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HOLCOMB ACQUITTED IN OLSEN KILLING

Jury Out But Short Time... County Attorney Scored By District Judge.

Walter Holcomb, ranchman residing southeast of Chambers, this Thursday, afternoon, was acquitted by a jury in district court for the killing of George Thomas Olsen, on the Holcomb ranch, Sunday evening, August 7. The jury was out but a short time. The case was the last jury one of the term. Judge Robert R. Dickson, after the filing and reading of the verdict by the clerk of the court, addressed the jury, telling them that it was the only verdict that could have been returned under the circumstances and then bitterly and scathingly arraigned County Attorney Lewis Chapman for his actions, or failure to act since the shooting of Olsen.

"This action should never have been brought in this manner," declared the judge. Had the coroner, the county attorney, done his duty when the shooting occurred this defendant never would have been here on trial, or else he would have been on trial on a charge of second degree murder.

The judge called attention to the fact that County Attorney Chapman had failed to personally supervise an inquest over the dead man, Olsen, had failed to properly delegate authority for the holding of the inquest and had neglected at the time to make diligent inquiry into the shooting.

"Had he done so," the judge declared, "Holcomb never would have been tried and the county would have been saved an expense of at least \$500, or else Holcomb now would be on trial for murder in the second degree."

The hearing began Wednesday afternoon and has attracted a large attendance. Holcomb, who is charged with manslaughter, is represented by H. M. Uttley and John Harmon and the prosecution is being handled by Deputy County Attorney Donald Gallagher. County Attorney Chapman, although in evidence reclining at ease with his feet on a table in the rooms of the checker club just before noon Wednesday when court recessed for dinner, was not present in the court room at the opening of the trial. Holcomb's wife and children are present at the hearing. The orphaned little ones of Olsen, the dead man, are not. Twenty-one witnesses have been subpoenaed for the hearing. The following account of the shooting of Olsen is republished from The Frontier of August 11:

"Thomas Olsen, a real estate man and cattle buyer of Chambers, was shot and instantly killed by Walter Holcomb at the Holcomb ranch, six miles east of Chambers Sunday evening about 7:30.

"Olsen and a Chambers garage man named Rudolph Horacek were driving near the Holcomb ranch when their car broke down. The driver went to the Holcomb ranch for aid. Mr. Holcomb promised to hitch up and pull them to town as soon as he had unloaded a jag of hay he had on the wagon and had hauled up to the feed lot. While Holcomb was unloading the hay both Olsen and Horacek went up to him and both were under the influence of liquor. Olsen started in abusing Holcomb and started toward him with a pitchfork he had picked up. Holcomb assisted in getting the fork away from him and then Olsen and Holcomb clinched and rolled around on the ground for a time. Olsen was the heavier and he soon wore Holcomb out. As soon as Holcomb could break away he ran to the house and secured a 25-30 rifle and then came back to the yard where Olsen again attempted to attack him. Holcomb's wife and children were with him and Holcomb, his wife and children retreated into the pasture, being followed by Olsen. Holcomb told him repeatedly that he would shoot if he continued to advance, but Olsen continued going toward him and Holcomb shot him.

"Officials in this city were notified of the killing Sunday evening and Deputy Sheriff Bergstrom was appointed Deputy County Coroner by County Attorney Chapman and he went to the Holcomb ranch and held an inquest that evening. The coroners

jury found that Olsen had come to his death from a gun shot wound inflicted by Walter Holcomb.

"Walter Holcomb and Rudolph Horacek, the man who was with Olsen when he was killed, were in the city Monday and were interrogated by County Attorney Chapman. So far no complaint has been filed against Holcomb but the County Attorney announced Wednesday evening that he would go to Chambers some day this week and hold a preliminary examination on the killing.

"The general opinion here and in the Chambers country, as far as we have been able to learn, is that Holcomb killed him in self defense."

