



Buffalo Tales



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Buffalo County Historical Society

July-August 1983

B. O. HOSTETLER, DISTRICT JUDGE

by Alice Shaneyfelt Howell

When Hon. B. O. Hostetler died on March 29, 1954, then District Judge E. G. Reed observed that "he was fearless in facing the problems brought into his court for decision It requires able, fearless men to sit in judgment on their fellow man; men who are capable of studied, honest opinions. Such was the character of B. O. Hostetler."

The name Hostetler was well known in governmental, political and business circles of early Buffalo County. Max A. and Eugene O. Hostetler first came to Lowell, in Kearney County, Nebraska, in 1878 and set up a general merchandise store. The same year Max opened the Daylight Store in Shelton which he operated for 48 years until his death on November 9, 1926. He was president of the first Commercial Club in Shelton, a member of the town council for twelve years, and served three terms in the Nebraska Legislature from 1913 to 1918. He married Ella M. Doggett on September 21, 1880 in Gibbon. She was prominent in club and lodge circles and was a talented artist and writer. (See Buffalo Tales, Vol. 4, No. 3.)

Bruno O. Hostetler, a younger brother, was born May 20, 1861 in Iowa. Following graduation from high school, he attended the University of Iowa in Iowa City, graduating in 1885. He continued his law studies there and obtained a law degree in 1887. In June of that year he came to Nebraska, was admitted to the bar, and settled in Kearney. He rented a small office, paying a month's rent in advance, then handed his empty wallet to his landlady as security for his first week's board and room.

In November he went back to Iowa to marry Margaret Belle Miller of Waverly. They returned to Kearney and made it their home for the rest of their lives. Their only child Florence (Mrs. Anan Raymond) now lives in Wilmette, Illinois.

B. O. Hostetler practiced law in Buffalo County from June 1887 until December



Early Office of Attorney B. O. Hostetler.

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Family membership\$ 7.50
Individual membership ... 5.00
Institutional membership . 10.00
Sustaining membership ... 25.00 +
Life membership 100.00

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Trails and Rails Museum, Mardi Anderson, Director. Phone 234-3041

AT THE MUSEUM

With the summer season half over at Trails and Rails Museum, we have had a total of 939 visitors compared to 712 during the same period last year. Some 32 volunteers have contributed over 200 hours of their time to the museum since this season opened. Every hour is greatly appreciated.

Travel is the theme of the new display at Trails and Rails. This display includes sections on the Mormon Trail, the railroads, and a little on horse drawn vehicles and early auto travel. The display will be in place by July 22, replacing the clothing display.

Furnishings are being moved into the District 1 school house. It will be officially opened for display on August 6.

Progress is being made on the freighter's hotel. The veranda is receiving its final coat of paint. Inside, paint is being removed from doors and woodwork downstairs. During the first part of August, the brick walk from the depot to the freighter's hotel and the school house should be completed.

Recent Acquisitions

Bill Konop has donated and installed a telegraph key, sounder, speed key (speed bug), and scissors phone in memory of his mother, Ethel Konop, an Elm Creek resident who served for many years as depot agent and telegrapher at the Odessa depot. The scissors phone and sounder were originally in the Elm Creek depot.

Trails and Rails has also received a collection of railroad items from the widow of Charles R. Wiley. Mr. Wiley, a retired B & B (Bridge and Building) foreman for the U.P. who passed away last April, was one of the four men who built the freight dock on the west side of the museum depot in 1978. Items received include a bunk car stove, chair, and lamp, two lanterns, a spike puller, and U.P. calendars for the years 1962 through 1978. The museum is now looking for U.P. calendars from years before 1962 to extend Mr. Wiley's collection.



Theodore Roosevelt campaigns in Kearney, 1900.
Left to right: Roosevelt, Mayor Hostetler and V. C. Chase.

1903. For a time he was associated with Wm. L. Greene in offices at 2212 Central Avenue. Politics and public affairs were important interests all of his life. He served three years as mayor of Kearney, 1898, 1899 and 1900. During the 1900 presidential campaign, as mayor of the city, he was in charge of the reception for Theodore Roosevelt, then Governor of New York, and a Republican candidate for Vice-President of the United States on the ticket of William McKinley, candidate for President. When Governor Roosevelt arrived in Kearney on October 2, 1900, his train was met by the mayor's carriage, as well as other carriages for local and visiting dignitaries, and a platoon of one hundred Rough Riders. From the train they headed one block north to the speaker's stand at 21st Street and Central Avenue. Banks and places of business closed during the one-hour reception.

