

THE FRONTIER.

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O'NEILL, NEBRASKA, THURSDAY, JUNE 15, 1905

NUMBER 51.

IRWIN GETS NEW TRIAL

Granted by Reason of Omission in Court's Instructions.

IS RELEASED ON \$5,000 BONDS

Couple Wedded in Cedar County in Court With Divorce Proceedings. Divorce Denied in Cedar.

On Tuesday in district court Judge Harrington sustained the motion for a new trial in the case of the state against Myron Irwin and a decree to that effect was entered upon the docket. Irwin was admitted to a bond of \$5,000, signed by himself and George and Wade Irwin, his father and brother, and John Robertson and Frank Dobney. Upon the approval of the bond Irwin was released from the custody of the sheriff and returned home.

A new trial is obtained by an error in the instructions of the court to the jury. Instruction No. 10, in defining the crime of manslaughter, omitted the word "unlawfully." The crime of manslaughter is defined by the statutes as follows:

If any person shall unlawfully kill another without malice either upon a sudden quarrel or unintentionally while the slayer is in the commission of some unlawful act every such person shall be deemed guilty of manslaughter and upon conviction thereof shall be imprisoned in the penitentiary not more than ten years or not less than one year.

The word unlawfully was left out in the instructions either by an error of the reporter or an omission on the part of the judge and on this technicality a new trial is obtained. At the request of the county attorney the new trial will be had at the present term of court.

The divorce of Nellie L. Whitney vs. George D. Whitney, the testimony in which was taken last month, was argued Tuesday afternoon and the decree is expected to be entered today.

The couple were married in 1886 in Cedar county. The wife alleges in her petition for divorce that the husband is "immoral, brutal and abusive;" that he has neglected to provide suitable maintenance for her and their four minor children although he has property and money to the amount of some \$20,000. The family have lived in Cedar county for a number of years, the husband being still there, and the wife making her home in this county since last January, she having the four minor children with her. She asks for reasonable alimony, \$100 for expenses of suit and an absolute divorce with custody of the children.

The husband, in his answer, denies every allegation upon which a divorce is sought and alleges that he has always been, "a kind and loving husband and father," properly supported his family, giving his wife more than \$2,500 the past three years for her and their children's needs. He further alleges that the plaintiff left his home in November, 1904, "without just cause;" that she came to Holt county in January of this year, not for the purpose of making this her home, but only to stay long enough to bring a suit for divorce; that on April 30, 1904, she began suit for divorce in the district court of Cedar county; that the divorce was denied by the court, and that she thereupon voluntarily returned home and continued to live with him until her departure in November last.

The plaintiff is represented by M. F. Harrington and A. F. Mullen. The defendant is represented by George W. Wiltse of Randolph and R. R. Dickson of O'Neill.

Probably the best horse ever shipped to O'Neill has just been received by Lyman Waterman. It is an imported Clydesdale and is surely a perfect horse in every particular. This horse can be seen at Mellor and Quilty's barn.

LOCAL MATTERS.

For farm loans see Lyman Waterman, O'Neill. 45-47

Capt. H. A. Walker was down from Sturt Monday.

Of course you will want to come to O'Neill to celebrate.

L. G. Gillespie returned Wednesday from a trip to Alliance.

Now is the time to get a nice hammock, they are fine.—Neil Brennan.

John Skirving was over from Bone-steel a few days last week and this.

If you want a nice hammock, now is the time to get one at Brennan's. 51-3

John Hickey of West Point, an uncle of E. H. Whelan, is in the city.

Deputy County Clerk Harnish is spending a few days at his homestead.

D. C. and F. O. Markham of Port Leyden, N. Y. registered at the Evans Tuesday.

"Satisfied with favor" is the topic for the Presbyterian pulpit next Sunday evening.

Lyman Waterman made a business trip to Iowa Saturday, returning Tuesday.

Wanted, at once—A good competent girl for general housework.—Mrs. R. R. Dickson.

American steel hog fencing 20c per rod at Golden & Hodgkin's. Think it over. 39-41

F. A. Broadwell and son of Omaha, were guests of E. F. Bowen and family last week.

The Verdige Telephone company are connecting with the clerk's office at the court-house.

The Frontier has a stock of the best quality of carbon paper. Sold in sizes and quantity to suit.

John Rush of Omaha, national bank examiner, was in the city yesterday checking up the banks.

Miss Mary Bruster of Omaha has accepted the position of stenographer in the office of Lyman Waterman.

An Ice cream social will be held on the Presbyterian church lawn next Tuesday evening from four till nine.

