

The Frontier

Published by D. E. CRONIN.
ROMAINE SAUNDERS, Assistant Editor
and Manager.

50 Cents per Year 75 Cents Six Months
Official paper of O'Neill and Holt county.

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Clerk..... W. P. Silar, Atkinson
Sheriff..... J. N. Sturdevant, Stuart
County Judge..... C. E. Hall, O'Neill
Supt..... C. J. Malone, Inman
Assessor..... Florence E. Zink, Stuart
Sur..... L. E. Skidmore, Ewing
Supt..... W. W. Page, Page
Clerk..... Dr. E. T. Wilson, O'Neill

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DISTRICT JUDGES

J. A. Douglas..... Bassett
D. B. Jencks..... Chadron

Plot Failed

On election night two years ago, when the returns were coming in at fusion headquarters at O'Neill, indicating a sweeping republican victory in Holt county and the final political downfall of Idol Mullen, the chief ringster smashed his angered fist on the table and swore that Holt county would not be controlled by republicans longer than two years. The plot was then and there hatched to inaugurate a campaign of misrepresentation and falsehood with the view of arousing passions and prejudices that would weigh against republican candidates two years hence.

That plot was to start a sensation about the treasurer's office. They knew just what condition the treasury was in and that the populist treasurer was using the money illegally from any and all funds to take up county general fund warrants and thus prevent a registration of warrants or claims going to judgment. School money, township money, village money, city money, was held back by the treasurer for the purpose of making a showing of \$100,000 on hand at the expiration of his term, when as a matter of fact had D. J. Cronin paid the \$20,000 held in warrants in one bunch that were issued long before he went out of office and that were no doubt not presented for payment until after R. E. Chittick took the office for the very purpose of aiding the outgoing populist treasurer in making a showing for political purposes of a large amount of cash on hand; had he paid the school treasurer what was belonging to their districts when they repeatedly called for the money they needed to pay their teachers and keep up the schools, but in many cases could not get a cent out of the treasurer, who was hanging on to every dollar possible until he should issue his annual statement; had he paid out to the township, village and city treasurers the money belonging to them and for which these various treasurers had been begging nearly every day for three months, instead of the fusion treasurer having \$100,000 on hand he would not have had a quarter of that amount. Moreover, had it not been for the large amount of money collected under the scavenger tax foreclosure proceedings, the operations of a law enacted by a republican legislature which caused members of this same ring of political manipulators to disgorge in the neighborhood of \$18,000 taxes they had been shirking for years, the outgoing fusion treasurer probably would not have had a cent to turn over to his republican successor.

These facts the fusion bosses knew, hence the plot against Chittick and Harnish, with which our readers are more or less familiar. They thought that if Chittick continued the policy of the fusion treasurer of using school district sinking funds without limit to pay county general fund warrants, if he used township, village and school money as did the fusion treasurer, they could get him into trouble and make some political capital for this fall's campaign. Accordingly the plot was laid and carried into execution.

The first stroke was to have the holders of the bunch of warrants, aggregating about \$20,000, present them for collection. Then they raised a cry that the county would have to issue bonds right away. A letter was prepared, with the signature of the publisher of the Holt County Independent attached, and sent to every school district treasurer in the county telling them that the county treasurer was using the school money to pay county claims and urging them even to the point of threatening to go to the county treasurer and demand the money belonging to their districts. This desperate scheme was promulgated upon the theory that Chittick had \$30,000 of school money tied up in county warrants and that a general demand by the school treasurers for their money would swamp him and they would have him thus made out a defaulter. An injunction suit was also framed up and started before Judge Harrington against Chittick and his deputy, J. C. Harnish, who has since been appointed treasurer to succeed Chittick, who resigned.

The suit was started in the name of George A. Miles, publisher of the Independent, and whose name was also attached to the letters sent to the

school treasurers. M. F. Harrington was the attorney.

A scandalous newspaper campaign was carried on that brought discredit to the county until public sentiment was aroused against the plotters to a point that they dare not carry the campaign of falsehood and slander further. But it was with the injunction suit in district court that they expected to make the telling stroke. On January 5, 1907, an order was issued by Judge Harrington restraining Chittick from turning over to Harnish and Harnish from accepting "any warrants of said county in excess of the sum of \$4,500; and it is further ordered that said Robert E. Chittick," continues the order of the court, "be and he hereby is restrained from cashing, selling, disposing of or converting into money any county warrants in which he has invested any of the sinking funds held by him as such county treasurer, or in which he has invested any of the current school funds, township funds, village funds or other funds than said sinking funds." That the order of the court was made in good faith on the strength of the Miles petition is not called in question. This order was to hold until the court should "otherwise order," and February 11 was set as the date of hearing on the application for a permanent injunction.

