

\$20,000 DAMAGE SUIT FILED FOR HORSEWHIPPING

Wm. D. McBride and Morris V. Harris, Blodgett, Named Defendants.

MEN SINGLED FROM NIGHT-RIDERS RANKS

Masked Citizens Beat Howard Levan With Water Soaked Ropes.

Morris V. Harris and William D. McBride, head bookkeeper of the B. F. Marshall Merc. Co., at Blodgett, are named as defendants in a \$20,000 damage suit filed yesterday morning in the Circuit Court of Stoddard County at Bloomfield, by Howard Levan. The suit is the outgrowth of a horse-whipping Levan suffered several months ago by a party of "night riders."

The suit was filed for Levan, by Oscar A. Knehan, U. S. Referee in Bankruptcy, and Senator Thomas F. Lane, as his attorneys. The petition was sent to the Bloomfield clerk Wednesday night and filed early Thursday morning.

Levan asks the court for \$10,000 actual damages for the pain, humiliation and suffering he sustained from the horsewhipping, and \$10,000 exemplary or punitive damages.

A group of several men in Blodgett beat Levan with water-soaked ropes after they had taken him from his home. Levan was accused about Blodgett of window peeping. Levan denied the charge and invited a prosecution of himself on that charge.

He alleges that Harris and McBride were members of the party that performed the horsewhipping. Before the suit was filed, Knehan made an investigation of the circumstances in Blodgett, to obtain the names of witnesses and obtain evidence.

He asserts that he has evidence to prove the connection of the two men named in the suit with the "night rider" party.

He declared he has evidence that will connect other men with the case, and separate suits may be instituted against them later. Knehan holds also, letters threatening Levan and an old man who had befriended and championed his cause in Blodgett after the assault had occurred. These will be used in the prosecution of the suit, he says.

The case will come up before Judge Kelley in the November term of Court. The crowd of men that took Levan away from his wife, hurried him into the front yard and there stripped off his shirt for the whipping, were masked and armed with revolvers. They tied his hands and feet before they commenced the beating.

It is said that one of the men in the party is a bank officer. Others held responsible positions in Blodgett.

The petition in the damage suit is as follows:

"Plaintiff states, that heretofore, to-wit, on the day of — A. D., 1915, in the City of Blodgett, County of Scott, and State of Missouri, the defendants herein conspired wantonly, maliciously, and without just cause, reason or provocation, to assault, beat, wound, injure, and do great bodily harm to the plaintiff herein, and that on said day aforesaid, the defendants herein acting in concert, did wantonly, maliciously, willfully and wrongfully assault, beat, injure, wound, bruise, maim and disgrace the plaintiff herein, by kicking him, and by brutally whipping and beating plaintiff on his back, arms and body with whips and ropes, without any just cause or provocation and thereby rendered plaintiff prostrate and helpless by reason of said aforesaid beating and kicking; that by reason of such whipping and assault aforesaid plaintiff was caused to suffer great bodily pain and mental anguish, and great humiliation and disgrace in the eyes of the public, all to plaintiff's great injury and damage.

"Wherefore, by reason of the premises, plaintiff asks for judgment against the defendants for the sum of \$10,000 actual damages, and \$10,000 exemplary or punitive damages, and for costs."

EDITOR BECOMES BANKRUPT.

William York, former editor and publisher of the Hayti Herald, who recently sold out his paper to Otis A. Popham, has filed a voluntary petition in bankruptcy in the U. S. District Court, which has been referred to Referee Oscar A. Knehan.

York listed his assets at \$397.64 and his liabilities at \$1,392 in his schedule. One of his assets was an item of \$150 in 12 notes from Papham. York formerly was in the dry goods business.

KAGE LAMENTS AN UNKISSSED BRIDE

Declares Girl Prettiest of 700 Whose Nuptials He Has Said

"Of all sad words of tongue or pen, The saddest are these: 'It might have been.'"

Never was the truth of that jingle more convincingly impressed upon the mind of Mayor Kage than last evening when he married Miss Bertha Smiddy of Oran, and Claude F. Metz of the Cape, an employe at the Frisco shops. He failed to kiss his bride,—that is to say, Metz failed to kiss his bride. And she was pretty! The Mayor said so too, and the Mayor knows, for he is known in a good many places in this part of Missouri as the "Marrying Justice of the Peace."

