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CHITTICK FILES ANSWER

Former Treasurer Ready With Strong Defense In Injunction Suit.

IS LONG AND LUCID DOCUMENT

Some Inconsistencies Shown by the Way Former Populist Treasurers Handled Sinking Funds.

R. E. Chittick, late county treasurer, has his answer prepared in the injunction started in the name of the Independent publisher to enjoin him from turning over more than \$4,500 of registered warrants in which sinking funds were invested. The answer was prepared by Mr. Chittick's attorney, Mr. Dickson, and is a somewhat lucid document bearing on the financial affairs of the county, and also goes into the transactions of former county treasurer in the matter of investing sinking funds.

Amount of Warrants Turned Over.

Continuing, we quote from the document: This defendant further answering the petition of plaintiff, alleges that on the 8th day of January, 1907, that he paid over to his duly appointed and qualified successor in office, James C. Harnish, who is also his codefendant herein, the sum of \$70,350.68 in cash and at the same time delivered to his successor in office, James C. Harnish, of said warrants purchased and held by him as herein before stated, the sum of \$4,498.53 and no more and that he still has and holds in his hands of said warrants so purchased and held by him in the manner before set forth, warrants amounting to the sum of \$40.85 and no more and that the same legally belong to the County of Holt and are the property of Holt County, Nebraska, and that it is the duty of his successor in office, James C. Harnish to receive the same as Treasurer of Holt County, Nebraska, and this defendant alleges that he would have delivered the same to his successor in office but for the order of this court made on the 5th day of January, 1907, restraining him from so doing and this defendant alleges that the warrants so turned over to the said James C. Harnish as County Treasurer of Holt County, Nebraska, together with the warrants amounting to the sum of \$40.85 are the same and the only warrants held by him when this action was begun and the restraining order served on him in this case.

Says Injunction Prevents Settlement.

The answer then states the amount of excess fees, docket fees and Elk Horn Valley bank claim turned over to Mr. Harnish and says if permitted to turn over the \$40.85 in warrants still held by him, he could make final settlement. "This defendant alleges that he has been prevented from making full, complete and final settlement as treasurer by the intervention of this court," says the answer.

Enters a Challenge.

Beginning at the seventh paragraph the document continues: This defendant for further answer to plaintiff's petition specifically denies that on the 5th day of January, 1907, or at any other time or times, that he was about to convert any of the warrants or funds of Holt County held or invested by him for Holt County as before stated into money or that he was to or ever contemplated the disposition of conversion thereof and this defendant specifically denies that he ever in any manner converted to his own use or benefit directly or indirectly any of the money or property belonging to Holt County and denies that he ever used for his own use or benefit, directly or indirectly any of the money or property of Holt County and this defendant challenges the truth of all such allegations contained in plaintiff's petition and stands ready to prove that he had faithfully and impartially performed the duties as treasurer of Holt County and that he has honestly, legally and lawfully and in a legal and lawful manner accounted for and turned over to his successor in office, all property and money and interest that came into his hands as treasurer of Holt County and to that end, invites and demands that

this court, if it has the legal right and power, at once and without delay make a careful and thorough examination of his entire acts and doings as treasurer of Holt county, and that a decree of this court be entered accordingly. 8th. This defendant further answering the petition of the plaintiff alleges that plaintiff and all the other resident electors and tax payers of Holt County, Nebraska, have a full, complete and adequate remedy at law and that this plaintiff's petition presents to a court of equity, no grounds for relief and that this court in the exercise of its equity powers is without legal right or authority to investigate the matters and things complained of by plaintiff in his petition.

No Cause of Action.

9th. This defendant for further answer alleges that the facts and statements alleged and set forth in plaintiff's petition do not state or constitute a cause of action against this answering defendant.

10. This defendant for further answer to the petition of the plaintiff alleges and charges the facts to be that the plaintiff cannot maintain this action because he has not the legal capacity to sue and bring and maintain the same.

Duty of County Treasurer.

