

BITTER DUEL TO DEATH BETWEEN OLD ENEMIES

LEE BAILEY DEAD, CHARLES DUGAN DANGEROUSLY WOUNDED.

FEARFUL BATTLE LAST NIGHT

ONE BYSTANDER WOUNDED IN HIP, ANOTHER IS GRAZED.

OUTGROWTH OF OLD QUARREL

After Bantering Words All Afternoon, and With City Mayor and Police in Full Knowledge of the Trouble, the Shooting Takes Place.

[From Tuesday's Daily.]
One man dead, one probably fatally shot, a third badly wounded in the hip and a fourth grazed by a bullet is the result of a duel fought between bitter enemies of long standing in Norfolk last night.

The dead:
LEE BAILEY, one of the fighters, who was shot through the lung and almost instantly killed by Charles Dugan.

The probably fatally wounded:
Charles Dugan, who was shot through the abdomen by Lee Bailey.

The less seriously wounded:
Erhardt Claus, a bystander, who was shot in the hip, the bullet making an ugly wound.

G. Bordt, a bystander, whose wrist was grazed and sleeve cut by a bullet.

Result of An Old Enmity.
The tragedy was the outgrowth of a long and bitter enmity between the two men who fought, and the bitterness had been increasing of late. Both have lived in Norfolk for a good many years and have long been well known characters about town.

Quarreled All Afternoon.
The duel took place in the Buffet saloon on Norfolk avenue, between Fourth and Fifth streets, in the heart of the busiest section of the city. Both men had been in this place all of the afternoon and evening and words exchanged between them, which kept growing more and more heated, foretold approaching trouble long before it occurred.

Was Shot Early in Evening.
It was early in the evening—at about 8:30 o'clock—and while the streets and stores were alive with people, when a half dozen quick, sharp shots rang out on the night air and told of serious trouble.

What Led Up to the Fight.
Testimony of those who were in the saloon during the afternoon and evening, shows that Dugan and Bailey had been in and out of the place more or less from 3 o'clock on till night. Dugan and a few other men sat at a card table in the rear of the saloon during the afternoon, while Bailey stood some distance away. Dugan, whose enmity of Bailey was well known around town, made a number of remarks in regard to Bailey, loud enough for the latter to hear them.

Mayor Friday Was There.
Among the group seated at the card table with Dugan was Mayor Friday, who heard the quarreling during the afternoon and who was warned early in the evening that trouble was brewing, but who disregarded a request to order his policemen to check the disturbance before it should become serious.

Bailey Points Gun at Dugan.
At about 8:30 o'clock in the evening, Dugan started to leave the place. As he neared the front door, about to walk out upon the street, Bailey, who stood near the desk behind the bar, leveled a gun at his old enemy and is reported to have said, "I'm not afraid of you; I have two of the biggest guns in town. I've got to kill you some time, and I might as well do it now."

Dugan Turned Him to Shoot.
Dugan dashed quick as a flash and, though he had no gun of his own, stuck his face in the very nose of his enemy's gun and, applying the bitterest of terms to the man with the revolver, dared him to shoot.

"You don't dare to shoot me," exclaimed Dugan, and Bailey tucked his gun away.

Dugan Goes For A Gun Himself.
This gun play ended, Dugan hurried out of the door, in search of a gun for himself. Those present realized that he was hunting a weapon and serious trouble was in the air. Bailey, as soon as Dugan left, started for the door in search of a refuge, and asked, "Where shall I go?"

Bailey Left the Place, Then
Seeing trouble ahead if Bailey remained, Ralph Beveridge, owner of the saloon, hurried to the man and took him up the street to another saloon. "Now you stay here," he said. "You order a hack and go home. Don't come back." Beveridge returned to his place alone.

Dugan Found A Gun, At Last.
Dugan first went to the hardware store of Mayor Friday, but was refused a gun. Then he went to Dugan's, but was refused a gun. He hurried to the Oxnard bar room and there, behind the bar, seized his own revolver. Those near feared he might get into trouble, and tried to stop him, but he tore away in rage and quickly returned to the place of trouble.

