

Col. Evans Loses Suit to Regain Possession of Gifts to Daughter

Willard M. Evans was unsuccessful in county court Wednesday morning in getting Judge Tash to countenance his actions in taking back a number of gifts made to his daughter, Mrs. Jennie Robbins, and his three granddaughters. At the close of a hearing over his suit in replevin, Judge Tash issued an order directing him to return a two-seated spring wagon, some silver knives, three wrist watches and \$165 in money, which Mr. Evans testified that he had given to his granddaughter, Lulu, on condition that she use it to defray her expenses in attending school.

According to the testimony, Mr. Evans made his home a part of the time with his daughter and son-in-law, Harrison Robbins, on a farm that he had presented to his daughter some years ago. The rest of the time he spent at Alliance, or with a son. The Robbins live six miles southeast of Marsland.

Some time during the summer, he ordered the spring wagon from the Newberry Hardware company, paying them \$150 cash therefore. He then went to his daughter's home, and according to her testimony, told her that he had a present for her. He urged his son-in-law to go to Marsland to get the buggy from the freight house, but Mr. Robbins declared he was unwilling to do this because he "knew it would make trouble." They were prevailed upon to do so, however, and got the wagon. Mr. Evans insisted that he did not make his daughter a gift of the wagon but had purchased it because the only wagon on the place was a two-seated affair, and there wasn't room in it for him to ride. His daughter testified that he had urged her to accept the gift because the old buggy was unsafe. Mr. Robbins, the son-in-law, later intimated that his reticence in accepting the wagon was because he did not fancy the company of his father-in-law. "Was I under any obligation to take him if I did have a buggy?" he asked on one occasion, and later remarked that he didn't care for Mr. Evans' presence or his company.

The three wrist watches were purchased by Mr. Evans for \$60, and given to his three granddaughters as Christmas presents. Mr. Evans admitted this, and declared that the only reason he wanted them back was because his granddaughters hadn't behaved properly toward him. "They stuck out their tongues at me," he said, "and made faces. I didn't think they deserved to keep them."

The silverware was also a gift to his daughter, she testified, although Mr. Evans insisted that he had purchased them and had told her she could use them. The \$165 was given to the oldest granddaughter to be used to go to school, but Mr. Evans declared that she had put the money in the bank and had drawn \$50 of it, and had taken no steps toward going to school.

The testimony showed plainly that Mr. Evans had been on the best of terms with his daughter, son-in-law and grandchildren until the middle of August, when he had a row with his son-in-law and was ordered off the place. He insisted on testifying, despite the efforts of his attorney, and the opposing attorney, that his son-in-law had knocked him down, but the son-in-law insisted the old gentleman had tumbled over a crutch. It appears that after the quarrel he was requested to leave and did go the next morning. His effects were either taken with him or sent to him. Some of them he missed, among the things missing being a pair of scissors and a tablet of writing paper and half a dozen stamped envelopes. He had looked through his stuff, he said, but couldn't locate them. His daughter declared she had sent them, and Sheriff Miller was unable to locate them on the premises.

During the trial, Mr. Evans insisted on commenting on the testimony of his daughter and her husband, some of the comments being quite complimentary. The son-in-law made it equally plain that he didn't cherish the

memory of his father-in-law, and that he didn't give two whoops if he never saw the old gentleman again.

Judge Tash, in reviewing the testimony, declared that it was apparent that Mr. Evans had made gifts to his daughter and the members of the family, and that he was trying to recall them after the row with his son-in-law. He found in favor of the defendants, and ordered that the articles be replevined or paid for. The costs were taxed to the plaintiff.

Following the trial, Mr. Evans appeared in the court room twice. The first time he called on heaven to witness that he was through with his daughter and her family for good and all. "I never want to have another thing to do with them," he said. "I never want to see them or hear from them again. I don't even want them to come to my funeral," he said.

Mr. Evans was represented by County Attorney Basye, while William Mitchell appeared for the defendants.

King Rhiley of Oshkosh Wins First Place in Auto Race Up Pike's Peak

King Rhiley, of Oshkosh, Neb., who has a wide circle of friends in this city, generally, won the Penrose trophy and national fame at Colorado Springs Monday by leading all other drivers in the climbing of Pike's Peak in 19 minutes 16-15 seconds. He drove a Hudson car to victory over a field of drivers entered from virtually every great automobile manufacturing concern in the country.

The Penrose trophy went to the car making the best time, regardless of the class or event in which it was entered. Otto Loesche in a Lexington special was second, being only 31 3-5 second behind Rhiley. While there was no accidents to mar the event, Rhiley narrowly missed death on the first turn when his car struck a soft spot in the road and skidded to within six inches of a yawning gulch. He, all the way to the finish line, took curves in a death defying fashion and the crowd of 10,000 persons were thrilled at the pilot's skill in maneuvering.