The following account of his arraignment is taken from The Frontier of August 25:

"Walter Holcomb, who killed Thomas Olsen at his home near Chambers, on August 7th, was arrested on a charge of manslaughter last Saturday. He was brought to this city and waived preliminary before County Judge Malone and was bound over to the district court, bond being fixed at \$3,000, which was furnished."

The charge of manslaughter on which Holcomb was tried in the district court, on a complaint of the county attorney's department, prevented going behind the straight and admitted fact of the killing to prove or attempt to prove that there ever had been any difficulty between Holcomb and Olsen previous to the day of the killing, any disagreement or trouble. A second degree murder charge would have permitted going into these things.

The case as tried Wednesday and Thursday cannot fail to impress upon the public mind that the taking of a human life in Holt county at present is but a trival matter deserving perhaps of a few lines in a newspaper for the satisfaction of the morbidly curious, but otherwise practically not entitled to notice. The court and jury did the best they could with the material which they had to consider. The verdict, which was the only one that could have been rendered on the evidence, is satisfactory in that all those who know Walter Holcomb and family do not believe that he did or could commit a wanton murder, but there are many in southern Holt county who contend, as Judge Dickson said in court, that the affair, in justice to Mr. Holcomb, was deserving of a more thorough and efficient investigation at the time. It is evident that these things were running through the mind of Judge Robert R. Dickson when he so unmercifully scored County Attorney Chapman.

The county attorney took his part in the trial of the case Wednesday and Thursday. Wednesday afternoon he spent in the front room of the storeroom immediately north of the postoffice, in full view through a large plate glass window, engaged in playing checkers with Joe Burish, a mental incompetent for whom the late Ed. F. Gallagher was appointed guardian by the county court and for whom James F. Gallagher, president of the First National bank now is acting as guardian. Many jurors and others attending court from the county viewed the spirited checker game between the county attorney and Mr. Burish, through the plate glass window, while up in the district court room the deputy county attorney, a young man but recently graduated from law school, and who under the law must serve without pay or remuneration, was trying a Holt county young man for killing another Holt county young man.

The daily newspapers of Wednesday carried in their associated press reports an account of the report of Major General Wood, governor general of the Philippine Islands, and Former Governor General Forbes, to the president of the United States and the congress, of the present condition in the Philippines. One section of the report is as follows:

"We find there is a disquieting lack of confidence in the administration of justice, to an extent which constitutes a menace to the stability of the government."

As stated above, the quotation is of conditions in the Philippines, not Holt

county, but it might be applied here by the more pessimistic.

While the jury in the Holcomb case was deliberating Judge Dickson summoned to his private office County Attorney Chapman, the deputy county attorney and the sheriff, to inform them of a shooting affair which took place out on the Niobrara river just west of the Whiting bridge, in this county, last Thursday evening. The shooting has been common gossip on the streets and about town for three or four days, but no move had been made to investigate or take action, to the knowledge of Judge Dickson. D. McMillan, who resides west of the Whiting bridge was shot by Al Pruyne, at the McMillan place the evening referred to. Pruyne and a companion, Bert Colwell, had gone to the McMillan place earlier in the evening. Pruyne's account of the shooting, given to Sheriff Duffy several days ago, varies from that of McMillan, given to neighbors, as to who was the aggressor. Dr. Bradley of Spencer, has been looking after the wounded man. Pruyne said to have a prison record growing out of the shooting of a man at or near North Bend, and at present to be out on parole, which perhaps gives him a right to pack an automatic although the statutes make gun toting a felony. The officers were ordered by Judge Dickson to immediately investigate the affair and to take the necessary action. County Attorney Chapman did not remain at the conference with the judge very long. It is understood that Sheriff Duffy and the deputy county attorney may go out to the scene of the shooting Friday morning.

ELECTRIC COMPANY BURNING CORN

The O'Neill electric light and power company, the Hanford Produce Company, is burning corn under its immense boilers. The company, which is the largest steam electric concern west of Fremont to the Black Hills, supplies light and power to the city and heats its principal buildings.

