

THE FRONTIER.

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NO. 26.

DISTRICT COURT PROCEEDINGS.

The jury work at the November session of court was completed last Saturday afternoon, and Judge Dickson excused the jurors for the term after thanking them for the splendid service they had rendered. The Judge told the jurors that he was not only well pleased with the prompt manner in which they had reached a verdict in the several cases, but heartily approved of their conclusions in almost every case. Not a single disagreement was had, a verdict being reached in each case in a very short time, and a verdict in each case, whether just or unjust, is always preferable to a disagreement, to both court and litigants.

The verdict in the case of Gottchalk vs. Holt County was in favor of Gottchalk, allowing his claim of \$181.00 in full. As stated before, this was a test case, there being several cases pending involving the same question. It grew out of the construction of a bridge over Cottonwood Gulch, located north of Atkinson. Several members of the Board of Supervisors claimed that Supervisor Bausch, who in 1918 was a member of the Board and who superintended the building of the bridge, had exceeded his authority. A companion case to this one was tried last June in which Mose Campbell of Atkinson sued the county for the cement which went into the construction of the bridge. At that time, a jury was waived by agreement of the parties and the case tried to Judge Dickson, and he decided in favor of the county. However, in the Gottchalk case just tried, it developed from the evidence that a claim filed by Mr. Bausch for superintending the work and a claim of H. W. Tomlinson for hauling material, and also a claim of Mr. Morgan of Atkinson, who furnished the hardware, were all paid by the Board of Supervisors. Judge Dickson instructed the jury that if they found from the evidence that the Board paid these bills with full knowledge of what Supervisor Bausch had done, that this would constitute a legal ratification of his acts, and they should find for Gottchalk. The jury undoubtedly found that they were so paid, for their verdict was for the plaintiff. It is only fair to Judge Dickson to say, that the question of a portion of the claims for building said bridge having been paid, was not brought out in the evidence or mentioned in the pleadings in the Campbell case. The only question in that case was whether or not Supervisor Bausch had exceeded his authority, and Judge Dickson held that he had. The attorneys for the County say they will take the Gottchalk case to the supreme court.

The case of Wm. Tackaberry Company vs. John Wrede, known among the court officials as the sugar case, was tried Friday, the court having taken a recess Wednesday evening until Friday morning to allow the jurors to spend Thanksgiving with their families. This case grew out of the sale of twenty-five sacks of sugar some time last June when the sugar market was being manipulated by the profiteers. The evidence disclosed that Mr. Wrede ordered the sugar some time in June to be shipped to him the middle of July. Wrede claimed he bought the sugar at \$25.00 per sack, and that it came billed to him at \$29.65 and he refused to accept it. He also claimed that he countermanded the order before it was shipped by wiring the company a letter. Mr. Wrede runs the store and postoffice at Red Bird. The plaintiff is a wholesale grocery firm at Sioux City. The jury returned a verdict for Mr. Wrede in jig time.

The last case tried, and a very important one to the court officials and also the capacity house that heard it, was the case of Peter Judge vs. Jas. F. O'Donnell. This controversy arose over the feed and tare by Mr. Judge of eleven democratic emblems, commonly called mules, the property of Mr. O'Donnell. Mr. Judge claimed that he housed and fed the aforesaid emblems during a period of ninety-three days in the spring of 1919, for which he asked the jury to allow him the sum of forty cents per day per head. Mr. O'Donnell in answer to this claim said (inferentially and not literally), that while the said emblems were very valuable and he was proud of his possession thereof, the price asked was unwarranted and unreasonable, and if allowed by the court it would place a legal stamp of approval upon gross profiteering, and said that he was willing to pay the fair and reasonable compensation for the services rendered and no more. A large amount of expert testimony was presented to the court and jury concerning the price of hay at that particular time, also the number of pounds of hay it required to keep in good running order an ordinary democratic emblem, also the customary prices charged and paid for like services. Mr. Judge asked the jury to allow him a total of \$457.96 for his services and feed, and the jury, after listening to all the evidence and the forensic arguments of the attorneys, retired to their jury room and in a very short time returned a verdict allowing Mr. Judge the sum of \$266.00. While none of the jurors were interviewed concerning the matter we think we can reasonably assume they arrived at the conclusion that while the price asked by Mr. Judge may have been justifiable a year ago, in the light of the recent election it was grossly excessive at this time.

There are several equity cases remaining on the docket for disposition, which will be heard by Judge Dickson at a later date.

C. B. S.

THE EXTENSION OF THE C. B. & Q.

There was organized at a meeting in O'Neill early in the summer an association styled the Nebraska, Colorado and Wyoming Development Association for the purpose of promoting the extension of the C. B. & Q. railroad from O'Neill to Theford, or some other point on the main line of the Burlington. There have been subsequent meetings held in O'Neill to perfect the organization to carry out this work.

