

THE FRONTIER.

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PRECEDENT IS RATIFIED

Jury In Irwin Case Hews Close to Old Land Marks.

SAYS CEARNS WASN'T MURDERED

Mills of Justice Acquit Man Charged With Stabbing Another A Year Ago Near Badger.

The verdict of not guilty in the Irwin murder trial, returned Tuesday by twelve men in whose hands hung the fate of Myron Irwin for more than a week, is a ratification of the precedent established in this county since the memory of man runneth. In looking back over the criminal annals of the county to the days when every man, with his good six shooter, was his own court of justice, one is struck with the singularity that not one man has ever traveled the road to the penitentiary or gallows for the crime of murder, save one individual, whose alleged victim died several months after receiving a charge of bird shot in a lower limb. While many men have been dressed in stripes for a period of from one to fifteen years for various petty crimes, the few who have caused a vacant chair in happy homes and dimmed the luster in a mother's eye no jury has seen fit to recompense, except the one whose verdict was set aside in the former trial of this case.

The prosecution in the case just closed wove a net of evidence about the defense that was fully as strong as in the first trial of the case; the court's instructions, conceded by every one who heard them read in open court to be perfectly fair and impartial, were lucid and direct; the evidence, boiled down, disclosed that there had been a killing with no probable intent on the part of the victim to draw the life-blood or seriously injure the slayer.

County Attorney Mullen and Attorney Al Tingle were associated in the prosecution of the case during the trial. Each in their plea before the jury made strong and logical arguments to show that the safety and welfare of society depends first of all upon the protection of human life and that all the other safeguards for the protection of property and individual rights, important and essential in themselves, are secondary to man's first and sacred right—the right to live.

Attorney M. F. Harrington, whose reputation for putting up a defense in cases of this nature has become well established, literally took his coat off to save his client. As is customary in these cases the defense put up the plea of justifiable killing.

The Irwin case was called in court last Tuesday morning, Tuesday and Wednesday forenoon being occupied in drawing a jury. The jury was called by Frank Campbell, who was appointed special commissioner for the purpose, the defense alleging prejudice on the part of Sheriff Hall. By nine o'clock Saturday night the evidence was all in.

Monday morning the arguments began and were concluded about five o'clock that evening. Mr. Tingle lived out in the argument for the state in a strong and logical plea for the right of human life and the majesty of the law, being followed by Dick Johnson for the defense. Then the noon adjournment was taken. At 1:30 Mr. Harrington took the floor in defense of Myron Irwin and a castigation of the Cearn's family. For two hours Mr. Harrington plead with the jury, endeavoring to show that there was reason to believe the killing was accidental or done in self defense, impressing on the minds of the jurors that the defendant was entitled to the benefit of every doubt and denouncing the Cearn's family in strong terms. Mr. Harrington laid particular emphasis on the actions of

Robert Rumsey, a friend of Irwin and a witness for the defense, in getting Irwin away from the scene of the killing. Rumsey was with Irwin at the time and the evidence showed he got Irwin away from the scene at once. Out of which Mr. Harrington endeavored to show that Rumsey knew the Cearn's to be men of quick temper and desperate action and feared for the life of Irwin when the boy's father, who was some distance away, should arrive.

Mr. Mullen, when he had taken the floor, shattered this argument and dramatically appealed to the jurors if either of them would not be moved to raise their arm in revenge should they find a son of their's lying dead on the field.

Mr. Mullen reviewed the evidence in a clear and impressive manner and with logic and force punctured that of the defense full of holes.

The court room was crowded with men and women the last day of the trial to hear the lawyers plead.

Robert S. Cearn's, father of the boy who was killed, attended throughout the trial, his wife being present the last day. While disappointed at the outcome of the trial, their grief over the loss of their son is far greater than could ever be atoned for in a court of law. Mrs. Cearn's says the two trials have cost them \$1,500, but with their boy in the grave they could not but make some effort to obtain justice.

RACING CIRCUIT.

Further Details Effected for This Season's Races.