A test was made with a ton of corn as fuel Wednesday night and the result was so satisfactory as compared with coal that ten tons of corn were purchased Thursday morning and the plant put on a corn fuel basis. Corn is to be used in a straight twenty-four hour run in a comparative test of heat value with the best grades of coal before it is decided whether or not the company will burn corn exclusively this winter. In any event, corn, as long as it remains low on the market will constitute a big portion of the fuel used at the plant.

Coal at present sells at a cost of a few cents less than a ton laid down at the boiler room. Coal costs a little better than \$9 a ton at the room. The average freight rate per ton on the coal the company has been using is \$5.62 1/2 cents. It costs .75 cents per ton to deliver it at the boiler room. The government exacts a tax of 3 per cent on the freight rate. Exclusive of the cost of the coal itself at the mine the company thus has a charge of \$6.62 a ton on every ton of coal it burns. This is but 48 cents less than a ton of corn costs with all charges paid.

Heating engineers declare that the corn is the superior fuel, except that it will burn out grates more rapidly than does coal. The tests to be made are for the purpose of demonstrating whether corn as fuel, with the added cost of grate replacement still is cheaper than coal. If it is corn will be the future fuel while corn and cattle are cheap and coal and freight rates are high. The test here will be closely watched and reported on to other public service corporations in the corn belt, which will follow the local lead if it is determined that corn is the cheaper fuel.

MRS. A. E. HOLCOMB.

Chambers Sun, Dec. 1.—The Chambers Valley people were shocked to learn that Mrs. Asher Holcomb, after a few hours illness, had passed away Monday morning at her home, northwest of Chambers, of heart trouble.

Miss Hattie McDonald was born near Birmingham, England, and came to this country when she was eight years of age, making her home with a bankers family at Boston, Mass. She made two trips back to England when her mother and grandmother died. She was Matron of a hospital at Oakland, California, for twenty-five years, after which she made a trip to South Africa as a nurse and was 101 days in a sailing vessel on her trip home.

Mr. Asher Holcomb and Miss Hattie McDonald were united in marriage in 1908 and outside of a short time spent in Colorado have resided on their farm northwest of Chambers.

She leaves to mourn her going: Her husband, Asher Holcomb; and four step children, Frank Holcomb of Mitchell, Nebraska; Mrs. Oscar Dorothy of Dull Center, Wyoming; Mrs. William Cooper, Jr., of Douglas, Wyoming, and David of Powder River, Wyoming, besides a host of friends.

Funeral services were held at the M. E. church at 2:30 Tuesday afternoon after which the remains were laid to rest in the Chambers cemetery.

CUSTER COURT ALLOWS REPAYMENT OF ONLY \$7,500 TO COUNTY

Lincoln, Neb., Nov. 29.—The district court of Custer county has allowed the repayment of only \$7,500 to the county from the state guaranty fund, out of the total of \$44,000

of county funds on deposit in the failed People's State bank of Anselmo, Nebraska.

J. E. Hart, secretary of the state department of trade and commerce, made this announcement, in reporting the release of \$93,919.93 in drafts on the guaranty fund, to pay depositors. He said the case would probably be appealed.

The attorney general's office resisted the county's claim on the ground that under the law the county treasurer must limit his deposits to 50 per cent of the capital stock in any bank. This bank was capitalized at \$15,000.

The treasurer is W. L. McCandless.

USHERETTES ETTE.

Usherettes of the K. C. theater ette on Manager Martin Cronin, at the Grand Cafe Wednesday evening. They ette turkey and all the fixings and trimmings that go with the bird of birds. The dinner party was given by Mr. Cronin to the young ladies who have assisted by ushering at the theater and several of the fellows who escort them home after the show also were permitted to be present. It was declared a grand evening by all present.

PETERSON-LOSER.