The work of the Association was to gather data to be presented to the Inter-State Commerce Commission substantiating its application for the necessity of the extension of the railroad and to properly present the entire matter to the Commission by brief or petition in the form of a suit, as provided for by the Esch-Cummings Bill.

This data has been collected by the Association by official census blanks and Judge Berryman of Bassett has been employed as the attorney to brief the matter, draft the necessary petition and present it to the Inter-State Commerce Commission. The petition is now being printed. The Association found it necessary to provide for the raising of an estimated amount of \$2,000 to cover all the necessary expense, to be raised by popular subscription to be subscribed by the farmers and stockmen along the proposed route, and the business men and citizens of O'Neill and Theford, all of whom are supposed to be most benefited by this extension.

A solicitor was duly appointed for O'Neill and when the time came to do the work he declined the duty. It will be necessary for the president of the Association to appoint some other person, and when the people of O'Neill are solicited for their share of this expense money, it is expected of them to contribute to this fund. The Association is not putting on any pro-

motion scheme or asking for any bonus of any kind, just barely enough money to cover the actual cost and expense of conducting this work. Theford is raising their part of the money and the district between O'Neill and Theford are also doing their part. The Association expects O'Neill to take care of their end. The Sioux City Chamber of Commerce and business men have also taken a very active part in this work so far in the way of co-operation and considerable expense. They have made several trips to Washington to the Inter-State Commerce Commission in the interest of this extension, and are adding and helping in the preparation of the material to be presented to the Commission.

I hope that the O'Neill business men will not stand back and refuse to take part in this work as certainly O'Neill will be benefited from this extension as much or more than any other town. In the first place, the extension will be a connecting link between Sioux City and the main line, being direct passenger, travel and freight shipment from Denver to Sioux City, Minneapolis and St. Paul, and other north, eastern and western points. It would mean the operation of heavier freight trains over this line and an increased number of improved passenger trains. No doubt, under this extension, O'Neill would be at least a freight division which would mean an added number of railroad men and their families brought in here to live.

Very respectfully,
C. M. DALY,
Secretary of the Association.

NOTICE: QUARANTINE REGULATION

Medical physicians practicing within the City of O'Neill will be hereinafter required to report any and all cases of contagious diseases by name existing within the City of O'Neill coming within their attention or knowledge to the quarantine officer of the local Board of Health. The failure on the part of any physician to so report any case of contagious disease known to them to exist will be liable to prosecution for neglect of duty as required of a physician by law.

It is necessary for the local Board of Health to make this order for the protection of the inhabitants and to prevent the spread of contagious diseases. It is the intention of said board to carry out and make effective this order.

BOARD OF HEALTH.
By C. M. DALY, Chairman.

LOCAL LAND OPENING IN JANUARY

About one thousand acres of the richest land in Nebraska, laying within less than fifty miles of O'Neill, will be thrown open to settlement by the government, at the land office at Lincoln, on January 7.

The land is described as follows: Lot 1, Sec. 31-33-6. Lots 4, 5, 6 and 7, Sec. 33 and Lots 1, 2, 3, 4 and 5; sw¹/₄, sw¹/₄ nw¹/₄, w¹/₂ se¹/₄, 36-33-7. Lots 4, 5, and 6, Sec. 1, and Lots 6, 7, 8, 9, 10, 11, 12 and 13, 2-33-7, all west of the 6th principal meridian.

The land is in Knox county and is located one and one-half miles north of Niobrara, on the west bank of the Missouri river, beginning just above the old mouth of Ponca creek. It is extremely rich bottom land and much of it is timbered heavily with trees of good girth, some exceeding four feet in diameter. For years this land has been supposed by all but old timers to be deeded land belonging to owners of adjoining property in the neighborhood. The story goes that when the government survey was made fifty years ago or more the land was under flood water because of the old location on Ponca creek, and was overlooked. Since the altering of the channel by the Northwestern railroad floods no more occur in the vicinity of the land and it has become noted for its fertility. Three squatters, who have maintained residence on it for years, at last have succeeded in having it formally declared part of the public domain and will have priority rights in filing upon it. They are James W. Smith, Maximilian Nappel and Charles Nappel, represented by Lloyd Gillespie of O'Neill as their attorney. The matter of opening this land for settlement has been before the department for about four years. At first the department refused to consider an application for an investigation to determine whether or not this was in fact unsurveyed land in place at the time of the original survey of adjacent land, the adjoining lands being disposed of based on the erroneous survey of 1871. The government at first adhered to the old plats. In view of the showing made by the appli-

cants, the three squatters, an investigation was made by the geological survey, which determined that it was land in place at the time of the old survey and not accretion. Testimony of old settlers, some of whom helped in the original survey, finally resulted in a survey being ordered, made, and plats filed and an order made opening it to entry.

