died later at a hospital from the effects of his injuries.

Mrs. A. P. Ake of Falls City, who has been visiting her son, A. L. Ake of Beatrice, left Saturday for Ord, where she will spend a few days with friends.

GRAIN PRICES HIGHER

Chicago, Feb. 25.—Grain prices were higher on the Chicago board of trade today. May wheat opened at $1.44 and closed up 3 1-8. Chicago wheat opened at $1.24 and closed two points up.

TECUMSEH MAN ENDS HIS LIFE

JOHN AYLOR UNABLE TO BORROW MONEY

HE BECAME DESPONDENT

Shoots Himself in Head With 32-Calibre Revolver—Was Formerly Engaged in Farming Near Tecumseh

John Aylor, for nearly thirty years a resident of Tecumseh and known to a number of Beatrice citizens, ended his life at his home there by shooting himself in the head with a 32-calibre revolver.

He lived alone in a small house, and when he did not make his appearance as usual about the place, neighbors notified the county attorney who made an investigation. The body was found Friday lying on the floor, fully dressed. No inquest was held.

Failed to Borrow Money

It is said that Mr. Aylor had attempted to borrow money during the past week, and failing in this, he became despondent and ended his life.

Thirty years ago he operated a barber shop at Elk Creek, Johnson county, and was later engaged in farming near Tecumseh. The Johnson county records show that he was in the insane asylum at Lincoln from March 18, 1886, to February 8, 1892, when he was dismissed. He was 65 years of age.

In his effects, cash to the amount of $4.55 was found.

MURDER CHARGE AGAINST MRS. NEAL DISMISSED

Auburn, Feb. 25.—The murder charge filed against Mrs. Lucille Neal was dismissed in district court yesterday on motion of the county attorney. The defense was ready for the new trial to begin March 3, having several additional witnesses to prove that Billington W. Neal had committed suicide.

CLARENCE W. HIATT FILES FOR COUNTY CLERK

Clarence W. Hiatt, republican, filed for the office of county clerk with County Clerk G. L. Mumford today.

MARRIED BY COUNTY JUDGE

Edgar Lee Yarnell, 34, of Marysville, Kans., and Carrie Smith, 24, of McCook, Nebr., were married by County Judge Messmore Saturday morning.

POE FILES FOR SUPERVISOR

James E. Poe of Odell filed as a republican candidate for supervisor from the seventh district Saturday. The district is at present represented by Pat Dailey, democart.

THE WEATHER

Fair in the north and somewhat unsettled in south portions tonight and Sunday. Not much change in temperature.

Maximum temperature for 24 hours ending at 3 p. m. Saturday, 32 degrees; minimum temperature, 10 degrees.

Washington, Feb. 25.—For Upper Mississippi and Lower Missouri valleys:

Temperature below normal. Snow or rain in south portion.

W. J. LA VARRE JR.



William J. La Varre, Jr., just back from British Guinea, where he discovered the largest diamond ever found in that region, 31 carats in weight. Mr. La Varre was on an expedition for the Smithsonian institution.

CHARGED WITH ASSAULTING WIFE

Man Named Hall Brought Here from Adams by Deputy Sheriff

A Mrs. Hall of Adams phoned to Sheriff Emery Saturday morning that her husband attacked and beat her. The officer later got in touch with County Attorney Vasey who filed a complaint in Justice Ellis' court charging Hall was assault and battery.

A warrant was issued for Hall's arrest and placed in the hands of Deputy Sheriff Campbell to serve. The officer left shortly before noon in an auto to bring the accused man to the city for a hearing, but at last reports he had not returned.

WYMORE COUPLE GET LICENSE

Lansing Hinman, 61, of Wymore, and Mrs. Almeda Search, 64, also of Wymore, were issued a marriage license in County Judge Messmore's court this afternoon.

Secretary C. E. Jones of the Chamber of Commerce was in Lincoln today on business.

WILL PROPOSE 10-YEAR TRUCE FOR EUROPE

Say Lloyd George Will Fall Flat If He Expects Reduction of Army

Bologne, Feb. 25.—Lloyd George in his private conference with Premier Poincare, which began here this afternoon, will propose a ten-year truce in Europe, it was learned today.

The British premier has planned a limitation of land armament somewhat similar to the Washington proposal of Secretary of State Hughes concerning the navy.

French experts said that if Lloyd George counts upon a French army reduction as a basis for the scheme, he would be disappointed, for Poincare would never agree to that.

BLUEBEARD DIES BY GUILLOTINE

MOST REMARKABLE CRIMINAL OF WORLD IS EXECUTED

MEETS DEATH STOICALLY

Crowd Checked by Cavalry—He Refuses Religious Consolation—Declines Drink and Cigarette

Versailles, France, Feb. 25.—"Bluebeard" Henri Landru, the most remarkable criminal of modern times, was executed on the guillotine today for the murder of ten women and a boy.