"I have tied the knot for more than 700 couples since I have been here," the Mayor declared, "and I'm just convinced she was the prettiest that ever stood up before me."

Mrs. Metz is only 20, and her husband 25. The couple smiled their happiness as the Mayor performed the ceremony. She smiled sort of expectantly into his face as the lost words were said, but the kiss—it didn't come. He turned to shake hands with the Mayor.

Then they departed and the Mayor conjured up the bit of poetry that expressed his sentiments.

The Mayor last night also married Hen Huedel and Miss Grace Wynes, both of the Cape. Huedel is an employe at the shoe factory.

WIRELESS WIZARD HAS KIN IN CAPE

Expert in Honolulu Who Heard Washington Chat With Paris, is C. H. Overstolz's Cousin

Lloyd Espenschied, the telephone engineer in Honolulu, who listened to the wireless telephone conversation Thursday night between Washington, D. C., and Paris, is a first cousin of Charles H. Overstolz, and his three sisters of this city.

Espenschied, who is only 23 years of age, is an expert in charge of the American Telephone and Telegraph Company in Honolulu. He was born and educated in St. Louis. His father, the late Fred Espenschied, was a State Senator from St. Louis for two terms.

The young expert, who is a nephew of Mrs. Otto E. Forster, is known as an electrical genius. When 16 years old, he built a wireless apparatus in New York City, while the guest of his grandfather, and intercepted a message sent by President Roosevelt from a battleship at sea to the White House. The lad's apparatus prevented the President's message from reaching its destination, and young Espenschied received much newspaper publicity as a result of the incident.

After finishing college at Harvard, Espenschied became connected with the American Telephone and Telegraph Company, and his inventions have assisted in the development of this new discovery.

Espenschied was in his office in the Pearl Harbor Navy Yard at Honolulu when he listened to the conversation from the United States with Paris. He was 4,800 miles from the Washington station, yet he heard distinctly the message to the engineer in Paris and his answer.

After Espenschied notified the Washington office that he had heard the conversation between Washington and Paris, John J. Carty, chief engineer of the American Telephone and Telegraph Company, stationed in Chicago, communicated with Thomas A. Edison at Orange, N. J., by wireless telephony, notifying the electrical wizard that a human voice had been wafted over the sea by wireless.

Young Espenschied spent several months with Thomas A. Edison in the latter's experiment station at Orange.

BOSSSES INSPECT C. G. & N. Travel Over System in Special Car—Stop Overnight in Cape.

Seven section bosses of the Cape Girardeau and Northern Railroad, yesterday afternoon completed the first half of an inspection tour of the road. They arrived in the Cape last night and this morning will depart for the rest of their journey and thence to their homes.

A special car was provided for the men as they traveled over the C. G. & N. system. Those who were in the party are: John Stone, of Daisy; Barney Zolben, of Neely; Alfred Green, of Jackson; Henry Mayo, of Lithium; John Smith, of Fruitland; Frank Oliver, of Oak Ridge, and Red Black, of Perryville.

C. G. & N. ORDERED SOLD WITHIN 90 DAYS BY RANNEY

Action Will Force Frisco to Take Road Over and End Receivership

SALE TO BE OFFERED THROUGH NEWSPAPERS

Court Decrees Insures Bond-Holders of Realizing Face Value on \$1,500,000 Debt.

On an order entered by Judge R. G. Ranney in the Court of Common Pleas yesterday, the Cape Girardeau & Northern Railroad will be sold at public auction at the end of 90 days.

The sale which is brought on by bond holders of the road, it is believed, will force the Frisco to take over the properties and at the same time take it out of receivership. This move, it is forecasted, also will pave the way for the release of the Frisco system from bankruptcy.

Judge Ranney's order filed yesterday, was a supplemental decree to the one he filed Nov. 28, 1914, when he ordered the road sold. It was aimed to take care of a block of bonds that were not encompassed by the first order.

When the supplemental order had been filed, it was announced that advertisements of the road's sale at auction will be inserted in newspapers at once and the line will be knocked down under the auctioneer's hammer at the Courthouse steps in the Cape.