Dugan Back, Loads Gun.
Dugan returned to the place and

loaded his gun. Bystanders protested against it and begged him to go home and avoid trouble. "I will kill him," he is said to have declared, and there was no checking his rage.

Meanwhile, before Dugan had returned, Beveridge went back to the saloon where he had left Bailey, to see if he had gone home. He found Bailey sitting near the door with a gun in his hands, pointing it out toward the street. "Go home," demanded Beveridge, and then he went back, believing Bailey would obey.

Mayor Was Begged to Interfere.
Right at this point John Freythal, who had seen Dugan load his gun and who had implored him to put it up and avoid trouble, went out on the street and met Mayor Friday. "I told the mayor what I had seen," says Freythal. "I begged him to send his police in there to take Dugan away and avoid trouble. But I got an indifferent grunt for a reply. Nightwatchman Uecher was in that vicinity and could have taken Dugan home then, but his cowardly instinct made him afraid to do his duty. If the mayor and Nightwatchman Uecher had done their duty at that moment, probably two lives would have been saved, another serious wound prevented, and endless grief and sorrow averted. The proper authorities were forewarned, and they shamefully neglected to protect Norfolk from this tragedy, or to protect human lives, as is their duty."

Then Bailey Came Back.
Dugan had gone into the saloon, near the rear end of the bar. Suddenly he looked up and his eyes fell on Lee Bailey, who, for some inexplicable reason, had returned.

Shooting Begins Instantly.
"Throw up your hands!" demanded Dugan.
Bailey made a move toward his gun pocket, as a reply. Then Dugan threw himself at Bailey, put his gun with in a couple of feet of the man's breast, and fired. Instantly Bailey responded with his own gun, sending a bullet through Dugan's abdomen, a couple of inches to the left of the naval.

Shots Ring Out Fast.
Both guns then spit fire and lead, each wounded man shooting at his assailant, and the crack of the explosions ringing out in rapid succession. One bullet grazed the sleeve of G. Bordt, a bystander, and another tore into the hip of Erhardt Claus for six inches. At least five shots were fired, and some say more.

Wonder More Were Not Hurt.
With bullets raining thick and fast, it seemed a wonder that more were not struck. At the first instant, one man jumped at Dugan, though risking his own life, and tried in vain to pull him away.

Men in the room made rapid exits and sought quick refuge behind the bar, where they crouched down for protection while the battle was being fought to the death.

Bailey Falls Dead.
After each had been wounded, both shooters turned from each other, Dugan started for the door and Bailey running behind the bar. Bailey started to run to the front end of the room behind the bar evidently intending to send another bullet after Dugan as he left the room, but before he had gone far he fell over dead.

Dugan Almost Shot Another.
Knowing Bailey's start behind the bar, Dugan, after he passed the screen, heard a footstep in that direction and supposed it was his enemy. He whirled and threw his gun at the man, when a bystander yelled at him. Bailey had fallen dead, and it was another man whom Dugan almost targeted. Realizing how nearly he had come to shooting the wrong man, Dugan was stunned by the shock and handed the weapon over to a man near at hand.

Dugan Taken To Hotel.
Dugan was helped into the automobile of Dr. P. H. Salter and quickly taken to the Oxnard hotel. He protested that he was not badly hurt and could sit up alone.

He was attended by Dr. Salter, Dr. Smart of Madison, Dr. Brush and Dr. Holden. He was given ether and operated upon, it being found that the intestines were badly punctured. It was said his chances for recovery were not better than one in fifteen.

Saloon Is Closed.
Crowds rush to the scene of the tragedy and the saloon doors were locked. The dead body of Bailey lay stretched out on the floor in the rear room and could be seen from the front window, so that the throng remained. A little later the body was taken to the Sessions & Bell undertaking establishment, to await a coroner's inquest.

Nell Bailey Arrives On Scene.
A half hour after the shooting, Nell Bailey, accompanied by one of the inmates of her resort, drove up to the rear door of the saloon, forced her way inside and demanded, in loud tones, "Where's Bailey?" When informed that he had been taken to the undertaker's she became crazed and applied all of the epithets in her vocabulary to the crowd around. Then she left and went to the undertaker's.