The cash prize received was \$500 but the trophy and the international advertising gained by the victory will place Rhiley in the very first rank in auto circles throughout the entire world, which in itself is worth far more than the direct monetary consideration involved. Eighteen cars started in the race and thirteen of them finished, which is in itself a rather remarkable record, when the difficulties of the course is considered.

A well-known French scientist is experimenting with caterpillars as a cure for tuberculosis. We may have to give up our long research toward discovering a cure for caterpillars.

C. B. & Q. Railroad Wins Suit Against M. Nolan for Value of Grain Doors

Thursday morning in county court the C. B. & Q. Railroad company was given judgment for \$70.72, with interest from July 1, against Michael F. Nolan, representing the court's judgment as to the value of fifty-two grain doors, of which the company alleged that Mr. Nolan had wrongfully and unlawfully assumed possession. The plaintiff was represented by Attorney Penrose Romig, while Eugene Burton appeared for the defendant.

The plaintiff introduced five witnesses, Thomas J. Smith, special agent, testified that during the first part of July of this year he visited the Nolan ranch, twelve miles southwest of Alliance, and while there he saw a quantity of grain doors, most of them stenciled with the C. B. & Q. brand. These doors were being used as walls to various sheds and outbuildings. Six photographs were introduced in evidence. The Burlington claimed damages at the rate of \$2.25 each, or a total of \$117.

S. H. Cole, freight agent; O. F. Tracy, car foreman; W. P. Loomis, claim agent, and H. O. Condit, storekeeper, testified also, giving the court stories similar to that told by Mr. Smith. None of the five witnesses could swear that they knew positively that any of the grain doors were ever in the possession of the Burlington, or that the defendant ever took any of them, but the court expressed the opinion that the doors had at one time been in the possession of the company, and decided that unless the defendant could show how he came into possession of them legitimately, he would have to pay for the property he had converted to his use. Attorney Burton moved to dismiss, but the motion was overruled.

Judge Tash declared that possession had been proved by satisfactory evidence, and that the identification was the same as that used by cattlemen—the stencil being the same as a brand—was acceptable in any court in the country. He offered the defendant an opportunity to show how he came in possession of the doors, either by purchase or borrowing, but the defense refused to introduce testimony. The judge held that the Burlington had failed to demonstrate that the doors were worth as much as they wanted to collect for them, and arrived at what he considered a satisfactory value. Mr. Condit had testified that the original cost was \$1.29 each at Rapid City, where they were manufactured; that freight would bring the total to \$1.63, and allowing a fair price for unloading and handling, the value was set at \$1.70 for new doors. Inasmuch as these were not new, a 20 per cent allowance was made for

wear and tear, and judgment rendered accordingly.

LAKESIDE

Fred Blumer returned last week with a bride from Lexington. Mr. Blumer has many friends here.

Mrs. Bertha Debord has moved her family out on a ranch northwest of Lakeside.

Mrs. George Pollard and children returned Friday from a few weeks' visit with relatives and friends in Norton, Kansas.

Mr. and Mrs. P. F. Gillispie and son, Jack, spent the latter part of the week in Alliance.

Bruce Hunsaker and Roy Skiles were down from Alliance Friday.

The Lakeside Developing Co. started drilling for oil Saturday.

Miss Living, principal of the Lakeside school, arrived Saturday.

Agent J. L. Roe, Chas. Hitt and E. B. Jameson drove to Alliance Saturday evening.

Jack Kennedy and Harley Lancaster of Ellsworth, were in town Saturday evening on business.

Dr. Moore and two daughters were in Lakeside on business the latter part of the week.

Operator T. V. Gorman returned to Lakeside Saturday.

Mr. Quist was a west bound passenger Sunday.

Miss Doris Wilson left for Los Angeles, Calif., Sunday.

Mrs. William Chase and little daughter arrived Sunday from Minatare for a visit with the Hudsons.

Mr. and Mrs. Todd Whaley of Alliance, and two aunts, Mrs. J. L. Stabler and Mrs. A. M. Johnson of Burlington, Ia., were guests at the I. D. Whaley home here Sunday and Monday.

Miss Wilma Westover returned home Sunday from the hospital at Alliance where she underwent an operation for appendicitis a few days ago. She was accompanied by a trained nurse. She has the wishes of her friends for a rapid recovery.

Claire Wilson was in Lakeside Sunday.

The Lakeside second team played ball here Sunday with the Nebraska Blues. The home team won the game

by a score of 57 to 7.

Miss Ruth Pollard went to Alliance Sunday where she will attend high school this term.

Mrs. A. M. Wilson was a west bound passenger Sunday.

The Misses Mote and Schill of Alliance arrived in Lakeside Sunday to teach school this term.

Lakeside first ball team played at Alliance Sunday and were defeated.

Automobile engineers should give their attention to designing a car that will turn something else besides turtle.

B. G. BAUMAN, O. D.

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