An adjourned meeting of the North Nebraska Short Shipment Racing Circuit was held at Neligh last Thursday, the O'Neil association being represented by its secretary, S. J. Weekes. The town of Tilden was admitted to the circuit in which there are now eight towns consisting of Norfolk, Battle Creek, Neligh, O'Neil, Creighton, Madison, Stanton and Tilden.

The meeting was well attended and much enthusiasm was manifested over the prospect of the circuit having many of the best horses in the west among the entries. Liberal purses will be offered, no purse for a harness race being less than \$200. O'Neil was fortunate in getting desirable dates, which will be September 5, 6, and 7.

The Circuit decided to add a new feature to its meetings this year and appointed a committee consisting of Mr. Weekes of O'Neil, Mr. Cole of Neligh and Mr. Hancock of Stanton to make the necessary arrangements to put on the new attraction, which will be that of a first class show with a good band. The band will play for the races and the show will furnish entertainment for the public in the evening. It is thought by this arrangement that people will not only be given much more entertainment for their money but that it will be a great saving to the respective towns in the matter of hiring a band for each meeting.

Wedding Bells at Agee.

At the home of the bride's parents, Mr. and Mrs. George Bowden, on Wednesday, March 21, occurred the marriage of their eldest daughter, Ivy, to Curtis Speltz of Leonie, Justice P. J. Lansworth officiating.

The bride wore a becoming gown of white chiffon. The groom wore the customary black.

The bride is well known in this community, having always lived here, and her friends are numbered only by her acquaintances. The groom is also well and favorably known here.

The newly married couple left Thursday morning for Omaha, where the groom has accepted a position. A number of useful and beautiful presents were received. Neighbor.

Make me an offer for my 160 acres of land, W1, NE1, NW1, sec. 15-25-15, in Swan township. Address G. N. Burghardt, 1529 Lafayette st., Denver, Colorado. 40-1

LOCAL MATTERS.

C Downey for Insurance. Farm and stock a specialty. 38-1f

The Frontier has a stock of good typewriting paper.

William LaViolette, sr., was in Omaha Friday on business.

Mrs. S. J. Weekes went to Omaha yesterday for a visit with relatives.

John Deere 3 lever Disc with wood-end boxes beats all, at Neil Brennan's. 40-2

A son was born to William and Jessie Sahagan of Grattan township on Monday.

A carload of farm machinery arrived and we will make prices. Neil Brennan. 40-2

Frank Harnish went to Norfolk Sunday, he having a position in the asylum there.

Wanted—A competent girl for general housework, good wages paid. Mrs. Ed F. Gallagher. 40-1f

Otto Leunerman and Flora Clyde, both of Page, were granted license to wed Saturday last.

For sale or rent, four room house and two lots in west part of town. Inquire of Chas. Bausch. 40-1pd

Osmond Republican: Mr. Barnett, of O'Neil, a photographer, was in town last week looking for a location.

Frank Phillips was in from Star Monday and Tuesday, getting out some printed matter to boom his real estate business.

Dick Murry left Saturday morning for Melrose, Iowa, in answer to a telegram saying that his father was not expected to live.

For Sale—A church organ in good condition, can also be used as a school or cottage organ. Inquire at G. W. Smith's Temple of Music. 35-1f

Lloyd Gillespie is having a touch of bachelor's life, his wife and little daughter being at the home of Mrs. Gillespie's sister at Coleridge.

Whats the use of tying up your stove grates with wire, get the name of stove, manufacturers, and bring it to Brennan's. We can get it for you. 40-2

Rev. L. Grotherr, of Chambers, will preach Sunday morning, April 1, at 10 o'clock a. m., at the Union church 5 miles northwest of O'Neil. Services will be German Lutheran.

Henry Zimmerman went to Stuart Sunday to attend the funeral of Dr. Hunt, remaining there for a few days and being accompanied home by his daughter, Mrs. Sturdevant.

Mrs. Mack is having a house built for herself near the home of her daughter and son-in-law, Mr. and Mrs. Gray, north of town, she having sold her place here in town to Mrs. McCabe.