A large crowd, checked by 400 cavalrymen, turned out before daylight to witness the execution, which took place in a street near the center of the city.

Landru, who up until the last moment had expected a reprieve, met death stoically. Only at the last moment, when he was led out into the cold dawn and as the frame of the guillotine loomed up in the half light did he falter.

Refused Consolation

He refused religious consolation, which was offered him in his death cell early this morning and declined liquor and a cigarette.

"I am innocent. I have nothing to add. I hope some one will care for my children," were the last words of the man accused of many crimes, including white slavery, abduction and the slaying of ten of his sweethearts and the burning of their bodies.

The slayer was conducted a short distance from the gates to the guillotine, which had been erected in the middle of the street running past the prison. He was pushed against an up-right board and hastily tied. The board fell forward, the cord jerked, the knife with its heavy weights came down with a thud and Landru's head toppled off in a basket and the execution was over.

Circumstantial Evidence

A remarkable feature of Landru's trial was that none of the bodies of the women he was supposed to have murdered were ever recovered. He was defended by brilliant lawyers and given every opportunity to prove his innocence. His final conviction was based upon almost overwhelming circumstantial evidence.

DOUBT THAT FEDERAL CALL WILL AVERT COAL STRIKE

Washington, Feb. 25.—Acceptance of a government call for a conference of bituminous coal miners and operators to avert a nation-wide coal strike is practically assured, according to authoritative government observers today.

There was believed to be little chance that a settlement can be reached by such a conference, however.

KILLED HUSBAND WHO CAME HOME INTOXICATED

Omaha, Feb. 25.—Mrs. Emil Valien shot and killed her husband, an iron molder age 34, when he abused her and the two children at 3 a. m. while intoxicated. She waited calmly for the officers after firing the fatal shot.

The two children clung tearfully to their mother's skirts as the police took her away.

FAIRBURY PASTOR MADE A BENEFICIARY

Rev. Wm. Haggerty of Methodist Church Bequeathed Sum of $5,000

Fairbury, Neb., Feb. 25.—By the terms of the will of Mrs. Maria S. Bloomer, who died at Ogden, Utah, recently, Rev. William Haggerty, resident pastor of the M. E. church at Daykin, Neb., was remembered with a gift of $5,000.

The estate amounted to $50,000. Of this sum $25,000 was left to the Methodist church at Belvidere. Mrs. Bloomer was a former resident of Belvidere and during her residence there, Rev. Mr. Haggerty was the pastor of her church.

Rev. Mr. Haggery is a brother-in-law of Miss Bertha Foster, county superintendent of schools of this city. His wife was formerly Miss Jessie Foster of Beatrice.

O'FUREY HEADS STATE EDITORS

Named President of Press Association—To Start Membership Drive

Lincoln, Nebr., Feb. 25.—The Nebraska Press association at its forty-ninth annual convention Friday afternoon elected the following officers for the ensuing year:

President, J. P. O'Furey, Cedar County News, Hartington; vice-president, J. S. Kroh, Keith County News, Ogallala; secretary, O. O. Buck, Courier, Harvard; treasurer, F. O. Edgecombe, Signal, Geneva; elective officers and elective committee, George Snow, Journal, Chadron; E. R. Purcell, Chief, Broken Bow; Clark Perkins, Express, Beatrice; Joe Alden, Republican, York; H. D. Flory, Republican, Pawnee City; Fred Mickel, Independent-Democrat, Seward.

Presideit O'Furey called a meeting of the new officers and executive committee immediately after the session Friday afternoon, announcing that the new administration planned an aggressive campaign for a larger membership which will give the organization additional funds and greater man power in carrying on its work.

SENATE COMMITTEE WANTS FAVORABLE TREATY REPORT

Washington, Feb. 25.—The senate foreign relations committee today ordered a favorable report to the senate on the four-power Pacific treaty. The supplementary treaty excludes the Japanese homeland from the four-power pact and naval limitations. The treaty limits the use of submarine and poison gas.

This leaves only the Chinese customs treaty to be acted upon by the committee. This will be done next week after Senator Pomerene of Ohio has expressed his views upon it.

PETITION FOR APPOINTMENT AN ADMINISTRATRIX

A petition for the appointment of an administratrix for the estate of the late Anna S. Bridges was filed in County Judge Messmore's court this morning by Hazlett, Jack & Laughlin, attorneys for Dexter F Bridges.

It is said that the value of the late Mrs. Bridges' property was about $6,000.

Marjorie Bridges is named as a suitable executrix.

EXPECT COLLAPSE OF WEAK BROKERAGE FIRMS

New York, Feb. 25.—A general collapse of weak brokerage houses in the next few days is expected by Wall street if the present rising market continues a few days longer. Meanwhile officials conducted a probe of bucket shop offices of the New York stock exchange.

