

BANK EXAMINER DEMURS

Preliminary Skirmishes in Suits Against Whittemore.

BOND CO.'S MOTION SUSTAINED

Ask That Plaintiff's Petition be Made More Specific.—Will Submit Briefs.

On last Saturday a demur filed by Fred Whittemore in the case of Bridget Corrigan against the bank examines alleging negligence in checking up the defunct Elkhorn Valley bank was overruled in district court and ten days was given in which to file an answer.

Whittemore and his attorney, T. J. Doyle of Lincoln, were in O'Neill Tuesday, it being expected the arguments in the demur would be made. The attorney for Mrs. Corrigan was out of town and other obstacles seemed to stand in the way of proceeding with the case and it was agreed to submit briefs in place of oral argument.

The defendant demurs for the following reasons:

1. The petition of Bridget Corrigan does not state a cause of action in favor of the plaintiff and against the defendant.
2. The plaintiff has no legal capacity to sue or maintain this action.
3. There is a deficit of parties plaintiff herein.
4. There is a deficit of parties defendant herein.
5. There is a misjoinder of cause of action herein.
6. The court of law has no jurisdiction to try the action, it being a subject of equity jurisdiction only.

The Fidelity and Deposit company of Maryland is also a party to the suit. Through their attorneys, Kennedy & Learned of Omaha, they moved the court to require the plaintiff, Mrs. Corrigan, to make her petition more definite and certain by setting forth the dates, maturity, amounts and names of the makers of the notes which it is alleged in paragraph five of her petition were forged and fictitious. The motion was sustained by the court and the plaintiff allowed to amend her petition immediately, ten days being allowed the bond company in which to file their answer to the corrected petition.

LOCAL MATTERS.

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

Best castor machine oil at Golden & Hodgkin's. 3-2

John Melvin of Page Sundayed with O'Neill friends.

Jacob Krapf of Stuart had business in the city Tuesday.

Wanted, a neat girl for house work.—Mrs. E. H. Whelan.

Dr. Gilligan made a professional visit to Ewing Tuesday.

H. A. Allen of Atkinson had business in the city the first of the week.

FOR RENT—Six room cottage in good condition. 52-tf Belle Ryan.

To Lease or for Sale—Five room house. Enquire George Weingartner. 2-tf

Golden & Hodgkin always carry a complete stock in their lines. Think it over. 3-2

Get your haying supplies, such as stacker rope, pulleys, etc., at Golden & Hodgkin's. 3-2

\$2,000 given for kodak pictures. Ask for catalogue.—W. M. Lockard, O'Neill, Neb. 52-3

Miss O'Donnell has been over from Springfield at the home of her mother since the Fourth.

Miss Annie Wynn of Atkinson has been the guest of relatives and friends here for the past week.

Tom Shively returned to his home at Norfolk on Tuesday after spending a week with friends here.

Judge Davidson and David Moler joined the old soldiers at the reunion at Meadow Grove yesterday.

Ed Alberts arrived home Monday from Fargo, N. D., where he has been playing ball the past month.

R. E. Bowden and Samuel Beavers went to Meadow Grove Tuesday to attend a reunion of old soldiers.

"Zachous, or the Little Man up the Tree," is the Rev. T. W. Bowen's subject for next Sunday evening.

Albert Webster and Katie Eille, both of Royal, Neb., were united in marriage Tuesday by Judge Morgan.

Estray—Eight cattle branded with the letter P on the right shoulder have been taken up by William Darr.

Merle Kline departed on the early train Monday morning for Beatrice to take in the chautauqua and visit with friends.

B. A. Harding is behind the counter at Golden & Hodgkin's in the absence

CLOSING OUT SALE OF 113 Short- Horn Cattle THURSDAY JULY 20

HAVING decided to sell my farm and retire from the cattle business, it has become necessary for me to sell at auction my entire herd of registered Short-Horn cattle, consisting of 80 cows and heifers, 22 1 and 2 year old bulls, 10 calves at side of dams, and last but not least, 1 great herd bull, **GOLDEN KING 152,918**, the best bull in Nebraska.