Otto F. Tappert, for many years traveling representative of the Standard Oil company in North Nebraska and quite well known in O'Neil, committed suicide at Norfolk Thursday last by taking carbolic acid.

Two business changes took place this week. John Horiskey becomes the sole proprietor of the Horiskey & Poe meat market. The Peeler restaurant has passed into the hands of Henry Rits and S. L. Thompson.

The Rev. T. W. Bowen's subject for next Sunday evening will be "Many Made Righteous." The Annual Congregational meeting of the O'Neil Presbyterian church will be held on Thursday evening, April 5th, at 8 o'clock.

Fourteen members of the O'Neil Odd Fellow lodge went to Atkinson Tuesday evening on invitation of the Atkinson lodge. Visitors from the Newport, Stuart, Dustin and Chambers lodges were also present. They returned the next morning and reported a profitable time.

An entertainment will be given at the Leonie Methodist church on Thursday evening, April 5. The following program has been prepared: Instrumental music, invocation, "Rock of Ages," "Little Gretchen," instrumental music, "Nobody's Child," "Before the Pledge," instrumental music. "After the Pledge," instrumental music. Admission 10 and 15 cents, proceeds for the benefit of the church.

The program for the next meeting of the Tuesday Club will be: Piano solo, Miss Hagerty; biography of William Cullant Bryant, Mrs. E. R. Adams; "Bryant, and How His Friends Regard Him," Mrs. E. H. Whelan; "To a Water Fowl," Mamie Morrow; Biography of Longfellow, Mrs. Ed F. Gallagher; "What do Longfellow's Contemporaries Say of Him and His Writings," Phoebe Mullen; vocal selection, Mrs. Stout; "Comparison of Bryant and Longfellow," Mrs. C. B. Scott; "Death of Minnie Haha," Mrs. P. D. Mullen; roll call with responsive quotations from Bryant and Longfellow. The meeting will be held April 3, at the home of Dr. and Mrs. Gilligan.

Beginning Wednesday of next week, the North Nebraska Teachers' association holds a meeting at Norfolk, continuing over Friday. Prof. J. V. Dwyer of this city is on the Thursday afternoon program, "Thorough Work In Our High School; How May It Be Secured," being the subject assigned him. Among the prominent speakers to be at the meeting are Dr. Thomas E. Green, Mrs. Frances Carter, Dr. G. E. Condra of the state university and State Superintendent McBrien.

Again The Frontier has to call the attention of people who desire items published that the editor must positively have the name of the person who sends in any item. The Frontier emphatically will not publish items mailed to this office unless the person writing them discloses their identity. A non de plume will do to put after your item or items as they appear in the paper, but the editor wants your name, not for publication, but as a guarantee that the item or items are sent in good faith. We have to reject some matter this week on this account.

Prof. H. T. Sutton spoke to a large audience at the court-house Sunday evening on the subject of temperance from, as the professor put it, "The Christian's Standpoint." Prof. Sutton did not drift into the usual sympathetic strain of the temperance lecturer, but presented arguments and reasoning for his beliefs as one who appreciated the fact that he was talking to reasonable beings. The lecturer held the closest attention of the entire audience, with the exception of a number of restless and overly smart boys in the rear, who ten years from now will very much regret their conduct and efforts to make a disturbance.

The sale of high bred Short Horn cattle and Percheron horses at the Cronin farm last Thursday was well attended notwithstanding not the best of weather prevailed. Cattle sold on an average of over \$34 per head.

Horses brought equally as high prices. Peter Kelly of this city bought three handsome mares at a price quite unusual for horse flesh in this country, he paying \$900 for the three. Much of the stock, Mr. Cronin says, was bought by farmers in the county who heretofore have not dealt in high bred animals. One bunch of cattle went to one of the cattle counties west of us, a few to Madison county and some to the Bonesteel county.

Spencer Advocate: An important business transfer took place last Tuesday by which the stock, real estate and business of J. C. Morrow, the lumber man, was added to that of the Nye-Schneider-Fowler Co. Just what the consideration was we have not learned, but it must be quite a sum. Mr. Morrow has been one of Spencer's most enterprising and public spirited business men for the last four years.