Claus, the wounded bystander, was taken home and his wounds dressed by Dr. Tashjean. It will not be serious unless blood poisoning sets in.

Coroner's Inquest Today.
Coroner Kindred arrived on the noon train from Meadow Grove to hold the inquest this afternoon.

The following jury was drawn, to hold an inquest at 3:30 this afternoon: Thomas Long, H. M. Roberts, Ru-

dolph Tisher, Al Williams, J. A. Tru-lock, W. F. Ahlman.

Bailey Was Shot Before.
Bailey was shot in a row with Nell Bailey at her place about two years ago, and almost killed.

The trouble between the two men is of long standing, and they frequently quarreled when they met. A few weeks ago they had trouble on the street which, though not serious, showed their enmity.

Dugan formerly lived in Sioux City and during the Rosebud rush lived at Bonesteel.

UECHER BRAVE AFTERWARD.
Though He Remained Away During Trouble, He Regained Courage.
Nightwatchman William Uecher grew brave after the smoke of battle had cleared away. Although he had been in the vicinity of the trouble for some hours, he managed to discretely keep away from the scene of fighting until after it was all done and death had been dealt to two men. Then his courage came back to him with a rush and he ordered the saloon doors closed. After that, when the crowds had gathered about the place because of the excitement due to the tragedy, he grew over bold and brushed vigorously through the crowds, ordering them, with much authority, to move on.

John Freythal approached the officer and told him that if he had done his duty beforehand, there would have been no tragic end. With an oath Uecher shoved Freythal aside and told him that, "if you don't shut up, I'll throw you in jail."

Mr. Freythal declared he would have Uecher arrested.

CHARLIE DUGAN'S FRIENDS.
They Have Done Everything Possible to Make Him Comfortable.
Charlie Dugan was a man who made friends among those around him, and those friends are doing everything possible today to make him comfortable. He has suffered intense pain from his wounds, but has stood the pain without a murmur. Charlie Dugan made friends because he had a magnetic personality, was of a keen mind and was square among his associates. He never knew the meaning of the word "fear," and could look into the barrel of a gun without a tremor.

His friends today have been recalling some of the traits that have made friends for him. One, in particular, was manifest something over a year ago when a double drowning occurred in the cold, deep waters of the Northfork river, below the dam. Searching parties with endurance and skill were badly needed at that time, and no one was more tireless in his efforts of rescue than this same Charlie Dugan. For hours at a stretch he would dive down into the current of the river, and he never gave up until the searchers' efforts were rewarded. Dugan was one of the best swimmers ever known in this part of the country.

During the days of the Rosebud reservation rush he was at Bonesteel on the last wild night when Patsy Wagner of Sioux City headed an organization to drive out the thugs. Charlie was in the front rank of the firing line, and helped fight those dangerous men without a thought of danger to himself.

On the street he was quiet and always attended quietly to his own business.

BAILEY NOT A FIGHTER.
As a General Thing He Was Not Looking for Trouble—Was Quiet.
Lee Bailey was a figure well known on the streets of Norfolk. He was of rather a quiet, retiring disposition and treated the business men of Norfolk with respect. He was not of a particularly quarrelsome nature as a general thing, but rather sought protection from a fight. In days gone by he gave many a valuable tip to the police of Norfolk in regard to criminals who chanced to be in this vicinity, and, when threatened with bodily harm, he usually came to the police and asked for protection. He was seldom known to create a disturbance on the street.

Facts Were Twisted.
The Norfolk correspondent of the Omaha World-Herald made several errors in facts. Only two bystanders were struck, instead of three; the saloon does not belong to Don Cameron; E. Claus is a baker and is not a bartender in the place; and the fight was not begun at all as stated in that paper.

PHILLIPS FOR STATE SENATOR
Holt County Man is Nominated by Republicans of Thirteenth.
O'Neill, Neb., Sept. 7.—Special to The News: Frank W. Phillips, of Star, Holt county, was nominated by republicans of the Thirteenth district here yesterday for state senator. Phillips is chairman of the county central committee, and chairman of the board of supervisors, and is considered a strong candidate. A vigorous reform platform was adopted.