For this visit, V. C. Chase, a Kearney merchant, offered his carriage drawn by a team of beautiful black horses for the mayor's carriage. Riding with the honored guest were Mayor Hostetler and Editor Victor Rosewater of the *Omaha Daily Bee*, with Mr. Chase at the reins. The team of horses must have greatly impressed Theodore Roosevelt because later in Washington as President, when Senator Norris Brown of Kearney met him, the President asked, "How are the blackies?"

After a spirited contest at the judicial convention at Broken Bow in 1903, B. O. Hostetler became a Republican candidate for Judge of the 12th Judicial District of Nebraska. He won the election and served nine terms, from January 1, 1904 to January 1, 1941, a total of 37 years, the longest term of office of any judge of the district before or since. In 1913 the law was changed to permit judges to be elected on a non-partisan basis.

The 12th Judicial District at that time comprised Buffalo, Custer, Sherman and Logan Counties, and for a time Dawson County was also a part of it. There were no hard-surfaced roads in the early days of his service on the bench. Holding court in Custer and Sherman Counties meant traveling by train to Grand Island, changing trains to get to Broken Bow or Loup City. Visits to Logan County were by train to Stapleton over the Kearney and Black Hills branch, a long and tedious trip.

His long time court reporter, the late Guy Haxby, wrote that Judge Hostetler

"was a stickler for promptness, who invariably opened court early in the forenoon and often held it in session until well into the evening, in order to dispose of pending business more speedily. He had a statewide reputation for prompt disposition of pending cases and for keeping his docket clear. His conduct on one occasion when a jury returned a verdict at 4:30 p.m. was typical. Instead of adjourning until morning, he immediately directed the lawyers in the next case to begin examining the jury panel."



HON. BRUNO O. HOSTETLER

Our Present Efficient District Judge
Candidate for Re-election, November, 1920
KEEP OUT OF OUR FUND! DON'T BE A JUDGE ON THE BENCH!

During his 37 years as district judge, he heard more than 10,000 lawsuits, 2,000 divorce cases and 17 murder trials. Stories of his discipline in the courtroom are legend. The record books show that as a District judge, less than three percent of his decisions were appealed to the Supreme Court. Termed as the fearless judge, he at no time ever permitted public controversy to affect his judgment or lead him from the path of doing his duty as he saw it. He fully deserved his reputation for fearlessness, as well as fairness.

An illustration of this was the widely publicized trial of Mother Bloor in Loup City in 1934. This trial grew out of a fracas in Loup City on June 14, 1934, started against the townspeople by a group of outside agitators, one of whom was Mrs. Ella Reeve Ware Cohen Omholt, age 71, better known as Mother Bloor. Members of the American Communist Party, they came to Loup City to try to help organize women chicken pickers at Loup City's Ravenna Creamery plant. In the fighting the combatants used blackjacks, clubs, canes, stones, a crutch, a hammer handle, and a favorite weapon of the agitators, a bar of soap in a sock. Sheriff John Thraillkill ordered the outsiders to leave town, an order they did not heed, and seven of them, including their leader, Mother Bloor, were arrested and jailed.

Trial was held on June 26 in the Sherman County Court. An International Labor defense lawyer was rushed to Loup City from Chicago to defend Mother Bloor, but to no avail. She received the maximum sentence for unlawful assembly—90 days and \$100 fine. Her co-defendants received lesser terms.