MABEL NORMAND IS RECOVERING FROM FLU

Los Angeles, Feb. 25.—Mabel Normand is recovering rapidly from a serious attack of influenza and will soon be able to leave her bed, the Mack Sennett studios who are directly in touch with the actress' Altadena home by a private wire, announced today.

ANOTHER MOVIE COLONY TRIANGLE SENSATION

Los Angeles, Feb. 25.—Charges that Francis Spottiswoode-Aitken, veteran motion picture character actor had forced her to live with a millionaire at Santa Barbara, Mrs. Marian Spottiswoode-Aitken today filed sensational counter charges in the divorce action instituted by her husband.

Mrs. Spottiswoode-Aitken asserted that she had been coerced into living with the man in order that her husband might extract money from him.

VOTERS IN CITY MUST REGISTER

REVISION OF BOOKS STARTS MARCH 6

AT CITY CLERK'S OFFICE

Records Open Daily Up to and Including April 1—To Redistrict Three Wards After Election

In conformity with the state law, Beatrice and other cities in the state of its class, will hold a general revision of registration this spring, and this means that every voter within the corporate limits must register at the city clerk's office.

City Clerk Pethoud announces that the books will be open for registration beginning March 6 and remain so up to and including April 1. He urges that all voters avail themselves of the opportunity to register as soon as possible after the work begins in order to avoid th rush at the time for closing up the books.

Hours for Registration

He announced Saturday that the books would remain open each day begining on March 6, up to and including April 1, from 9 to 12 o'clock, and from 2 to 5 o'clock.

These hours will be observed on Saturdays with two hours additional in the evening—from 7 to 9 o'clock. In order to avoid confusion as to dates and hours regarding registration, the city clerk asks voters to study the time for opening and closing the books each day so that there will be no delay in carrying on the work.

The ordinance providing for establishing two districts in the First, Second and Fourth wards of the city, instead of one, and which was read the first time at a recent meeting of the city commissioners, will not be passed until after election because the city commissioners are of the opinion that it will result in confusing the voters on election day.

BEGIN TO DOUBT STORY TOLD BY HARRY FIELDS

Detroit, Feb. 25.—Officials here today began to doubt the story of Harry N. Fields, confessed forger, who has told in great detail what he claims to be the true facts of the murder of William D. Taylor.

Authorities here have come to the conclusion that Fields, who is awaiting sentence on a charge of forgery has framed the story in order to be taken to Los Angeles, where he would be freed on a writ, making it impossible to return him to Detorit.

Los Angeles, Calif., Feb. 25.—Detectives of the "Cihmatown squad," who had been laying in waiting for the man wanted throughout the night, telephoned headquarters today that they believed they would be bringing him in soon.

Many points of Field's story have proved untrue, such as the "hidden murderer's gun" and other details of the crime.

DR. EDWARD SCHAEKEL LOCATES AT MARYSVILLE

Dr. Ewdard Schaekel of this city has closed a deal for the purchase of a half interest in the dental business of Dr. E. M. Grindle of Marysville, Kas. Dr. Schaekel left for that place this week and will be joined later by Mrs. Schaekel.

He lost his office by fire at Chanute, Kas., some time ago, and since that time has been undecided as to a permanent location. He is a son of Mr. and Mrs. E. Schaekel, old residents of Beatrice.

EARL WALLACE, BEATRICE BOY, HAS NARROW ESCAPE

Mrs. Louis Scribner, Ninth and Court streets, has received a letter from W. N. Wallace, her nephew, telling of the narrow escape of his brother, Earl Wallace, in which a chum of the latter was killed in a snowslide.

The tragedy occurred near Hill City, Idaho, February 7. John Coder was buried in an avalanche of snow, while Earl fought frantically to recover the body until his hands and feet were frozen.

FUNERAL SERVICES FOR MRS. SOPHIA STARK

Funeral services for Mrs. Sophia Stark were held Saturday morning at 10 o'clock from the Church of the Brethren near Holmesville, conducted by Rev. Edgar Rothrock, pastor. Burial was in the Stark cemetery, which was named after her husband, the late George Stark.

Mrs. Stark died at the home of her daughter at Olympia, Wash., last week. She was the mother of Mrs. David Hooten of the Holmesville neighborhood.

Clyde Foulk and L. C. Oden took in the sights at Lincoln today, making the trip by auto.



AUSTRIAN CASTLES NOW PUBLIC SOUP KITCHENS: The castle Belvidere at Vienna, formerly the home of the murdered Archduke Franz Ferdinand, is now being used as a public soup-kitchen and eating place where the poor children of the city are fed by municipal provisioning. Here is a picture of the "bread and soup line" waiting for the doors of the castle to open and the food to be served.