Business Change at Creighton.
Creighton, Neb., Sept. 8.—Special to The News: Dr. W. C. Campbell last night sold half of his drug store here to James Manian, who has been clerk in the store for some time. Mr. Manian is a popular young man. He came here from Humphrey. The store is one of long standing, and the change is a recognition of ability in the new partner.

If you are selling enough goods—then your advertising is sufficient.

WILL PUSH SEWER WORK

ANDREW ROSEWATER SAYS SYSTEM IS PERFECTLY LEGAL.

HAS BEEN NO CHANGE IN PLAN

A Slight Alteration in the Outlet Has Been Made but This, Mr. Rosewater Declared, is Perfectly Legal and the Work Will Begin.

At a special meeting of the city council held Saturday evening, Andrew Rosewater, city engineer of Omaha, informed the city council that the sewer system as planned for Norfolk is perfectly legal, and the work will now be pushed to rapid completion by the contractor, O. P. Herrick.

Question had risen over the point as to whether or not the plan of running the sewer down through the land that has been appraised, was a legal one. It was not known here whether or not this plan had been the one voted on at the election, and for that reason Mr. Herrick did not want to start work. He agreed, however, that he would take the word of Mr. Rosewater on the proposition as Mr. Rosewater, he claimed, is one of the best lawyers in the state on sewer questions. And so the engineer came to Norfolk to talk over the matter.

Mr. Rosewater stated that the plan has been changed from the original scheme, but as regards the outlet. He said that a plan could be changed in this way if the change did not entail an increase of more than \$1,000 in expense, while this change will save money for the city. The sewer system remains exactly as planned, he says, and all sections get the sewer as originally planned, the only difference being that the outlet is changed from the Northfork to the Elkhorn river, where there is a lower point.

Difference in Two Outlets.
The originally planned outlet contemplated running the sewer east on Omaha avenue at the Washington school house and then southeast a distance, emptying into the Northfork river. Later it was found that, by going straight south on First street across the Northwestern tracks at the Junction, and then going southeast through land that has now been appraised, emptying into the Elkhorn, distance could be saved and a lower point gained.

Mr. Rosewater agreed to make a certified statement to the effect that the system had not been altered in any way, and that it was merely a change in outlet at a reduced cost, and the work will go on.

It is expected that Mr. Herrick will be here within a couple of weeks with materials on hand, for the beginning of work.

The city council decided to employ a competent engineer to establish grades for the sewer system and a superintendent to watch the construction work in order to see that it went all right.

TUESDAY TIDINGS.
Judge J. F. Boyd and G. W. Meyers of Neligh are in town today on business.

W. J. White made a business trip to Bloomfield and points on that line, to be gone a week.

Mr. Joseph Johnson will leave today for Creighton where he will visit his daughter, Mrs. Bates.

Henry Kennedy of Deadwood, S. D., is home for a visit to his parents, Mr. and Mrs. Mike Kennedy.

Those who went to Sioux City this morning were J. Garry and Mr. and Mrs. J. Wiedenfelder and daughter.

Harry Lodor returned from Omaha last night.

Judge G. T. Graves of Pender is in town today.

A. E. Kull of Bonesteel is in town this morning.

H. A. Haley went on his regular route yesterday.

E. C. Thorp of Creighton is a business visitor today.

W. B. Backus of Bonesteel is in town visiting today.

R. A. Tawney came down from Pierce this morning.

H. A. Hornady came down from Lynch this morning.

Fred Koester spent Sunday with his parents in Battle Creek.

A. T. Texely of Newman Grove is a business visitor today.

W. J. Gow made a business trip to Pierce yesterday afternoon.

Adam and Allen Pilger of Stanton were in town yesterday on business.

Walter Schulz returned from Pierce this morning where he has been visiting.

the field, yesterday.

The dental offices of Dr. H. J. Cole will be closed from Thursday till the first week in October. He leaves Thursday for Oberlin, Ohio, where he will take his daughter, Miss Rosella Cole, to college.