When the original order of sale was made by the Court, the document did not make provision to have a block of \$10,000 worth of gold bonds held by the St. Louis Union Trust Company as trustee, covered by the proceeds of the sale.

In the original order it was provided that the properties were to be sold to satisfy claims represented by bonds aggregating \$1,500,000.

A part of the road, the section between Farmington and Saline Junction, is subject to a mortgage or deed of trust executed by the Saline Valley Railroad Company on Sept. 20, 1905, to secure a debt of \$400,000 which is represented by first mortgage bonds of the Saline Valley Railroad Company bearing interest at 5 per cent and to mature Jan. 1, 1936.

A block of those bonds whose face value is \$10,000 are outstanding and unpaid, and now are in the hands of the St. Louis Union Trust Company.

The decree makes it plain that the mortgage on that section of the road, to the extent of \$10,000 now outstanding, constitutes a lien upon the railroad, paramount to the lien of the mortgage already tied up in the former decree.

When the road is sold, the Court orders that the \$10,000 worth of bonds be satisfied under the mortgage.

The \$10,000 worth of bonds which were covered by the supplemental court order compose the last block of bonds against the railroad to be placed in the hands of the trustee for the road.

It was when control of that paper was gained, that the trustee in charge of the bonds was willing to go ahead with the sale.

Attorney John D. Johnson of St. Louis came down to the Cape yesterday afternoon accompanied by Attorney Charles P. Hope to have the order entered.

Johnson represented the St. Louis Union Trust Company, and Hope the railroad.

When the bonds, which are secured by the mortgages on the road first were issued, the bond holders obtained a contract with the Frisco Railroad, binding the Frisco to guarantee the bonds on the C. G. & N.

A total of about \$1,500,000 worth of bonds were issued against the road, all of which the Frisco contracted to guarantee. The Frisco, about three years ago, went into the hands of a receiver, and at that time the receivers attempted to have Judge Sanborn of the Federal Court in charge of the Frisco receivership, declare that the contract with the C. G. & N. bond holders was not binding upon the railroad.

The vast majority of the bonds are owned by Louis Houck who took them in payment for the construction work he performed upon the road.

Many of the bonds were purchased by scores of business men in Southeast Missouri and financial interests in St. Louis.

When the attempt was made by the Frisco receivers to abrogate the guarantee contract with reference to the bonds, Houck championed the cause of the bond holders and fought the case out in the Federal Court.

A few weeks ago, Judge Sanborn handed down an opinion in which he held that the contract the Frisco made,

PARALYSIS IS FATAL TO FRED HARTMANN

Resident of Cape County For More Than Half a Century Ill Since May.

Fred Hartmann, 52 years old, who has been a Cape County farmer all his life, died at 3:30 o'clock yesterday afternoon at his home on the North Sprigg street road. Paralysis and heart trouble was the cause of his death.

Hartmann has been ill since last May. About a month ago, his condition was so serious, physicians gave him up. He rallied, however, and a week later, his recovery seemed to be almost complete.

He left his bed to which he had been confined for a great part of the time he had been ill, and walked about the house although he never was able to do any work.

A few days ago, he suffered a relapse and gradually grew worse till the end came yesterday.

Hartmann was born on a farm near the one on which he lived recently. He was a bachelor till about five years ago. He is survived by his wife and a stepson, Dennis, whom Hartmann had adopted.

He also is survived by a brother, William Hartmann, who lives nearby, and a sister, Mrs. Johanna Sybilene, of Sweet Springs.

The sister will come from Sweet Springs for the funeral which will be Thursday from the residence to the Hanover Cemetery.

MAYOR KAGE IS CALLED TO AID AT JACKSON WEDDING

Far From His Regular "Beat" Mayor Says Ceremony With Lane As Witness.

While Mayor Kage was in the Courthouse at Jackson yesterday afternoon conducting the hearing of Waddell Fields, charged in a warrant with being an accomplice in a forgery case, he was called into service to perform a marriage ceremony.

The ceremony was for Charles R. Thompson and Miss Nellie I. Cuberly, both of Wittenberg, Perry County. The couple went to the Courthouse for their license and then sought a Justice of the Peace who could perform the ceremony for them.