Deering Twine and machine oil, separator, lamp, gasoline, lintseed, be sure to get the best; Brennan sells them.

C. E. Hall has bought the Roberts place just east of R. R. Dickson's residence and is putting on some improvements.

The W. C. T. U. Will meet with Mrs. Bennet Martin next Wednesday afternoon at three o'clock. All ladies are invited.

Mrs. Sturdevant of Spencer arrived in the city Sunday for a visit at the home of her parents, Mr. and Mrs. H. Zimmerman.

Taken up on my place 2 miles north west of town, 1 old black horse, white spot in head, on right shoulder thieslo. Mrs. A. A. Gielish.

Louise Bedford, reported seriously ill last week from taking muriatic acid, is recovering rapidly from the effects of the poison.

Miss Elma Mills came up from Neligh Saturday and is visiting at the home of her parents, Mr. and Mrs. W. W. Mills, near Minneola.

Postmaster Cronin attended the state meeting of postmasters which convened at Lincoln Tuesday, also visiting Omaha while away.

Now is the time to order your repairs for your binder and mowers. You will find the same at Brennans for Champion and Deering.

The handball players have had a new and improved court constructed on the site of the old one and will continue to swealter and sweat pounding the boards with the ball.

Those who attended the home talent concert last Thursday evening pronounced it the best entertainment of the kind ever given in the city. The concert was liberally patronized, notwithstanding an unfavorable evening.

Program

St. Mary's Academy Commencement, June 20

- Piano trio—Overture *Donizetti*
- Misses V. Viertel, E. Simmons, G. McNichols
- Chorus—"The Heavens Are Telling" *Hydn*
- Accompanist, Miss Kathleen Doyle
- Salutatory *Miss Anna T. McCarthy*
- Lucia di Lammermoor *Arranged by Winner*
- Violin, Master Gerald Harrington
- Piano, Master George Harrington
- Piano duo—"March de Rakoczy" *Berlioz*
- Misses Loretto Sullivan and Kathleen Doyle
- Essay—"The Problem of Life" *Miss Lottie V. Grady*
- Vocal solo—"Alessandrs Stradella" *F. v. Flotou*
- Miss Elsie A. Butler
- Accompanist, Miss Loretto Sullivan
- Selection—"The Star of the Sea" *O'Grady*
- Miss Mae Campbell
- Piano solo—"Mater Dolorosa" *Chad*
- Miss Helena Viertel
- Essay—"A Martyr to Charity" *Miss B. Helen McCafferty*
- Idylle *Koenig*
- Zither, Miss Viola Viertel
- Violin, Master Gerald Harrington
- Piano, Miss Helen Viertel
- Chorus—"Hunter's Song" *Kuechen*
- Accompanist, Miss Loretto Sullivan
- Class poem—"Deus Lux Mea" *Miss Helen T. Clark*
- Piano solo—"Mazurka-Caprice" *Wollenhaupt*
- Miss Genevieve McNichols
- Nocturne *Hentlein*
- Violins—Miss Nellie Gaffney, Master Gerald Harrington, Master John Joseph Donlin, Master Leo Saunders, Master Sylvester Saunders.
- Piano—Miss Genevieve McNichols
- Coffering of honors by Very Reverend M. F. Cassidy
- Valedictory *Miss Nelle C. O'Donnell*
- Chorus—"Alma Mater" *Steibel*
- Accompanist, Miss Genevieve McNichols
- Address *Rev. J. T. Smith, of Omaha*

County Treasurer D. J. Cronin went to Omaha Tuesday with one of his little daughters whom he takes there for medical treatment.

Patrick Brennan returned Saturday last from Omaha feeling somewhat improved in health after a course of treatment at St. Joseph's hospital.

The Holt county teachers institute convened in O'Neill Monday. A list of teachers in attendance will be found on the last page of this issue.

O. F. Biglin, F. J. Dishner, J. A. Donohoe and A. F. Mullen were at Columbus assisting to initiate a council of Knights of Columbus on Sunday last. They arrived home Monday.

There will be a song service at the M. E. church on Sunday evening, June 18, the quartette will sing Hark, Hark my Soul. Everybody invited.—G. F. Mead, Pastor.

Mesdames Meredith, Snyder, Pfuud, Kline and Bright went to Inman yesterday to perpetrate a surprise on Mrs. J. L. Mack, the occasion being her birthday anniversary.

A Stereopticon lecture on Russia and Japan will be given at the M. E. church, Wednesday evening, June 21, by Rev. J. W. Alexander of Atkinson. Admission ten cents.

Miss Lulu Addison, daughter of J. C. Addison of Mineola, arrived in the city Thursday last from Humbolt, Io., and will visit her father, brother and grandmother for a month.