He is a conservative, broad minded, tip top good man and the whole town is sorry to have him sell out and go away. He has stock in the Clippert mine which promises much, and then he has a good business opportunity out there which of course is wise to improve.

To the Public.

We have a very large stock of furniture and hardware that we wish to turn into money and for the next thirty days, special bargains will be on all goods purchased. It will pay you to examine the stock and prices. After thirty days we intend to add several thousand dollars in goods to the store. Everything will be up-to-date and sold as cheap as can be given bought anywhere. Goods will be bought generally in car load lots and saving will be made at every point in order that the purchaser may get the benefit. This town deserves and will have a first class hardware store where can be bought at prices as low as anywhere in Nebraska. Your patronage is solicited. 38-3

Golden Furniture & Hardware Co.

Low Rates to Los Angeles, Via the North-Western Line. An excursion rate of one first class limited fare for round trip, will be in effect from all stations April 25 to May 5, inclusive, with favorable return limits, on account of Imperial Council, Nobles of Mystic Shrine. Three fast trains through to California daily. "The Los Angeles Limits," electric lighted throughout, via the new Salt Lake Route, with drawing room and tourist sleeping cars. "The Overland Limited," electric lighted throughout, less than three days enroute. Another fast daily train is "The China & Japan Express" with drawing room and tourist sleeping cars. For itineraries and full information apply to agents Chicago & North-Western R'y.

Notice to Creditors. I want to close up all of my accounts by April 1, 1906, and will be at my former place of business till that date. All who are owing me will please call and settle in some manner by that time. 37-4 John Mann.

AN OLD SETTLER CALLED.

Mrs. T. N. J. Hynes, One of the Pioneers, Passes Away.

Anna, wife of T. N. J. Hynes, departed this life at 5 o'clock p. m. on Saturday, March 23, at the family home in this city, death resulted from apoplexy.

The deceased was among the earliest pioneers who came into the prairie wilderness of north Nebraska in the seventies. She was a native of Ireland, where she was born on October 29, 1853, being 52 years, 4 months and 25 days old at her death. She came to America in 1866 with others of her family. In 1876 she was married to Mr. Hynes at Omaha, and soon thereafter they settled here.

She was a member of the Degree of Honor, in which order she had \$2,000 insurance.

The funeral was held on Monday at St. Patrick's Catholic church, the Degree of Honor taking charge of the funeral and providing some very beautiful floral tributes.

Mrs. Hynes is survived by her husband, two daughters and one son, Mrs. Mary Jlig of Atkinson, and Nellie and Willie Hynes. Mrs. Hynes was a sister of John and William O'Fallon.

UP TO THE VOTERS.

Petitions All Filed for the Municipal Ticket.

The nominations have all been made for city offices and it is now up to the voters to say who they want in authority next year. The official ballot will contain the names of the following candidates:

For mayor—D. A. Doyle (Incumbent), Ed F. Gallagher.

For treasurer—James F. Gallagher (Incumbent).

For clerk—W. K. Hodgkin, Romaine Saunders (Incumbent).

For police judge—E. P. Hicks, Sheridan Simmons.

Councilman First Ward—T. D. Hanley (Incumbent), H. A. Polk.

Councilman Second Ward—Neil Brennan (Incumbent), M. H. McCarthy.

Third Ward—J. B. Mellor, Henry Zimmerman (Incumbent).

Election falls on Tuesday next, April 3, the polls being open from 8 o'clock in the morning until 6 o'clock in the evening.

Shortage of Competent Teachers.

Miss Zink is considerably concerned over the apparent carelessness and indifference of many teachers of the county in the matter of better equipping themselves for their profession. She thinks there will probably have to be some new teachers brought into the county from elsewhere unless some of those now here will manifest a greater interest in educational work.