Both delivery teams of R. E. Thiem took a lively spin down the alley to the barn back of the Pasewalk blacksmith shop. Had it not been for the quick work of Tom Hight in stopping the teams there would have been a more serious accident of it.

The Northwestern Baptist association holds its annual meeting in Creighton, commencing this afternoon. A number of delegates to the meeting passed through the city today on their way to Creighton. It is expected to bring the meeting to Norfolk next year.

A postal card received from Frank Cummins by W. F. Hall yesterday, says that Mrs. Cummins was operated on at Rochester, Minn., last Saturday and that twenty-two gallstones were removed. Mrs. Cummins was getting along well at the time the card was written.

The annual live stock show and agricultural association which begins in Wisner tomorrow and continues three days, promises to be a great attraction this year. This show is a little different from the usual fair, in that it is primarily for the purpose of bringing together dealers in and admirers of fine blooded stock, public sales of which are held every day of the meeting. The show was started years ago along the line that it is now run, when there was very little pedigreed stock in the country tributary to the town, and it proved such a stimulus to improvement in character of cattle, horses and swine that from the start it has been a wonderful success.

Proposed Constitutional Amendment.

The following proposed amendment to the constitution of the state of Nebraska, as hereinafter set forth in full, is submitted to the electors of the state of Nebraska, to be voted upon at the general election to be held Tuesday, November 6, A. D., 1906.

Be it Enacted by the Legislature of the State of Nebraska:

Section 1. That at the general election for state and legislative officers to be held on the Tuesday, succeeding the first Monday in November, 1906, the following provision be proposed and submitted to the electors of the state as an amendment to the constitution.

Section 2. There shall be a state railway commission, consisting of three members, who shall be first elected at the general election in 1905, whose terms of office, except those chosen at the first election under this provision, shall be six years, and whose compensation shall be fixed by the legislature.

Of the three commissioners first elected, the one receiving the highest number of votes, shall hold his office for six years, the next highest four years, and the lowest two years. The powers and duties of such commission shall include the regulation of rates, service and general control of common carriers as the legislature may provide by law. But in the absence of specific legislation, the commission shall exercise the powers and perform the duties enumerated in this provision.

Section 3. That at said election in the year 1906, on the ballot of each elector voting thereat, there shall be printed or written the words: "For Constitutional Amendment, with reference to State Railway Commission," and "Against Constitutional Amendment, with Reference to State Railway Commission." And if a majority of all votes cast at said election, shall be for such amendment, the same shall be deemed to be adopted.

I, A. Galusha, secretary of state of the state of Nebraska, do hereby certify that the foregoing proposed amendment to the constitution of the state of Nebraska is a true and correct copy of the original enrolled and engrossed bill, as passed by the twenty-ninth session of the legislature of the state of Nebraska, as appears from said original bill on file in this office, and that said proposed amendment is submitted to the qualified voters of the state of Nebraska for their adoption or rejection at the general election to be held on Tuesday, the 6th day of November, A. D. 1906.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the state of Nebraska.

Done at Lincoln this 24th day of July, in the year of our Lord One Thousand Nine Hundred and Six, of the Independence of the United States the One Hundred and Thirty-second, and of this state the Fortieth.

A. Galusha,
Secretary of State.

[Seal.]

MOST SUCCESSFUL RACE MEET.

Closed at O'Neill Yesterday With Big Attendance.

O'Neill, Neb., Sept. 8.—Special to The News: Yesterday witnessed the closing of the most successful racing meet and blooded stock show ever held in this portion of Nebraska. The meet was a success financially and otherwise and was attended by thousands of people. Following were the winners in yesterday's events:

2:50 trot: Jeard Wilke, 1; Geo. M., 2; Lottie Rattler, 3. Time 2:29 1-2.

Free for all: Vyzant Star, 1; Frank Rysdike, 2; Mackenneta, 3; Time 2:15 1-2.

Free for all running race: half mile two out of three: Chas. Mitchell, 1; Revenue, 2; St. Ledger, 3. Time 51, 51 1-4, 51 1-4.