The hearing on the permanent injunction took place February 11, or a few days later, but instead of making out Chittick a defaulter the lawyer and editor who concocted the plot looked like they would like to kick each other out of the court room. They expected that hearing to establish that Chittick had \$30,000 of sinking funds, township and village funds tied up in county warrants and would therefore be unable to settle with his successor, that Chittick and his bond would be personally responsible for this amount less the \$4,500 which they believed to be the limit under the statute, or 75 per cent, allowed by law, that Chittick could invest in county warrants. This scheme would put Chittick, it was figured, in the hole to the extent of about \$25,000. But instead of Chittick having \$30,000 of these funds in county warrants he had just \$4,495.53! That put the "kibaush" on the plotters in a manner they were not looking for. Chittick was vindicated of the malicious charge that he had been handling county funds illegally. The office was turned over to Harnish with every dollar accounted for and has been conducted by him in strict conformity to the law ever since. It was found that instead of school money, township money and village money being used to take up county general fund and bridge fund warrants, as had been done by former populist treasurers who frequently had on hand over \$20,000 of such warrants, every local treasurer in the county was being paid every cent that was coming to his district, township or municipality as fast as they called for it. The plot turned out a ludicrous failure and everyone connected with it was object of derision for the jeers of the public.

This scandalous effort to slander capable officials and personally clean men came to the ignominious end it deserved, and we believe the voters will give such work still further rebuke at the polls this fall, and instead of the plot conceived election night two years ago being a measure to restore the county offices to the grasp of the fusion ringsters at O'Neill it will play a conspicuous part in their overwhelming defeat.

The strategy board furnishing the editorials for the local fusion organ tries to hold Treasurer Harnish responsible for the rate of interest the banks are paying for county money. Harnish has about as much to do with it as the mayor of Omaha. A year ago or more The Frontier called the attention of the great trust busting pop county attorney to the combine the banks of Holt county had formed to reduce the rate of interest paid on county money from 3 to 2 per cent. Although incessantly howling about corporations and combines, the county attorney made no efforts to dissolve the bank combine and protect the interests of the taxpayers of the county, nor has his democratic successor done so. Will the Independent tell us what John Robertson would do about it if he were treasurer?

Abe Lincoln was denounced as a "corporation lawyer" by northern copperheads, because he was an attorney for a railroad company. General Sherman was branded as "crazy" because he was keen enough to discern the gravity of the situation in Kentucky in 1861, and ever since the shameless slander mongers and seditionists have been busy. No sooner does an honest and level-headed fellow come up for office than the shysters get busy. That is one thing that deters many of the best citizens from getting into the "dirty pool of politics." Every voter should appreciate his responsibility as a citizen and instead of refraining from voting because the slanderer and hoodler are active, go to the polls election day and clean them out.

The strategy board has bought up a few salable "republican" papers in the Fifteenth district and is sending them editorials to print for the purpose of copying in the Holt County Independent, which it mails all over the district.

For Chronic Diarrhoea.
"While in the army in 1863 I was taken with chronic diarrhoea," says George M. Felton, of South Gibson, Pa. "I have since tried many remedies but without any permanent relief until Mr. A. W. Miles of this place persuaded me to try Chamberlain's Colic, Cholera, and Diarrhoea Remedy, one bottle of which stopped it at once." For sale by Gilligan & Stout.

John N. Sturdevant



John N. Sturdevant, whom the republicans of Holt county selected as their candidate for clerk of the district court, has been a resident of Holt county for nearly a quarter of a century. He is a native of Nebraska, having been born on a farm near Mead, Saunders county. In March, 1883, he came with his parents to Atkinson, Holt county, where he made his home for about thirteen years.

Mr. Sturdevant is a pharmacist by profession. His first lessons as a drugist and pharmacist were taken in the drug store of R. E. Cluttick, at Stuart, this county, where he remained from 1895 to the outbreak of the Spanish-American war. At the call for volunteers to rescue the bleeding island of Cuba from the hard and brutal hand of the bloody Weyler, Mr. Sturdevant resigned his position in the drug store and went to the front. He served with Company M, Third Nebraska volunteer infantry, until the close of the war, and was mustered out with the company. After the war, Mr. Sturdevant attended the Highland Park School of Pharmacy and became a registered pharmacist in Iowa and Nebraska. He had previously attended Gates college at Neigh, and Knox college at Galesburg, Ill., after graduating from the Stuart high school. Mr. Sturdevant was for two years in the drug business at Spencer, selling out there in 1905 and returning to Stuart, where, with his wife and two children, he now lives.