The regular men on the job in Jackson were absent at the time, and Sam Vandivort went to Kage for his professional assistance. Kage said the necessary words as Senator Thomas F. Lane and Vandivort acted as witnesses.

was binding upon the receivers that no matter what happened to the road, the Frisco would have to make good the face value of the bonds.

After this step was effected the bond holders are now proceeding to have the road sold for what it will bring on the physical properties. The money realized from this sale will be prorated among the bond holders, and the Frisco, under its contract, will have to make good the remaining portion of the face value of the bonds.

It is pretty generally admitted that the road's physical value at present will not warrant a price to be paid for it equal to the face value of the bond issue which rests against it. The Frisco as a consequence will have a heavy deficit to make up.

At the same time, it is argued that the Frisco in order to save something, may want to take over the road. The Frisco virtually will have to stand good for the high per cent of the bonds' face value, so it argued that the road's management will bid the property in with a view of making the road a paying feeder line when the Frisco has been released from receivership.

It is possible that some other railroad interest may be present at the sale to bid in the properties, R. H. Schultz declared last night, so that in the event that the Frisco decides to take over the line, the bid may be forced high.

Johnson will prepare the advertisements for the newspapers of the sale at his office in St. Louis and send them to New York, Chicago, St. Louis and Cape Girardeau within a few days, he declared.

The present action of the trustees in forcing the sale of the road, in a measure explains the circumstances surrounding the quashing of a sale of \$100,000 worth of bonds of the C. G. & N. held by the Mississippi Valley Trust Co., of St. Louis. The Mississippi Valley Trust Co., last summer advertised a block of \$100,000 worth of bonds. The sale date approached and it was believed the auction would materially affect the outcome of the road's financial tangles.

A few days before the sale was to have been held, the affair was called off. It is believed that that block was, at that time gotten under the control of interests wishing to force the liquidation of the bonds to an issue with the Frisco.

SNERLEY DEATH WAS LAST LINK IN DEATH CHAIN

Dr. Frank M. Nettles Predicted Four Would Die and Forecast Came True

HE SUCCUMBED FIRST, BUT AS HE FORETOLD

Physician Gave Men in Card Party Two Years, and All Died in Order Named

The sudden death of O. D. (Chick) Snerley Friday evening, formed the last link in a chain of four deaths which were predicted more than two years ago by the late Dr. Frank M. Nettles. And the four men died in the order named, his end coming first.

Friends of "Chick" Snerley have been relating the story of Dr. Nettles' weird prediction and how it affected Snerley. Oscar Rudiger last night told The Tribune how Dr. Nettles happened to forecast the four deaths, and declared that time had made the prophesy come true.

"Snerley told me the story only a few weeks ago," said Mr. Rudiger. "I had heard it on many occasions, but as it did not come from the men who figured in it, I just supposed it was fiction. But Snerley said the death list had been written on a card in the order in which the four men were to die. 'Chick' said he did not consider it seriously at the time, but the deaths of the other three caused him some uneasiness.

"The four men were playing cards at the home of Dr. Nettles. In the party besides Dr. Nettles were Al Cottle, Monk Franck and Snerley. Dr. Nettles lost the game and when his guests started to depart, he said: 'Well, you can beat me at this game, but I will lead you to the cemetery.

"The uncanny statement came as a surprise and to impress his prediction on them, Dr. Nettles handed Snerley a card, bearing this message. 'Four men will be in our graves within two years. I will die first, Cottle will follow and then Franck will die. Snerley will live until the autumn of 1915.'

"A few months after that, Dr. Nettles died. Snerley recalled the dead physician's prediction while he and Cottle were attending the funeral. Cottle, laughing, said: 'I guess I am the next to go.'

"Cottle died a few months after Nettles did, and then Franck passed away. This left Snerley as the last link in the chain, and he often talked with close friends about the strange prophesy and how it was coming true. He would write the message of Dr. Nettles on paper when discussing the string of deaths, and wonder whether he had but a few months longer to live.

"During the past year, his friends noticed Chick's decline. He lost flesh, and was never in good natured moods. When he was seized with a hemorrhage some months ago, he said it was the beginning of the end for him, and that it was in keeping with what Dr. Nettles had said."