Miss Zink says she is experiencing much difficulty in getting teachers in the outlying districts to take up the work designed for the betterment of themselves and schools. Among other things started is the reading circle, which has been prescribed for a number of years throughout the state but has never been adopted here. Out of some 200 teachers in the county, only about fifty have taken hold of this work.

Miss Zink contemplates issuing a small monthly paper for the benefit of the teachers of the county, and if undertaken the first number will be out for distribution at institute.

Nicholizack Case Called.

The case of the state against Joseph Nicholizack on a charge of criminal assault was taken up for retrial in district court Tuesday. The defendant was found guilty in the second trial and the case taken to the supreme court, where it was remanded for a third trial.

The following is the jury: E. B. Sharp, William Myers, R. J. Clark, E. E. Cole, S. S. Smith, Fred Mulford, Joe Schindler, F. D. Smith, Otto Clevisch, C. W. Yantzie, T. C. Cantwell, and Albert Brown.

MEETS A TRAGIC DEATH

Dr. Hunt of Stuart Crushed Under Car Wheels.

FRIGHTFUL ACCIDENT FRIDAY

Was Here As Witness In Irwin Case and Killed As He Attempted to Catch Train for Home.

Dr. S. F. Hunt of Stuart met a tragic death in O'Neil about 4:30 Friday afternoon, March 23, he being crushed beneath the wheels of a caboose on freight train No. 63 on the Northwestern railroad.

Dr. Hunt had been in O'Neil as a witness at the Irwin murder trial and had gone to the depot to catch a train for Stuart. A freight train was standing at the station about ready to pull out. It appears from circumstances surrounding the said and tragic affair that the doctor stood on the outer edge of the depot platform opposite the door of the men's waiting room and waited until the train pulled up, intending to catch the way car as it was drawn up. As the car was passing he grasped the iron rod on the side of the car but could not throw himself onto the car platform. In some inexplicable and mysterious manner was caught by the revolving wheels below and drawn down across the rail between the two right-hand wheels of the front truck. In this position he was drawn along over the track a distance of some twenty or twenty-five feet before the wheels passed over him. Death resulted instantly, the post mortem later disclosing that nearly all the vital organs were crushed to a jelly, the back bone severed, but the skin not broken.

Operator Hess, Agent E. R. Adams and the conductor of the train were the three witness to the tragedy, but all were powerless to save the unfortunate man. The operator saw him drawn under the car as he sat at his desk in the office but could not get out in time to do anything. The agent and conductor were at the west end of the depot and could not get to him. Mr. Adams signaled the engineer but could not get his attention in time to stop the train before the doctor was ground beneath the wheels.

Mr. Adams says when he first saw Dr. Hunt under the car he was struggling to release himself. Mr. Adams says he immediately ran to the high platform at the west end of the depot and signaled the engineer.

As soon as those at the depot had realized what had happened, Coroner Flynn, Sheriff Hall and County Attorney Mullen were notified. The body was conveyed to the woman's waiting room, a jury empaneled and post mortem examination made by local doctors. The remains were prepared by Undertaker Biglin for shipment to Stuart, Sheriff Hall going up with them on the 10:20 train that evening.

An inquest was held Saturday evening, witnesses being examined by the railroad's claim agent, the crew in charge of the train by which Dr. Hunt was killed all being present to testify, as was also a number of our citizens. The jury returned a verdict exonerating the railroad company.

The funeral was held at Stuart Sunday afternoon, the railroad company sending out a special train to convey those of O'Neil and Atkinson to Stuart who desired to attend the funeral. About thirty O'Neil people attended.

Dr. Hunt was one of the best known physicians of the county, having been for over twenty years a resident of Stuart. He was forty-seven years of age and leaves a family.

The Frontier for job work.

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	
<small>This Bank carries no indebtedness of Officers or Stockholders</small>	

Announcement

Having bought the John Mann Harness Shop and restocked it with new goods I invite those needing anything in the Harness line to come in and see me. A full stock of the best goods at prices that will please you. A square deal to everybody and nothing but honest goods sold. At the old stand on Douglas street.

E. S. GILMOUR

Highest Cash Price Paid for Hides