LOCAL MATTERS.

Good hay is quoted at \$10 on the local market.

Mrs. Will Biglin is visiting relatives at Jackson, Nebraska.

Miss Helen Willcox entertained the Martez club Monday evening.

Ed. Donohoe of Bonesteel, S. D., spent Thanksgiving with relatives in this city.

Frank Harrington left Sunday morning for a short visit with friends at Omaha.

The County Board of Supervisors were in session the first of the week attending to routine business.

J. W. Fullerton of Atkinson, was an O'Neill visitor last Tuesday and made this office a pleasant call.

Miss Elizabeth Donohoe returned last Sunday evening from a two weeks visit with relatives and friends at Omaha.

William Froelich, who is attending the state university, arrived home last Wednesday evening to spend the Thanksgiving holidays.

Mrs. A. L. Willcox and Miss Helen Willcox returned Saturday evening from a Thanksgiving visit at Omaha and with Iowa relatives.

John Nolan returned the latter part of last week from a short visit at Bassett, where he was looking after his extensive oil interests.

Dr. J. P. Gilligan, who was confined to his home last week with a severe attack of stomach trouble, is again around attending to business.

John Ryan of Grand Island, Nebr., and Miss Sadie Radcliff of Stuart, were granted a marriage license by County Judge Malone last Tuesday.

John Gilligan, who is attending medical college at Omaha, arrived home last Wednesday evening to spend the holiday vacation with home folks.

Mrs. E. H. Whelan and children, Vince, Francis and Clare, left this afternoon for San Diego, California, where they will make their future home.

The Misses Helen Harrington and Miriam Gilligan, who are attending the state university, arrived home last Wednesday evening to spend Thanksgiving vacation with home folks.

John Dunwiddie of Upton, Wyo., and Mrs. Maggie Seal of Atkinson, were united in marriage at the county court room last Tuesday afternoon, County Judge C. J. Malone officiating.

I. H. Moss, clerk of the district court elect, accompanied by his father, C. W. Moss, were down from Atkinson last Monday visiting with O'Neill friends.

T. P. Wade, for many years engaged in the grain and coal business at Page, but who is now a resident of Sioux City, is in the city today visiting old time friends.

Miss Irene O'Donnell, who is attending the Sacred Heart school at Omaha, arrived home last Wednesday evening to spend Thanksgiving. She returned to school last Monday morning.

County Highway Commissioner H. U. Hubbard returned the latter part of last week from a several weeks visit at Hot Springs, S. D. Mrs. Hubbard remained for a more extended visit with relatives.

Attorney Thomas Nolan of Bassett, who with Mrs. Nolan have been visiting friends and relatives during the Thanksgiving season, returned to Bassett Sunday. Mrs. Nolan returned home Monday evening.

Mr. and Mrs. Richard Regan and children of Creighton, drove over last Wednesday and spent Thanksgiving at the home of Mrs. Regan's parents, Mr. and Mrs. Thomas Quinn. They returned home Friday morning.

Judge Dickson and Reporter Scott left for Butte last Wednesday morning, where they will hold a term of court to try a young man who is charged with breaking and entering a store at Gross a couple of months ago.

Edmund and Anse Whelan and Emmet Hickey left this afternoon via auto, for San Diego, California, where the Whelan's will make their future home and where Emmet will remain if he can find something suitable. The boys expect to have a very enjoyable trip.

Henry Alfs, one of the pioneer settlers of Atkinson township, was an O'Neill visitor last Tuesday and made

this office a pleasant call and ordered The Frontier sent to his address for the ensuing year, so that he could keep posted upon the happenings in the county seat.

M. J. Sanders of Norfolk, commercial manager of the Nebraska Telephone company for this district, was in the city Wednesday, looking after the affairs of his company. Mike is a life long democrat and says that a democrat can get but mighty little consolation over the returns of the last election.

Local stockholders in the Bassett oil well project are considerably enthused over reports that the drillers had passed through the supposed cap rock Monday afternoon at a depth of 2370 feet and now were in a sand showing slight traces of oil. Several increased their holdings and are talking of spending the remainder of the winter in Florida and California if the well comes in soon.

William Nollkamper, of Omaha, arrived in the city last Thursday evening for a few days visit with old friends here and to look after his real estate interests in the northern part of the county. For several years Mr. Nollkamper was a resident of this county, owning and operating a large flouring mill, general store and ranch on the Eagle, twenty miles north of this city. About ten years ago he dismantled his mill and moved it to Gregory, S. D., sold his store and rented his ranch and since that time has made his home in Omaha where he is taking life easy. Mr. Nollkamper has a host of friends in this city and county who are always glad to see him.