11. This defendant for further answer to plaintiff's petition alleges that this court has no jurisdiction of the subject matter of the action. 12. This defendant for further answer to plaintiff's petition denies that it was his duty to turn over in settlement of the money held by him belonging to Holt county only, the sum of \$4,500 in registered warrants and alleges and charges that it was his duty to turn over to his successor in office, James C. Harnish in registered warrants, the sum of \$4,539.38 and states that he was prevented from performing his duty by the issuance of the restraining order in this case and alleges that an examination of the books of his office would have shown the plaintiff that it was the duty of this defendant to have turned over all of said warrants so held by him and in the sum of \$4,539.38 to his successor in office, James C. Harnish and that it was the duty of his successor in office to have received the same and that he would have done so, had it not been for the prohibitive order of this court and this defendant alleges that he did not have nor did he hold as county treasurer or otherwise any other warrant or warrants belonging to Holt county other than those heretofore mentioned and that these and all of them he considers his legal duty to deliver to his successor in office, James C. Harnish.

Denies Any Illegal Act.

13. The defendant for further answer to plaintiff's petition specifically denies the allegations of the plaintiff's petition wherein it is charged in words and by insinuation that his administration, acts and doings as treasurer of Holt County, Nebraska, were unlawful, fraudulent and criminal and denies that he attempted to or did hide, conceal or cover up the financial condition of the county treasury of Holt County and alleges that every warrant in which he invested the sinking funds herein before mentioned, was at the date of investment, duly entered upon the proper books in the treasurer's office and that the books of said office show each and every transaction of this defendant as county treasurer and that an examination of the books kept by him and now in the treasurer's office will show the exact financial condition of that office at all the time of his administration as treasurer of Holt County, Nebraska, and this defendant further alleges that his codefendant, James C. Harnish, by receiving from this defendant said warrants amounting to \$40.85 in addition to those already delivered amounting to \$4498.55 would not hide, conceal or cover up the financial condition of the office of the county treasurer and would not hide, conceal or cover up the financial condition of Holt County, Nebraska, and that by receiving said warrants amounting to \$40.85, that said James C. Harnish would not commit any fraudulent or criminal act whatever, but would be performing his plain and legal duty as treasurer of Holt County, Nebraska, and that the holding of all of said warrants amounting to \$4538.38 was not a fraudulent or criminal act on the part of this defendant and that this defendant in the investment of said warrants and the holding of them was performing his legal duty as treasurer of Holt County, Nebraska.

Statement Shows True Condition.

14. This defendant for further answer to plaintiff's petition alleges that at the expiration of his said term of office which was at the close of business on the 8th day of January, 1907, that he balanced up the books of his said office of county treasurer and that thereafter he published in The Frontier, a newspaper of general circulation in Holt County, Nebraska, a statement of his acts and doings as treasurer of Holt County, Nebraska, from the 4th day of January, 1906, up to and including the 8th day of January, 1907, and that said statement so published in said newspaper is absolutely true and correct in all respects except in this that in the balances as shown by said report as published in said newspaper there is an error in the matter of the Grattan township railroad bond in this, that said published report shows \$2,728.36 in said fund when in truth and in fact, there is in said fund \$2,778.36; that said report as published in said newspaper is true and correct in all other respects; that it shows all money received by this defendant as treasurer of Holt County, Nebraska, and shows all money paid out by him as treasurer of Holt County, Nebraska, and shows the balances in the different funds of Holt County, Nebraska, on the 8th day of January, 1907; that it also shows the amount of money paid by this defendant to his successor in office as well as the

(Continued on eight page)

LOCAL MATTERS.

R. N. Johnson of Inman was an O'Neill visitor Wednesday.

R. R. Dickson, S. J. Weekes and Dr. Gilligan went to Lincoln Tuesday. John Horiskey has sold his dry line to M. Ryan, who is now operating the same.

Home grown alfalfa seed for sale by W. Finch. Inquire at Gallagher's store.

For sale or rent a few choice improved farms close to town.—Jerry McCarthy. 34-3

D. A. Doyle and John Carton went to Inman Tuesday to attend the Ryan sale.

Wedding announcements and invitations furnished in the latest style at this office.

A daughter is reported at the home of William and Addie Dart, born Thursday last.

Wanted—competent girl for general house work. Good wages paid.—Mrs. Ed F. Gallagher.

A hundred envelopes with your name and address printed on them for 50c at The Frontier.

The W. C. T. U. will meet with Mrs. Younk in next Wednesday afternoon, February 20.

E. E. Halstead, president of the Fidelity bank, was over from Ponca the first of the week.

James LaViolette, John Brennan and Ed Alberts attended the dance in Atkinson Monday night.

"No Harm can Befall the Christian" is the Rev. T. W. Bowen's subject for next Sunday evening's service.