This will be an absolute closing out sale, no string on anything—everything goes. Sale will be held in large sale tent on my farm 8 miles north of O'Neill. Parties from a distance conveyed to and from sale. Come out to the sale and pass judgment on the class of cattle I have been breeding. Everybody welcome, whether wanting to buy or not. Lunch served on the grounds at 11:30 a. m., sale beginning at 12:30 p. m.

Terms: Cash or 1 year on bankable paper at 10%

D. J. CRONIN, Owner
J. F. O'DONNELL, Clerk

Auctioneer, Col. T. C. CALAHAN of Omaha, assisted by Col. J. A. COWPERTHWAITHE of O'Neill

of Merl Kline who is taking a two week's vacation.

Buy your binder twine of Golden & Hodgkin. It is stronger, runs farther and binds more bundles than any twine on the market. 3-2

Post office Inspector A. J. Moore of Omaha came in Monday evening and drove into the country Tuesday to check up some of the rural offices.

LaViolette Bros. will take a limited number of pupils for instruction on violin and piano. Also voice culture, Italian method. See them for terms. 3-4

Miss Winona Younkin was an early morning passenger Monday for Beatrice, her former home, where she goes for a two week's visit with relatives and friends.

The W. C. T. U. will meet with Mrs. Younkin next Wednesday afternoon at 3 o'clock. Mrs. Meredith will have charge of the meeting. All the ladies are requested to attend.

Miss Mable Martin, who suffered a severe shock from the explosion of a cannon fire cracker a few days previous to the Fourth and who was quite ill in consequence, is rapidly recovering.

Judge Kinkaid departed Tuesday for a visit to the western end of the district. The judge does not confine his visits to the people of the district to campaign time but is continually on the alert as to the needs of all sections of the big Sixth.

L. E. Carscallen, the barber, with his wife and children, went to Meadow Grove Tuesday for a few days visit. Mr. Carscallen says he has about concluded a sale of his barber shop to a gentleman from the southern part of the state, whom he expects to be here this week.

A ball game has been arranged between the Peelers and a nine at Clearwater. The game is to be played here next Sunday. The Peelers are well known as expert players on the diamond and the Clearwater team is also said to be not so slow. In which case a good game is looked for.

P. C. Corrigan was taken suddenly ill Sunday and was taken to Omaha on the early train Monday by his wife for the hospital experts to diagnose the case. Mrs. Corrigan returned Tuesday and says her husband was much better when she left him, the doctors pronouncing the case not serious.

E. Kline, Paul Botler and Angela Martin, representing DelKeith Castle, Royal Highlanders, went to Neligh yesterday to attend a district gathering of the Highlanders. They are the presiding officers of the local castle and will preside at the gathering at Neligh, the O'Neill castle being the largest in the district. The district comprises nineteen castles and extends from Oakdale on the east to Newport on the west.

The fair grounds are fast being converted into general headquarters for out door sports and recreation. In addition to the race track and base

ball grounds, the girl basket ball team have induced the boys to use the pick and spade in hewing them out a basket ball court. As soon as the girls perfect their course of training on the new grounds they expect to take the conceit out of the basket ball players in some of the neighboring towns.

Michael O'Brian and wife of Alpena, Mich., were guests at the home of Mayor D. A. Doyle yesterday. Mr. and Mrs. O'Brien were on their way home from a visit to Yellowstone Park after attending the national convention of the Knights of Columbus at Los Angeles to which Mr. O'Brien was a delegate, and being old friends of Mr. and Mrs. Doyle they stopped off here for a day. Mr. O'Brien was formerly a member of congress from Michigan.

No one who is interested in going away to school should fail to write the Grand Island Business & Normal College of Grand Island, Nebraska, for their catalogue. This is one of the leading schools in the West. It has one thousand students each year but can not supply the demand for its graduates. Students of limited means are allowed to take a full course and pay for same when they secure a position and we understand several will attend from this county.