Revenue took the first heat and Chas Mitchell the next two.

FARMER ENDED HIS LIFE

PIERCE COUNTY BACHELOR SUICIDES WITH PEN KNIFE.

BODY WAS FOUND YESTERDAY

Well Diggers Who Went to the House Found the Decomposed Remains—The Man Had Used a Dull and Badly Nicked Blake, Gashing His Neck.

Pierce, Neb., Sept. 8.—Special to The News: One of the most shocking suicides ever committed in this county came to light yesterday when well diggers found the decomposed body of Charles Kell, a German bachelor who lived six miles north of Pierce. The suicide had evidently been committed several days ago. A dull and badly nicked pen knife was used for the self-destruction and not until several attempts had been made did the man succeed in ending his troubles. Kell possessed an estate valued at \$5,000 and the only possible suggestion of murder comes in the chance that robbery might have been a motive, but as he always paid out funds by check, this is not believed to have been the case.

At the inquest it developed that the deceased had been somewhat deranged and, deciding to take his own life, had used his pen knife, which was some what dull and had many nicks in the blade. From unmistakable circumstantial evidence Kell had attempted to end his life in the night time. First he made an effort to cut his throat and, instead, cut a terrible gash in the back of his neck. Then it seems he went to the well, where he must have staggered around and, returning to the house, put a looking glass on the chair and a lamp beside it so that he could see to cut the jugular vein and, after see-sawing with a dull knife for some time in which he sawed his neck very badly, he finally accomplished his desire to end his earthly troubles.

Mr. Kell has been a resident of Pierce county for some years and has no relatives in this country. He was possessed of an estate valued at about \$3,000. As he lived all alone at his farm house, his self destruction did not come to light until yesterday when well diggers went there to work.

WILL FIGHT HERBERT DANIEL

Mayor Dahlman of Omaha Will Not Recognize Him as Prosecutor.

Omaha World-Herald: Mayor Dahlman visited the police station early Friday morning and instructed the acting police judge and the police department to recognize only Lee as city prosecutor.

This was to head off recognition of Daniel, whom the council elected city prosecutor.

Daniel is preparing to file and have approved his bond to enter on the office.

Acting Police Judge Cockrell said that he would look up the law and follow it and that was all he could tell the mayor at this time.

Lee was on duty Friday in police court, Daniel not having qualified yet. When Mayor Dahlman was asked as to his views about the new appointment, he said:

"I do not consider that it is a legal one, and I have instructed the police authorities not to recognize it. The council should have made its appointment Tuesday night, if it wanted to fill the place. After I got back to town the council had no right to go ahead with the matter, as their chance ended Tuesday night. At any rate, that is what I am told is the law about the matter."

City Attorney Burnam was asked as to the legal phase of the situation, and said: "There is not a shadow of doubt in my mind that the appointment of Daniel is legal and will stand. The idea that the council should have acted Tuesday night is not sound. The law stipulates that the mayor shall send in a name at each regular meeting, and in the event of his failure to do so it becomes the duty of the council to elect. Appointment from the mayor was due Tuesday night, and it was due at any time during that meeting. The mayor could not 'fail' to send in an appointment at that meeting until the meeting was at an end. Therefore it was manifestly not up to the council to act until that meeting had ended. In other words, they had no right to elect at that meeting. The following morning a call was issued for a special meeting, and that meeting was held Thursday afternoon, and Mr. Daniel was elected. His election was proper and in every way valid. As soon as he has qualified there will be no legal excuse for keeping him out of the office."

"If this is a move to keep Tom Lee in office as long as possible, until the courts can pass on a quo warranto proceeding, it may serve to keep Daniel out for a short time but that is all."

Chief of Police Donahue said he had been instructed by the mayor to recognize only Lee as city prosecutor. He said further that police department would take no hand in the matter further than to preserve order and wait for legal questions to be settled in the courts, but would recognize Lee's title until that of his successor was properly established.

Entertains Friends.
Boyd Blakeman entertained a company of young people at his home last evening. After a pleasant evening at games, delicious refreshments were served.