Mrs. J. P. Gallagher entertained the "Rubens" Saturday afternoon at cards. A dainty lunch was served.

Lost—One red hog, weight 150, reward for information leading to recovery. Willie O'Sullivan. 34-1

The 2nd, 3rd and 4th weeks of each month except Fridays and Saturdays are Dr. Corbett's new dates for O'Neill.

New five room house in northern part of O'Neill, for sale.—Dorothy Haley, at office of county attorney afterwards. 32-1f

Two indications of spring noted today: One woman had her carpets and curtains on the line, and Dave Grosvenor had his whiskers removed.

Mr. and Mrs. Wm. Dickson and little daughter, Lela, of Long Pine were visiting here Friday with Mr. and Mrs. Fred Clift, returning home Saturday.

Miss Eula Barton, who has been employed the past year in the Independent office, left for Pilger, Neb., Sunday, where she will work on the Pilger Herald.

The next meeting of the Apollo club will be held at the home of Mrs. W. T. Evans on Tuesday, February 19. The presence of each member is desired at this meeting.

Estray.—Taken up, at my place four miles northwest of O'Neill, one yearling steer calf, owner can have same by proving property and paying all damages. W. J. Gray. 33-3

Mrs. John Nolan was called to Bone-steel yesterday by the illness of her sister, Mrs. Marlow, who formerly lived in O'Neill. Her illness is considered of a serious nature.

A farewell surprise party was given at the home of Mr. and Mrs. F. C. Gatz, in honor of Miss Eula Barton, last Friday evening. Twenty-three young people were present and all reported a good time.

Edison records are the best and so near like the singer or band that one thinks he is listening to the singer or band and not to a machine. For proof call at Lockard's jewelry store and hear them. 34-1f

The new bakery just started up and baking; call in for your wants. Bread, pies, cakes and cookies, everything wholesome and good to eat. Candles, groceries and tobaccos in stock. Four doors east Hotel Evans.—W. J. Salem.

Henry Martfeldt was down from near Emmet Tuesday. Mr. M. says there are evidences of flourishing conditions in his community. A new public hall was dedicated at Emmet on Monday evening with a dance that proved a great success.

Timothy Hanley, the aged father of T. D. Hanley of the drug firm of Pixley & Hanley, died at his home 4 miles northeast of O'Neill last night. Death was due to a general breakdown occasioned by advanced age. The funeral will be held tomorrow at 2 o'clock.

A. F. Conway of Page was an O'Neill visitor Friday last. Mr. Conway expects to move to Neligh soon and called to pay his subscription, saying he did not want to leave the county owing the newspaper men. Newspaper men would appreciate it if everyone regarded their obligations in a similar manner.

AGED MAN VICTIM OF ROBBERY

JOHN FRIED LOSES BAG OF \$20 GOLD PIECES

The sheriff was called up by telephone Tuesday evening from Emmet to chase down a bandit, recover a horse, saddle and bridle and \$1305 in money. The victim of so heavy a loss is John Fried, an aged man living in Emmet township upon a farm. Strong circumstantial evidence points to Fred Miller, a man of 23 to 25 years, as the robber. Miller was the hired man on the Fried place, which is occupied by the old gentleman's son, Bert Fried, the old man making his home with his son's family, or rather they with him, the farm belonging to the senior Fried. Suspicion rests on Miller because he has disappeared.

The old gentleman was in O'Neill yesterday recounting his story to the sheriff and county attorney, the latter making out a complaint to have Miller apprehended if possible. Though much excited and trembling from the weight of eighty years or more, the old gentleman told his story in the presence of a Frontier representative and from which we gather up the somewhat disconnected threads and put them together.

On the early train Monday Bert Fried and wife went to Omaha, leaving their little boy, the old gentleman and

Thirteen hundred dollars, mostly gold, stolen from John Fried of Emmet township, with suspicion resting on hired man, who has "skipped."

the hired man at home. The old gentleman spent most of his time in his room up stairs where he kept his bag of money concealed in his bed. Eleven hundred and forty dollars of the \$1305, the amount he had, was in 20-dollar gold pieces. He was in the habit of counting the pile over frequently for the pleasure of doing so and to assure himself it was all there. He says he remembers distinctly of counting the money about midday on Monday.