Mr. Sturdevant has never held office nor before been a candidate. He did not seek office this fall, but consented to allow his name to go before the primary for the nomination at the solicitation of friends. He has the necessary education and business experience to qualify him for the duties of clerk of the district court, has lived practically all of his life in Holt county, is still a young man, stands well in the community and will make a capable and trustworthy official if elected.

J. A. DOUGLAS.

When a man becomes a candidate for public office the intelligent voter wishes to inform himself as to the qualifications and personal character of the candidate. The purpose of this sketch is to put before the voter in a brief and comprehensive form, some facts concerning James A. Douglas, one of the republican candidates for district judge.

Like the majority of the sturdy men of affairs throughout the country today, Mr. Douglas came from the farm, where the wholesome employment of the agriculturalist developed the strapping youth into rugged manhood. He was born on an Iowa farm in December, 1860—that historical year in America's national life. He remained upon the farm until he reached the age of 21, and the strong physical frame with which he is blessed, is, no doubt, due to the outdoor life in childhood and early manhood. With superb physical powers, developed also a strong intellect and a desire for learning that could not be supplied by the district schools to which the country boy had access. At the age of 21 he had acquired sufficient education to enable him to teach school, and this he did for four years. At the age of 23, in 1883, he came to Nebraska and took a homestead in what is now Rock county. He served two terms, from 1885 to 1890, as county superintendent in Brown county and then took up the study of law at Drake university, where he finished a two years' course. Since 1892 he has been practicing law and has the reputation of being one of the able and successful lawyers of north Nebraska. He has been elected and re-elected a number of times as county attorney in Rock county. Mr. Douglas has not only been successful with cases in the lower courts, but has had considerable experience practicing in the supreme courts and meeting with success there.

As a member of the Nebraska legislature Mr. Douglas has had a part in enacting some important laws that affect the people of the state materially. He was chairman of the special revenue committee in the house in 1903 and introduced the resolution calling for the committee. He helped draft and pass the revenue law which has proved so beneficial, especially to western Nebraska, because it shifts the burden of taxation from the producing class to those who formerly shirked taxation. Through the operations of this law the fusion leaders at O'Neill, who decried Douglas as a "corporation tool," were compelled to pay about \$18,000 taxes they had been shirking for years. This law has also raised the railroad assessment in Holt county \$100,000. It also equalized the assessment of farm property in the matter of state taxes. Under the old law \$80 an acre land in eastern Nebraska was paying state taxes on an assessment of about \$4 an acre, while \$5 an acre land in western Ne-

braska was paying on a valuation of \$2 per acre. Douglas was also in the thick of the fight for the railway commission in 1905, a measure which the railroads fought with all their resources.

Douglas has been closely identified with the common people of northern and western Nebraska for twenty-four years, has an interest in the general welfare of the community, stands with the national and state administrations in the efforts to bring corporations under control and make them obey the laws, and to say that he would be anything but fair to all litigants if elected district judge is only the absurd claim of a political knave who has only selfish interests in continuing present conditions in the Fifteenth judicial district.

UPRIGHT AND HONEST JUDGES

Does the Record of Harrington and Westover Show in Favor of Justice on a Square Deal Basis?

Atkinson Graphic: Much is being said by the Holt County Independent about the record of Hon. J. A. Douglas, one of the candidates on the republican ticket for district judge.

It says that a candidate's public record is open to comment and criticism. To this, every good citizen gives his assent.

Men holding high positions of trust should be ready at all times to give an account of their doings and they expect to retain the respect and confidence of their fellow citizens, their official acts should not belie the oath they took to faithfully and impartially and without fear, favor, fraud or oppression, perform the duties of the office they hold.

The office of district judge is one of the highest and most honorable within the gift of the people. The recipient of such honors should be a man patient, pure in heart and mind, fearless in action, honest in conviction, impartial and righteous in judgment, his sole and only object and desire being to deal out to the very letter of law, exact justice to all. His religious, political and personal views should in no manner interfere with the discharge of his duties. Every litigant and attorney should approach him on the same level. Relatives and political admirers should be granted no favors not extended to all.

Before the judicial robe is placed upon the shoulders and the scale of justice be accepted, the judge to be, should resolve to be guided solely by the impartial hand of justice. The every day life of the incumbent should be such as to command the confidence and respect of the people. Personal conduct, habits and associations should be in keeping with the high office he holds. His administration of justice should be such that the people of one accord will exclaim, "An honest and upright judge."