The defendants appealed, and the appeal trial began in the District Court of Sherman County on September 18, 1934, with Judge B. O. Hostetler presiding. While the jury was deliberating, there was delivered to Judge Hostetler a telegram signed "Com-

munist Party of Bismarck", demanding that "you and the prosecuting attorney dismiss all charges against Mother Bloor and others arrested last June", and concluding, "we condemn the use of gun thugs and fascist terror against farmers and workers." Instantly the Judge dictated to his court reporter, Guy Haxby, a reply with strict admonition to file it for transmission in the local telegraph office before permitting anyone else to see it. Naturally the press reporters covering the trial followed the court reporter to the railroad station and saw the reply as soon as it had gone out over the wires. In less than an hour the wire services had carried it throughout the country and it appeared in newspapers from San Francisco to New York, and North Dakota to Texas. It read as follows:

"Your cowardly unsigned threatening telegram received. You don't dare sign your names. I will not be deterred from the right performance of my duty as judge by all the reds from Russia to Hell."

Such was the nature of Judge Hostetler. The case was appealed to the Supreme Court of Nebraska, which affirmed the verdict of guilty and the trial court's sentence.

Kearney attorneys J. C. Tye and Ward Minor began their practice of law when B. O. Hostetler was judge. "He broke us in," said Mr. Minor, "and it was good training." He told of a habit of the judge, resented by some and loved by others, in addressing the young lawyers, particularly, as "Boy." It was done with affection and not in any way a put-down, according to Minor. Both men agreed that Hostetler was indeed a fair judge, was strict and disciplined, and definitely in charge of his court always. Mr. Tye also said that he trained them well. "If your case was well prepared, you never had any trouble with Judge Hostetler," he said.

S. S. Sidner, who later became District Judge of the 12th Judicial District, also began his practice in Kearney when Judge Hostetler was on the bench. He agrees that the judge was fearless and fair, and adds that he was also decisive. Speaking as a judge, Sidner stated, "I learned from Judge Hostetler that a judge's job is to make decisions." He went on to say that if Judge Hostetler ever hedged from a decision, he felt it was to serve some other purpose, such as during the depression years of the late Thirties, he put forth every delay effort he could to prevent foreclosure against those people who were losing their homes and farms.

Civic affairs in Kearney demanded attention from Judge Hostetler always. He was active in securing a public library for the city, and also in getting the State Normal School for Kearney. Both he and Mrs. Hostetler were members of the Shakespeare Club, and he often quoted Shakespeare both at work and at leisure.

Mrs. Hostetler was active in club and social circles. Her artistic abilities included



Judge and Mrs. B. O. Hostetler in front of their home at 2108 First Avenue.

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fine needlework and painting. One of her paintings was given to the Kearney Woman's Club and now hangs in the club home. As a member of the Fort Kearney Chapter of the D.A.R., the P.E.O. and the Nineteenth Century Club, forerunner to the Kearney Women's Club, she often opened her home at 2108 First Avenue for large affairs and was a charming and gracious hostess. When the Hostetlers entertained the Shakespeare Club at their home, an elaborate dinner was served, often including some unusual delicacy, such as oysters on the half shell. J. C. Tye tells of attending one of these meetings with his late wife Opal. At the conclusion of the sumptuous meal the ladies retired to the parlor and the men gathered in a separate room for "the finest cigars 'Hos' could buy." Later all met together for reading from Shakespeare. All present, including guests, participated, with the judge directing the reading.

Mrs. Hostetler died in October 1942. The judge continued to live in the family home until his death. Their home was later acquired by the Kearney Elks Lodge and razed for construction of their new lodge home.

SOURCES

Where the Buffalo Roamed, 1967; S. C. Bassett, *History of Buffalo County and Its People*, Vol. II; Undated article by the late Wm. Guy Haxby; *Kearney Daily Hub*, Oct. 1, 2, 1900, Mar. 29, 30, 1956; *Omaha World-Herald*, Nov. 9, 1975; *Grand Island Independent*, Apr. 8, 1978; Letters from Florence Hostetler Raymond; Interviews with Ward Minor and J. C. Tye, July 15, 1983; Interview with Judge S. S. Sidner, July 26, 1983.

Mark your calendar: **Sunday, September 25**, the Buffalo County Historical Society will meet at the First State Bank meeting room in Shelton at 2:00 p.m. Delrae and Alvena Jacobsen will give a slide program on the farm history of this area.

NEW MEMBERS

Mrs. Howard Haase Columbus	Willamette Martin Kearney
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George George Kearney	

LIFE MEMBERS

Carl Oran Kearney	Glen E. Wisch Kearney
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