The great Fourth is now past but Brennan has still on hand some fine bargains in a nice assortment of granite ware for 10 and 25 cents each. Most of the people will need some machine oil. I carry a fine assortment. Deering Binder, the best made with a full line of repairs. Champion Binder and Mower, no better was ever put on the market. Moline Wagons, Buggies, Ice Cream Freezers at a discount. Twine, twine and twine, now is the time to buy. Call and see me.—Neil Brennan.

A foot race was matched and pulled off Saturday evening between G. A. Stevens, who formerly clerked in Gallagher's store, and John Nolan, jr. Some considerable lucre went up on either side, a good many putting their faith and coin in Nolan's ability as a sprinter from what they had seen of him on the track with his backers holding a stop watch. Stevens knocked the plum so easily that the race, like Col. Bryan's prediction in the last presidential campaign, ended in a rout. Stevens appears to be a foot racer not to be sneezed at.

The board of education held a meeting Monday for the purpose of organizing. The following officers were selected: Thomas Birmingham, moderator; G. W. Smith, secretary; Dr. J. P. Gilligan, treasurer. It was decided at the meeting to employ an engineer to examine the boiler of the heating plant at the schoolhouse and to ask the city council to join with them in the expense of employing such engineer, the boiler of the engine at the city pump house to be inspected at the same time. The council decided to do this at a meeting held Monday evening.

County Assessor Cooper is in a quandary to know how to proceed with the assessment of the saloons of the county. He was getting along all right until he ran across an item in a newspaper quoting the opinion of Attorney General Brown to the effect that saloon licenses should be assessed as valuable franchises, the assessor to use his own judgment as to the value of each "franchise" in the various communities. Assessor Cooper will now have to ascertain the approximate capacity of the public thirst of the county in order to get at the value of the licenses to the saloon men.

Sylvester Judd of Inman, who was before the board of insanity on July 5 and 6 and released after examination, will be given a further examination as to his sanity on the strength of a story which comes from Neligh to the effect that Judd threatened a man's life. One of the members of the insanity board says that Judd went to Neligh after his release and frightened a citizen of that town who happened to be behind him as the two stepped into a livery barn. Judd is said to have turned to the man behind him, drew out his knife and told the man that he had been following him long enough and he was going to kill him.

"Judge Kinkaid came in Monday evening and was met at the depot by a deputation of citizens and escorted to the Hotel Woods, where accommodations for our distinguished neighbor had been provided," says the Spencer Reporter. "The band serenaded him with several nice pieces later in the evening. Judge Kinkaid expressed his surprise at our growth, but said he was very glad to note the progress of the town and country." Referring to the judge's address at Spencer the 4th, The Reporter also says: "His speech was a most excellent one and was attentively listened to by one of the largest audiences we have ever seen assembled on a like occasion."

Conrad Boehme, justice of the peace at Atkinson and also a member of the county soldier's relief commission was in the city Monday on business pertaining to the relief commission. He was a Frontier visitor while in town and informed us that a shooting case had got into his court, it being the culmination of the taking up of a bunch of stray cattle belonging to James Cannon. The cattle were taken by Swan Johnson and it seems appraisers were appointed to appraise the damage. Johnson was awarded \$1 damages but refused to give the owner the possession of his cattle for that amount. Cannon then resorted to the justice of the peace and while he was in town ascertaining what steps next to take his son, presuming settlement had been made for the return of their cattle, went to the Johnson home after the same, but found out differently when he encountered a loaded shotgun and a mad man at the Johnson ranch.

son, we were told, let fly a charge from his gun at young cannon, who escaped being hit and made his departure without further argument. The obstreperous individual with a gun was placed under arrest. Justice Boehme returned home on the passenger as Johnson was to have a hearing in his court as soon as he arrived home.

The case from Conley township in county court Tuesday, Surveyor Norton says, was the cause of the justice of the peace of that township issuing subpoenas for witnesses to appear in county court. Whether the peace dignitaries of Conley did not consider it necessary for those desiring to law to wade through water to the hubs to get to the proper court in a little matter like a subpoena for a witness or whether they had not read up on the "duties of justices" is immaterial. The subpoenas worked and the witnesses came to town, but were not called upon to testify, Judge Morgan believing it was his prerogative to issue subpoenas for the witnesses in his own court.