There will be a Sunday school convention of the Dorsey district in the Minneola M. E. church on Tuesday, June 20. All interested in Sunday-school work are invited to be present.

The local markets yesterday were: Stock steers, \$4.00; fat steers, \$5.00; Hog \$4.75; corn — shelled, 35c; ear, 34c; oats, 25c; wheat, 91c; rye, 62c; potatoes, 25c@30c; eggs, 11c; butter, 13c.

John Biglin, who has accepted a position with the International Harvester Co., went to Alliance Sunday last, from whence he works in various directions selling harvesting machinery.

E. E. Halstead was over from Ponca the fore part of the week looking after business matters here. The Frontier understands Mr. Halstead intends to open a bank in the Elkhorn Valley building next month.

Rev. Rominger, formerly pastor of the Methodist church here but for the past three years located at Allen, stopped in the city Tuesday on his way home from Chadron, where he had been on a vacation.

Deputy Land Commissioner J. M. Shively, of Lincoln, Neb., was in the city Monday and leased all of section 16, township 31, range 12, to Miss Maggie Smith, of Lincoln, Neb., at a valuation of \$4.25 per acre. When this same section was leased two years ago the valuation was only \$1.75 per acre.

E. O. Excell of Chicago, whose name is popular and familiar everywhere because of its prominence in sacred music, accompanied by N. W. Jones, stopped over night in O'Neill Tuesday and made a hurried business visit to the Caldwell ranch Wednesday morning, getting back to town in time to take the 9:40 train east.

Why don't you invest that money of yours in good land close to town. Land is sure to increase in value and is absolutely safe. T. V. Golden has a few tracts close to O'Neill that he can sell on good terms at a low price. Don't wait for a few years and then kick yourself because you did not buy when you could. 49-3

A man in a neighboring town remarked the other day. "If the newspaper men knew how many knocks he gets behind his back he would adopt another calling." But the newspaper man does know and has learned to expect it. The newspaper man who is a successful editor is cordially hated by every lawbreaker and swindler, every penny-pinching knocker on progress, and every hypocrite in his town and locality.

Tuesday evening's severe wetting came just at the right time to do the greatest amount of good. While nothing was suffering for rain, still there was need of just what we received. There was some considerable wind following the rain and The Frontier learns that a barn was removed from its foundation four miles north of town by the wind.

While a fast freight on the New York Central was speeding along before dusk one evening recently the attention of the engineer was attracted by a man standing on the track ahead frantically giving stop signals. The train was brought to a halt. The

engineer climbed down from his cab and asked the fellow what he wanted. "Give me a chew tobacco," said the man.

Dr. Donohue, the Omaha osteopath who is spending a couple months in O'Neill, says the outlook for a good practice in O'Neill is very flattering. He has examined a great many cases since coming here and has already a number under treatment. The doctor is very enthusiastic if given a chance will bring sunshine into many homes made dark and gloomy by so called incurable disease. He will remain in O'Neill until about Aug. 15th.

"Why don't you patronize home merchants?" asked the merchant of the farmer who was hauling home a shipment of goods purchased from a mail order house. "Why doesn't the home merchant buy of the home farmer?" asked the old farmer right back. "Last fall I offered you some fine potatoes for 40 cents a bushel. You preferred to handle Colorado potatoes. Mine rotted on the ground. My neighbors had to let their berries and cherries go to waste because you merchants preferred cherries and berries from Missouri and Arkansas. Before asking the farmers why they go away from home to buy, stop first and ask yourself why you do it."

NEBRASKANS IN WEST

"Mayor" Harrington and Party Stop at Butte, Mont.

The following extract is from a Butte, Mont., paper: Several Nebraskans, some accompanied by their wives, are paying Butte a brief visit, on a tour of the West with the Portland exposition as their goal. They are J. S. Harrington, mayor of O'Neill; Attorney M. F. Harrington, William J. Bryan's chief lieutenant in Nebraska, and at one time candidate for governor of the state, and his wife; L. M. Weaver, Stuart, Neb., son of ex-Congressman Weaver, and Charles Foltz, a prominent business man of Spencer, Neb., and his wife. The party arrived yesterday and will be the guests of Richard J. Dwyer up to the time of their leaving, when they go to Spokane. While in Butte the men are taking a look over the mining properties with a view of investing. Every effort is being made to interest them in the great mining camp and show them all the attractions of the place. They leave today for the west.