One other essential qualification is that the incumbent have sufficient legal learning and ability to judicially determine the questions presented to him. Ignorance of the law should excuse no judge upon the district bench in a wrong decision. Men who are not competent should not aspire to become judges or counselors and if the judge be competent and honest, his decisions when entered will stand before the highest reviewing tribunal in our land.

The Independent in its issue of September 6th, in speaking of Judges Harrington and Westover said: "Both of these judges are careful, able and impartial interpreters of the law. While on the bench it has been their policy and constant aim to deal fairly between all parties and dispose of all business without unnecessary delay. The right of the humblest citizen has been carefully guarded by them. Every honest and intelligent person will have to admit that they have done their duty honestly and fearlessly and in every instance have given each litigant 'a square deal.'"

If such be their record, their right for re-election would be even stronger than urged by the Independent. Accepting the views of the editor, that a man's public record is a matter of public concern and subject to comment and criticism, it is certainly not out of place at this time, and in view of the fact that Judge Harrington is a candidate for re-election, to examine his record since he has been district judge. Upon this record he should stand or fall. His record will demonstrate his fitness or disqualification for judge and will prove whether the rights of the humblest citizen has been carefully guarded by him in every instance and has been given "a square deal."

Since Harrington has been upon the bench, twenty-three of his cases have been appealed to the supreme court from this county. Of this number, twenty-one have been contested and opinions written. There are now many of his cases pending in the supreme court, which have not been passed upon. The two cases not published in the table below are the First National Bank of Tekamah vs. McClellan and Biglin vs. McElhaney. The first case was settled while it was pending in the supreme court and the other was an attempted appeal by McElhaney from an order of confirmation after he had agreed to the order being entered. In this case the appeal was dismissed without a hearing on the merits. The following is a list of the twenty-one cases reviewed by the supreme court:

- REVERSED.
Ebel vs. Stringer.
State vs. Spear.
Lell vs. Hees.
Holt County vs. Golden.
Care vs. C. & N. W. Ry. Co.
Pond vs. Clark.
Cronin vs. Cronin.
Whitney vs. Whitney.
Rock County vs. Holt County.
State vs. Nickolizack.
AFFIRMED.
Fisher vs. Village of Atkinson.
Bovier vs. McCarthy.
Reed vs. McAllister.
Butler vs. Copp.
Gilman vs. Crossman.
Cassidy vs. Sullivan.
State vs. Sweet.
Lathamman vs. Bauman.
Loyns vs. Mullen.
Tomsik vs. Tomsik.
Holt County vs. Cronin.

From the examination of the above cases, it appears that eleven were affirmed and ten reversed.

Take this list to any lawyer's office and verify its correctness. This is a record to be proud of, indeed! The every-day justice of the peace, who does not pretend to have any legal learning or knowledge of the law, will be right oftener than than Judge Harrington has been.

After you have examined this table of cases, do you believe that it has been the policy of Judge Harrington to deal fairly between all the parties? If you do not, then he is not deserving of your vote. Do you believe that in the ten cases where the supreme court absolutely set aside and held for naught the judgment of Judge Harrington that he in every instance gave each litigant "a square deal"? The record of Judge Harrington might be accounted for by reason of the fact that his brother, Michael, was counsel in many of the cases reversed.

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D. ABDOUSCH, O'NEILL

Judge.) She immediately moved to Holt county and Michael commenced for her another action for divorce. The case was tried before his brother, the judge, who straightway entered a judgment for \$6,500 and costs.

The defendant, husband, appealed and the supreme court not only reversed but dismissed the case and Michael lost a large fee and the independent's "square deal" candidate for district judge received another jolt which led some more of the people to believe that Judge Harrington's policy was not to deal fairly with all parties any more than it was the intention of Judge Westover to be fair when he turned loose the bank wrecker and forger, McGrovey, and denied the state of Nebraska the right to prosecute him. We do not believe that the rights of the humblest citizen are being guarded by either of them.

Will the official newspaper of Judge Harrington take the public into its confidence and tell the people why the verdict of guilty in the Irwin murder case was set aside for brother Michael and the case continued over the term and after the witnesses were scattered to the four corners of the earth, the case was retried, the defendant acquitted and the county compelled to pay the costs, something over \$3,000?

Both Harrington and Westover have been weighed in the scales of justice and found wanting. We believe it is for the best interest of the people that we have a change in the judges.

Fellow citizens of this judicial district, think it over and see if you do not agree with us.

If Judge Harrington is honest, his record shows him to be incompetent. This is the charitable way of viewing his record.

If he is incompetent, he is not entitled to re-election and if he is officially dishonest, he is entitled to no man's vote.

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