He usually kept his room locked when not in there himself but thinks he left it open on Tuesday morning. That morning Miller saddled a horse and started out with a bunch of cattle to graze on the prairie. Miller was to return within two hours, but when he failed to do so within that time the old gentleman says the thought struck him that Miller had secured his money during the morning and had made away with it. A visit to his room confirmed this suspicion as the bag of gold was gone.

He went to the home of Thomas Maring just across the road and told them what had happened. Then the sheriff was communicated with here and he got busy to locate Miller. Telephone bells were started ringing all over the country, but nobody has been found yet who has seen Miller. The horse he rode away was found bridled and saddled and riderless near a gravel pit between Atkinson and Stuart. The theory is advanced that Miller rode to the vicinity of Stuart where he turned the horse loose and then caught the first train west.

A reward of \$250 is offered for his arrest and conviction, \$50 by the county and \$200 by Mr. Fried. Miller is described as being 5 feet 5 inches in height, light hair and blue eyes, and has one gold tooth showing prominently in front on the upper jaw; dressed in blue overalls and black coat, and wearing a corduroy cap. Old Mr. Fried was expecting to use the money stolen to build him a house in Emmet.

James Fleming passed away quietly from the scenes of earth early Tuesday morning at his home in O'Neill, after suffering excruciatingly for several months from that fatal disease, tuberculosis. The funeral was held Wednesday forenoon at St. Patrick's church and the remains laid away in the Catholic cemetery. The deceased was a native of Ireland, where he was born on June 10, 1851. He was thus past 55 years of age. He had long been a resident of this community and was well known, especially by those from his native country. He was a member of the Ancient Order of United Workmen in which he had \$2,000 insurance. The bereft widow and family of the deceased have the sympathy of the community in their loss.

There was a shooting affair in town one night last week. A vigilant citizen was disturbed by sounds in his coal bin and an investigation disclosed that a man was walking off with a sack upon his back probably filled with coal. It didn't take the citizen whose coal bin had been visited long to bring his good shotgun into play. A charge of shot was pumped into the escaping thief in the portion of the anatomy that made it painful for him to sit down for a few days, but he hung onto the sack of coal and continued his flight. There was some picking of shot out of the tender spots when he got under cover and it is believed will shy clear of the coal bin of the handy man with a shotgun in the future.

An Apt Retort.

A young bookkeeper who had been but recently married, carefully laid down a piece of bread, the other night, and said to his wife: "I wish you could make such bread as mother used to make." The young wife smiled and said in a voice that did not tremble: "Well, John, I wish that you could make the 'dough' that father used to make." A hush as silent as death fell so suddenly that John almost lost his breath, and the bread and dough question hasn't come up for family discussion since.

Educational Notes.

Senate File 217 and House roll 194 provides for the free high school education of all children in the state. House Roll 247 provides for normal training in high schools and appropriations for that purpose \$50,000 giving \$700 to each high school qualifying for normal training. Both of these bills have the unanimous endorsement of the committee on legislation appointed by the state teachers' association.

If these bills pass, the result should be an increase in the number of high school graduates and better prepared teachers among those who enter that profession after graduation.

Holt county, as well as all the other western counties, needs an appropriation whereby districts, paying the taxation limit and having an average of only four or five months school, would be enabled to have seven or eight months.

Holt county has 117 districts which voted 25 mills and 56 of these voted an amount of money greater than twenty-five mills which was necessarily reduced in the clerk's office at the proper time. It is a deplorable fact that scores of young people in the western counties never even finish the eight grades of school work, due most probably to the very short terms.

A few districts are planning to raise the district valuation by consolidating with one or more adjoining districts. This will necessitate some inconvenience on account of distance, but on the whole the average pupil will receive at least a third more and we believe better instruction on account of the change.

Florence E. Zink, Co. Supt.

Galloway Bull Calves.

5 full-blood Galloway bull calves for sale at P. J. Lansworth's, Agee, Holt county, Neb. Write or call and see them. Prices reasonable. 33-2

Seed Speltz for Sale.

Have 1000 bushels of clean seed speltz for sale. Price 40 cents per bushel.—D. A. Doyle. 34-4

Special Sale!

Our entire stock of dress Gingham, Zephrs and French Gingham, Toile du Nord and Roxbery Gingham, light and dark Percales, light Shirts and light Calicoes.



20 PER CENT OFF

on all of the above mentioned goods. Before our new goods come in we want to clean up all wash goods carried over. Sale will commence Saturday, Feb. 16, and lasts one week only. J. P. GALLAGHER