Everyone who knew Snerley was discussing his death yesterday, linking it with those of Nettles, Cottle, and Franck. Mat Morrison said yesterday that Snerley had told him the message Nettles wrote. He also declared that he had heard Franck relate the story after the death of Cottle.

MRS. EMMA MCNEELY DIES IN ARKANSAS SANITARIUM.

Former Jackson Woman Was Well-Known Throughout County for Her Musical Attainments.

Mrs. Emma McNeely, formerly of Jackson, and well-known in musical circles throughout the county, died in a sanitarium in Booneville, Ark., early yesterday morning of tuberculosis. She had been ill a long time.

The news of her death came in a telegram to Mrs. J. C. Clippard, a sister, in Jackson. The message stated that the body would leave Booneville early today and would reach Jackson about noon tomorrow. Burial will be made in the city cemetery of Jackson.

Mrs. McNeely was the wife of Bern McNeely, an official in the International Harvester Company, with headquarters in Booneville, Ark. Besides her husband, Mrs. McNeely leaves three children, two sons and a daughter. One of her sons is a graduate of the United States Military Academy, and is on the Battleship Louisiana, which is now lying off the coast of North Carolina. He will not be able to attend his mother's funeral.

Mrs. McNeely is the daughter of Mrs. B. F. Wigginton of Jackson, and possessed a rare musical talent. Miss Minnie Wigginton, a sister, lives in St. Louis.

WIDOW ASKS \$10,000 ON HUSBAND'S DEATH

Charges Neglect - When George Brown Was Hit by Hartle Auto.

Mrs. Francis H. Brown, widow of the late George Brown, who died April 12, last, after being injured by an automobile, yesterday filed in the Court of Common Pleas, a damage suit for \$10,000 against Louis Hartle and Edward Hartle, of Haarg, who were in the machine that struck Brown.

The suit was filed for Mrs. Brown by Orren Wilson. It is cited as the State of Missouri at the relation of and to the use of Mrs. Brown, and is a statutory action for the death of her husband.

Brown was struck by the automobile about 8 o'clock in the evening on April 8, last, as he was crossing Good Hope street going north on the east side of Sprigg street.

The Hartle machine was running east on Good Hope when Brown was run down. Brown sustained a fractured skull and numerous lacerations which caused his death four days later.

The petition declares that Brown was earning \$1.60 a day as the support for Mrs. Brown and she asks additional damages, such as the Court may deem proper.

Mrs. Brown, in her petition, declares that the Hartle machine was not equipped with proper brakes and was not conforming with city ordinances in having lights burning. She claims also that the traffic ordinances were being violated by the motor car in driving beyond the speed limit.

WILL DEDICATE CHURCH NOV. 14

Special Services Arranged in Gordonville by the Congregation

Zion Church, the German Lutheran Church at Gordonville, much of which has been built by the hands of men in the congregation and which now virtually has been completed, will be dedicated November 14, on the fiftieth anniversary of the dedication of the old church which stands scarcely a half block from the new structure.

The dedication exercises and celebration of the old church's fiftieth anniversary will be combined into one ceremony. The members of the congregation will assemble at the new historic structure in the morning, and march in a body over into the new edifice.

The cost of the new church building has been approximately \$12,000, but this cost has been cut down virtually a third by the donations from members of the congregation—donations of work, and materials.

The construction of the church has been in the charge of a Building Committee composed of the following men: Jacob Gluckshartz, chairman, A. F. Lorberg, secretary and treasurer, Henry Suedekum, Fred Grosshider and Alvin Feuerhahn.

Secretary Lorberg was in the Cape yesterday afternoon making final arrangements for some of the equipment that will be placed in the completed structure. He declared that he expects to close up the work of the Building Committee by November 6.

Several bills against the church are outstanding, he said, and he declared that the committee wants every obligation against the church, whether it be for labor, materials or anything else connected with the building, to be handed to him in the form of a statement or bill by November 6.

The members of the congregation when they determined last spring to build a new church, selected the plot of ground not far from the present building, and made the excavation at once themselves. One of the members would bring a team, another furnished a wagon, several others worked on the plows and many more took spade and pick in hand and did the heavy work.