A sleet storm in the eastern part of the state on November 29, damaged the Nebraska Telephone Company to the extent of \$20,000. Wet snow and rain fell in the storm area. As it struck the wires, cross arms and poles, with the lines weighted with ice, many of the poles crashed to the ground. Over 125 poles and 500 miles of toll lines are down and 325 telephones are out of service owing to the storm. The district most effected is south, east and west of Humphrey, along the main line of the Union Pacific from Columbus to Omaha west of Columbus to Kearney, with the big breaks around Columbus. The company expects to have the service restored by the end of the week.

The first formal social function of the winter season took place Saturday evening at the Golden hotel, a dinner, followed by cards, with Mrs. R. R. Dickson and Mrs. L. C. Chapman as hostesses. Forty guests were present. The spacious banquet hall and ballroom was beautifully decorated in accord with the spirit of the Thanksgiving season, the table decorations being yellow chrysanthemums and shepherdess chook with tulle bows of different colors. Following the dinner Mrs. Harry Reardan favored with a vocal solo and Mrs. W. F. Finley with a classical dance. Four handsome prizes were given at cards. Out of town guests present were: Mrs. John Brady, Mrs. Fred Swingley, Mrs. Helen Simar, Mrs. Jessie Brooks and Mrs. W. Griffin, all of Atkinson.

Floyd Ray Wick, the eighteen year old Rock county youth who murdered Clyde Patterson, a Rock county ranchman, last August, and who has been in the Holt county jail for safe keeping for several months, was taken to Bassett Sunday night. Monday evening he appeared before Judge Dickson in the district court at Bassett, pleaded guilty to murder in the second degree and was sentenced to life imprisonment in the state penitentiary at Lincoln. He was taken to Lincoln by Sheriff Joe Leonard of Rock county, early Tuesday morning, to begin his sentence. Wick in a final confession before entering his plea of guilty confessed that the murder had been for robbery and that he had secured but five dollars in money from the dead man and a certificate of deposit on the First National Bank of Atkinson for \$2,000. He burned the certificate. The murder as detailed by Wick was one of the most cold-blooded ones in state crime annals. The members of the Bassett high school, of which Wick had attended, occupied seats within the rail at the court hearing and Judge Dickson delivered to them and the murderer an able address, discussing the present crime wave, when sentencing Wick.

Jimme Boyd, the Black Hills wonder, lasted but four of the eight eight rounds of a sparring exhibition of eight rounds, at the American Legion athletic carnival, at the K. C. Theatre, Thanksgiving evening. Kid Schlaifer of Omaha, his opponent, showed evidence of much more training and condition and had no trouble in disposing of his man after the second round. Boyd evidently had given no attention whatever to putting himself in shape for a contest, showing a deplorable lack of wind. He was the favorite of the local fans before the fight and received their moral support during the bout, but to no avail. Boyd in the first and second rounds, however, showed that he would make a fair fighter with proper handling. By far the big event of the evening, and one which was a go from gong to gong, was the semi-final, a three round bout between Sergeant Tom Keys and Corporal William Fallon of the local legion for the championship of the local post. The event was called a draw, although the followers of each man contended that their favorite had a shade the best of it. The men probably will meet again, to a finish, at the entertainment the legion is planning for New Year's eve. Several juvenile preliminaries, short but snappy, made the program from start to finish an excellent one which met with the approval of a capacity audience. James Shorthill of Emmet, officiated most ably and efficiently as referee at the main events of the program.

HOW AN EDITOR GOT RICH.

Catalina Islander: A man tells of an editor who started poor 20 years ago and who has retired with the comfortable fortune of \$50,000. This money was acquired through industry, economy, conscientious effort to give full value, indomitable perseverance, and the death of an uncle who left the editor \$49,999.50.

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\$6.00 Men's Ribbed Union Suits	\$2.98
\$4.50 Men's Ribbed Union Suits	\$2.19
\$3.75 Dozen Husking Mittens	\$2.49
\$6.50 Men's Wool Work Shirts	\$2.98
\$4.00 Men's Mixed Wool Work Shirts	\$1.98
\$3.75 Men's Blue Overalls	\$2.29

BIG DROP IN COFFEE PRICES.

2 Pounds 70c Coffee, new price, 2 pounds for	69c
5 Pound Pail Caldwell's Delicious Peanut Butter	\$1.37
Armours Bacon, pound	29c
Armours Pure Pork Sausage, pound	30c
White Clover Honey, about 1 1-4 pound	30c
6-25c Cans Iowa Sweet Corn	93c
1 Gallon Pail Dark Karo Syrup	89c
1 or More Pounds Full Cream Veribest Brick Cheese, lb.	33c
1 Pound Horse Shoe Tobacco	81c
25c Rayo Tuff Glass Lamp Chimneys	15c
5 Bars Electric Spark Soap	29c

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