Miss Lillian Losher and Mr. Erwin Peterson were united in marriage by the Reverend George Longstaff Tuesday. The bride is the charming daughter of Mr. and Mrs. Henry Losher of this city and enjoys a large circle of friends. The groom is one of the rising young business men of the city. The Frontier joins in extending congratulations and best wishes for a long and happy married life.

CURTIS-MAJORS.

Mrs. Ella Majors of Chambers, and Mr. James Curtis of Ewing, were united in marriage by the Reverend Ira D. Halvorsen of Chambers, in O'Neill, Wednesday and left Thursday morning for the Pacific coast, where they will make their future home, at Los Angeles. Both are well known to a host of Holt county friends, with whom The Frontier joins in extending congratulations.

LOCAL MATTERS.

Twenty-three more days until Christmas.

John C. Addison of Opportunity, was in the city Wednesday.

No more tax on railroad passenger fares after the first of the year.

for a visit with relatives left Tuesday.

Clear Golden returned to Lincoln Sunday after a Thanksgiving visit at home.

The W. C. T. U. will meet with Mrs. T. Hanley Tuesday afternoon at 3:30 o'clock.

Mrs. H. E. Coyne left Monday for a several weeks visit with relatives at Omaha.

C. E. Martin was in from his ranch south of this city Wednesday on business.

Mr. and Mrs. Ed Graham left Friday morning for a visit at Omaha and other points.

Mrs. George Longstaff left Monday morning for a week's visit with friends at Sioux City.

Congressman Moses P. Kinkaid arrived Thursday afternoon for a short visit at home.

Members of the West End card club were the guests of Mrs. Patrick O'Donnell Monday evening.

George Killinger of Inman, lost seven head of cattle from cornstalk disease a week ago Sunday.

Miss Bessie McCloud returned to her school at Inman Monday after spending Thanksgiving at home.

Bob Brittell, one of the handsome and stalwart ranchers of southern Holt, was an O'Neill visitor Tuesday.

Mrs. Clyde Kiltz and daughter of southern Holt, have returned from a visit with relatives at Elgin, Illinois.

Ralph Leidy of Inman, who is home-staying in Wyoming, arrived last week to spend the winter in Holt county.

The Martez club was entertained by Mrs. Ben Grady Monday evening. Mrs. Edward Campbell won the honors at auction.

Mrs. P. J. O'Donnell was hostess to the Monday Nite club this week, Miss Anna O'Donnell winning high honors at auction.

Miss Demaris Stout returned to her studies at the university, at Lincoln, Sunday morning after a Thanksgiving visit at home.

Project Engineer T. C. Middleswart of the Atkinson and Ewing federal aid road projects was an O'Neill visitor Wednesday.

Arthur Mullen came up from Omaha Sunday evening on business connected with the district court, returning home Thursday morning.

Miss Melissa Scott, who has been the guest of her aunt, Mrs. Floyd Keyes of Inman, returned to her home in Indiana last week.

Bryan and Stuart Nelson, now teaching school in Pine Bluffs, Wyoming, spent Thanksgiving with Chambers relatives.

The musical department of the Woman's club will meet Friday afternoon in the auditorium of St. Mary's academy. Next Wednesday afternoon the general meeting of the club will be at the high school auditorium. Lunch will be served by the home economics department of the school.

Ira Moss, clerk of the district court, spent Thanksgiving with the home folks at Atkinson.

Boyd county supervisors are considering the employment of a county agricultural agent.

A baby daughter arrived at the residence of Mr. and Mrs. George P. Murphy of Josie, Monday.

W. J. McNichols of Lexington, is visiting his father, S. F. McNichols, and other O'Neill relatives, for a few days.

Now that the electric light plant is burning corn the corn market has begun to advance in the northern states.

Gene Huse and Karl Stephen of Norfolk, came up Saturday afternoon for a short visit with O'Neill friends, returning home Sunday.

The state fash and game department planted a number of fish, of several varieties in the tributaries of the Niobrara last week.

Miss Florence Grady of Ballagh, suffered a fractured leg when she slipped in climbing on the wheel of a moving wagon Tuesday.