The Markets

South Omaha, June 15.—Special Market Letter From Nye & Buchanan Co.—Cattle prices are 30 cents lower than a week ago on all but choice kinds. Monday brought a light run of cattle and Tuesday and Wednesday a good fair run. Chicago, however, had plenty and their market is weak and lower which is reflected here. Prospects are not encouraging for better prices. Feeders are 60 cents lower than two weeks ago. We quote: Choice steers \$4 80@5 50 Fair to good 4 20@4 70 Cows and heifers 3 25@4 25 Choice feeders 3 75@4 25 Fair feeders 3 50@3 75 Good yearlings 3 50@3 75 Canners 1 50@2 00 Bulls 2 50@4 00 Veal 3 50@6 00 Milkers and Springers \$25 to \$40 Receipts of hogs liberal. Market weak. Range \$5.05 to \$5.20. Sheep market active and stronger.

Very Low Rates to Asbury Park, New Jersey.

Via the North-Western Line. Excursion tickets will be sold on June 28 to July 1, inclusive, with favorable return limits, on account of National Educational Association. Apply to Agents Chicago & North-Western R'y.

O'NEILL WILL CELEBRATE

Plenty of Funds Raised to Do An Old Fashioned Job of It.

FREE AMUSEMENT FOR EVERYONE

People Looking for a Place to Hear the Eagle Scream Should Not Overlook Us.

A liberal contribution has been raised, The Frontier is informed as it goes to press, for a big celebration in O'Neill the Fourth.

O'Neill has laid quiet for a few Fourths but this year will provide an old fashioned celebration. We are unable to publish any sort of a program of sports, but due announcement will be made.

Grand Opening at Stuart.

Tuesday at high noon, Stuart stopped spitting cotton. The bandages were removed from sore necks and a dry-mouthed crowd proceeded to the grand opening of mouths—not summer millinery. Oh, it was a feast of the passer for the tippler. A wild rush was made for Glottis' sake. The faucet, so long silent, tinkled, twinkled and trickled with a charm like the brooks of Hebron. Sorrow had turned to joy; thirst to satiety. Stuart was redeemed by the clank of the decanter. It is now a Place where the woes of men are drowned in the liquid that produces bum eyes, pendant stomachs and demoralized hearts and brains. Public opinion has been appeased. As for that part of the population hanging on to the edges of public opinion, they can pray and doctor the wounds made by the bite of the worm of the still.—The Ledger.

District G. A. R. Reunion

Norfolk, June 12.—The Northeast Nebraska District G. A. R. Reunion for 1905 will be held at Meadow Grove, July 11, 12, 13, and 14.

The business meeting of the district will be held at 10 a. m. on Wednesday, July 12.

All posts will make requisition on Quartermaster, Meadow Grove, for such tents as they may need for their respective posts.

Comrades! Turn out and make this the most profitable and pleasant reunion ever held in this District. A beautiful grove, a well organized camp and a good time is promised to all comrades and their families.

W. H. Widaman, Commander.

D. C. Harrison, Adjutant.

Make Young Again.

"One of Dr. King's New Life Pills each night for two weeks has put me in my 'teens' again" writes D. H. Turner of Dempseytown, Pa. They're the best in the world for Liver, Stomach and Bowels. Purely vegetable. Never gripe. Only 25c at P. C. Corrigan's drug store.

Lyman Waterman

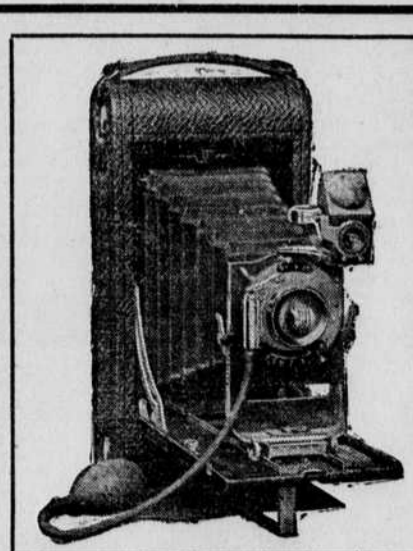
NOTARY PUBLIC

Mortgages, Deeds, and Contracts Carefully Drawn

Kodak & Camera Supplies...

ALWAYS IN STOCK

Some of the finest scenery is to be found in Holt county. Buy a Kodak and send some pictures to your friends.



Kodaks from \$1 to \$30

WILLIAM M. LOCKARD

Jewelry, Kodaks & Phonographs

M. DOWLING, President JAS. F. O'DONNELL, Cashier

CAPITAL & SURPLUS... \$55,000.00

O'NEILL NAT'L BANK

5 Per Cent Paid on Time Certificates of Deposit

This Bank carries no indebtedness of Officers or Stockholders