It required but a short time to complete the excavation and the stone foundation was commenced. The members of the congregation, some of whom were stone masons, finished the foundation and at that stage the building was turned over to a contractor for completion. Even later, many members of the church aided free gratis with the work.

The church is one story high and is built of brick. Its finish inside is completely in oak and it will be one of the most magnificent and most complete structures of its kind in Cape County.

Rev. Berkner, now of Boston, Mass., who several years ago was pastor of the little church at Gordonville, will be present at the dedication exercises, and will deliver an address at the services in the afternoon. Another minister will be called in for the morning services.

BIG CROWD HEARS DR. KUEHNEMANN AT COUNTY SEAT

German Lecturer of International Fame, Speaks to Packed Court Room.

SAYS JEALOUS ENGLAND PRECIPITATED THE WAR

Will Repeat Address at Court House Here Tonight—Big Crowd Expected.

A crowd, estimated at more than 500 filled the Court House at Jackson last night to hear Dr. Eugene Kuehnemann, the distinguished German educator, discuss the causes that precipitated the war in Europe.

Dr. Kuehnemann spoke in English for more than an hour and then gave a twenty-minute talk in German. His address was frequently interrupted with applause, and when he finished, his listeners formed in line and shook hands with their distinguished guest.

People came from distances of ten miles to hear Dr. Kuehnemann relate the conditions that were responsible for the speech-making struggle in Europe.

He declared that England's greed was the direct cause of the war; that Britain realized that its strangle hold on the world commerce was slipping away, and the bulk of it was going to Germany.

The Court House was not large enough to accommodate all of those who gathered in the County seat to hear Dr. Kuehnemann, and many stood on the steps and even on the lawn. His big voice easily carried to those who were unable to gain admission, and they remained until he finished his lecture.

Dr. Kuehnemann was entertained by Fred Kies, the well-known Jackson editor, at the Central Hotel, where a special dinner was prepared. He was taken to the County seat from this city by Mr. and Mrs. M. J. Koeck, Father F. Bemberg, Capt. H. W. Bridges, C. Wielputz and Charles H. Overstolz, who were at the station to greet him when the Frisco train from St. Louis reached the city.

Reservations had been made by Capt. Bridges, secretary of the German American Alliance, and upon arriving, he was taken to the St. Charles Hotel for luncheon. After the repast he and the Reception Committee motored to Jackson.

Dr. Kuehnemann returned to the Cape last night after the lecture in the Koeck automobile. With him were Mr. and Mrs. Koeck, Rev. Bemberg, and A. R. Zoelsman.

He is considered one of the German Empire's most noted educators, and has represented his Government at Harvard on two occasions. He is a linguist and a remarkable orator.

Dr. Kuehnemann's address last night was his eighty-first, given in as many cities. He has visited all of the principal cities in the United States during the year. From the Cape he goes to St. Louis, and after a brief stay in that metropolis, he will depart for the South, where he will remain during the winter months. His lectures are given in the interest of the Red Cross, and donations that are made, are used to aid the wounded and the widows and orphans in Europe.

PIONEER VISITS DUTCHTOWN. FIRST TIME IN 12 YEARS.

Mrs. Conrad Voglesang Makes Trip by Auto and Finds Many Changes in Surroundings.

For the first time in 12 years, Mrs. Conrad Voglesang, 80 years old, one of the oldest and best known women in Cape County, yesterday went to Dutchtown, a place that years ago she visited frequently, and a place where she knew most of the residents.

The trip was made by motor car, whereas years ago, travel was by means of a much slower vehicle—the horse and buggy or farm wagon.

Mrs. Voglesang was taken on her journey by two married daughters, Mrs. Lilly Nussbaum and Mrs. J. R. Biley, who are visiting in the Cape from Indianapolis, Ind. They visited Mrs. Voglesang's brother, Henry Haetor, at Dutchtown.

As she quickly made the journey from the Cape to Dutchtown, Mrs. Voglesang spied out many changes that have taken place along the road, and remarked them all to her daughters. She was met in Dutchtown by many old friends that she had known on her former visits there.

ister will be called in for the morning services.

The present pastor of the church, who will move the church organization into the new building, is Rev. Valentine Henning. The new structure will accommodate about 350 persons.