Miss Florence Zink, accompanied by her father, was down from Stuart Tuesday looking over and talking over the situation with a view to entering the field for the republican nomination for county superintendent. Miss Zink is a pleasant lady to meet, has long been identified with educational work in this and adjoining counties and is quite as competent as any one in the county to conduct the superintendent's office. She tells us that she was an instructor in the institute this year for Rock county and that the assistant state superintendent, while visiting the institute, appointed her to prepare and look after a novel educational exhibit for the state fair. It will be known as "the model school teacher" and will consist of a plaster figure dressed in native grasses found in Rock county. Miss Zink has been intrusted with making a grass wardrobe for the model and with dressing it for the exhibit.

The heirs of the estate of John Hodge, deceased, had a round in county court Tuesday. Mrs. E. S. Johnson, well, one of the heirs, and her husband brought suit against M. J. Johnson, widow of the deceased and administrator, asking that she revoke an order of sale made some months ago which gave the administrators the authority to sell the worth of personal property appraised value of the same by the widow. The appraised value was \$1,000.00. The widow wanted the sale. Some of the heirs sold a share of the property. Evidence was taken and the case was set for trial next week.

NEW HOTEL FOR O'NEILL

Three Story Brick to Go Up on the Horisky Corner.

TOTAL INVESTMENT OF \$19,000

Business Men Quick to Secure a Good Thing.—Building to be Complete by December 31.

The proposition of R. L. Hall to erect a 3-story brick hotel in O'Neill has been accepted and the \$4,000 bonus about all raised.

The best proposition yet submitted for O'Neill to get a much needed hotel has been made to our citizens by R. L. Hall, recently in the hotel business at Valentine.

Mr. Hall came to O'Neill Friday last and after talking the matter of a new hotel up among the business men, a meeting was called on Saturday evening at the office of T. V. Golden, when a proposition was submitted by Mr. Hall. The result of the meeting is that an agreement has been drawn up in writing which provides for a \$12,000 three story hotel on the corner east of the First National bank, where Horiskey's grocery now stands. The town is to put up a bonus of \$4,000.

The provisions of the agreement are:

Whereas, R. L. Hall agrees to purchase lots 24, 25, 26, 27 and 28 in block number 15 in the city of O'Neill, Nebraska, and to erect thereon a hotel building to be constructed out of brick and to cost approximately \$12,000 exclusive of site and furnishings, the furnishings to cost approximately \$3,000. Said building to be in size 55x80 feet and to be three stories high, with a mansard roof, said building to be erected and furnished and in running order not later than December 31, 1905.

Said party further agrees that said building will be used and operated as a hotel, and for hotel purposes only, and to be heated throughout by either steam or hot water.

Said party further agreeing that in the event of the destruction of said building by fire within five years from December 31, 1905, that the same shall be rebuilt, and be of the same size, and of similar material, and said party agreeing to secure those contributing the amount contributed, that in the event that said building be destroyed by fire, that he will rebuild or cause the same to be rebuilt as above stated within six months.

For the purpose of assisting said party to build said hotel, and as an inducement to have him furnish and build said hotel, we hereby contract and agree to pay to him on completion of said building, the amount set opposite our names.

Said amount to be given by us, and received by said Hall as a bonus and on the conditions herein stated.

The lots upon which it is proposed to build are property of the defunct Elkhorn Valley bank and it is stated that title to same can be secured at any time.

Supervisors Convene.

The board of supervisors, which are holding the regular July session, have discovered that as a board of equalization they cannot complete their work and make the levy until the state board of equalization has done its work. They have therefore adjourned as an equalization board August 1, and as a board of equalization. The board will not be taken after the adjournment of the board of equalization.

Henry H. Johnson, the lone member of the board of equalization, has been appointed to prepare and look after a novel educational exhibit for the state fair. It will be known as "the model school teacher" and will consist of a plaster figure dressed in native grasses found in Rock county. Miss Zink has been intrusted with making a grass wardrobe for the model and with dressing it for the exhibit.