James H. Curtis of Ewing, and Mrs. Ella Majors of Chambers, were issued a marriage license by County Judge Malone the first of the week.

Miss Margaret Witherow of Nebraska City, Nebraska, spent Thanksgiving in O'Neill, the guest of her sister, Miss Mary Witherow.

The business houses of Chambers are closing up during the hours of evening service at the Methodist revival now being held down there.

The county board of supervisors was in session this week, cleaning up the regular monthly grist of business and passing on road controversies.

Miss Marie Berry returned Sunday from a Thanksgiving visit with sorority friends at Lincoln and left Monday morning for her school at Brunswick.

Sheridan county newspapers carry advertising announcing that Doc Shuler, formerly of this city, now is specializing in rheumatism, at Gordon.

S. J. Weekes entertained at a smoker Saturday evening for Gene Huse and Karl Stephens of the Norfolk News, who were his guests over Sunday.

Paul L. Henry of Geneva, Nebr., was called home to attend the funeral of his brother Gene, last week. Mrs. Henry and Patricia Jane coming up Saturday.

O'Neill has been designated as headquarters for the engineers of the tenth federal aid road district of the state. A chief division engineer and several

The county convention to select delegates to the state convention at Grand Island to form a new political party, has been called for the court house for Saturday.

The Northwestern bridge gang, which has been at work along the line from Inman west for several months, has completed its labors on this division and moved east.

Word has been received of the death last Wednesday of Mrs. Julia Ginan of Pueblo, Colo., a sister of Mrs. Thomas Kelley and Mrs. H. Chambers of Atkinson.

Albert Herrick of Waterbury, Neb., arrived in the city last Wednesday to attend the funeral of his friend, Eugene P. Henry Thursday. He returned home Tuesday morning.

George Miles returned Friday evening from Fremont, where he and Mrs.

Miles spent Thanksgiving with their son, Gerald, and family. Mrs. Miles returned to O'Neill Sunday evening.

Mrs. A. E. Wilson of Salem, Oregon, who has been in Holt county settling up the affairs of her late husband, Bert Wilson, formerly of Shamrock township, left Wednesday for Battle Creek for a short visit with friends before returning to her western home.

Miss Ellen Clare Donovan, who has been the guest of her sister Mrs. W. F. Finley, for several weeks, returned to her home at St. Paul, Minn., Monday morning.

Catalogues from the mail order houses, offering Christmas bargains to shoppers, already have begun to burden the mails and railway mail clerks report an increased parcel post business.

It has been discovered that the common English sparrow is the greatest enemy of the alfalfa weevil and the birds are being caught in traps in eastern cities and shipped to the alfalfa districts.

The city council of Winner, S. D., which increased electric light rates at that place from 15 to 17 cents a kilowatt hour during the war has reduced the rate back to the pre-war basis of 15 cents.

Mr. and Mrs. Walter Stein and son left by auto Wednesday morning for a visit with relatives at Marshall, Minn. Mr. Stein will return in several weeks. Mrs. Stein and son will remain at Marshall for a several months visit.

John Nolan went up to Bassett Wednesday of last week, to spend Thanksgiving with Mr. and Mrs. Thomas Nolen, and incidentally to inspect his large oil holdings and to be present at the bringing in of the Bassett oil well.

Mr. and Mrs. Ed Latta of Tekamah, came up Saturday evening for a short visit with Doctor J. P. Gilligan and Mrs. Gilligan, returning home Sunday. Ed's real mission was to get a couple of bird dogs in preparation for a quail hunting excursion to Arkansas.

Word of the death of Mrs. Con Coffey, at Wichita Falls, Texas, Tuesday morning, was received by relatives here the same day. Mrs. Coffey was a sister of Mrs. J. F. Gallagher and Mrs. P. J. Biglin. The body will be brought to O'Neill, arriving Saturday.

Miss Mary Witherow entertained at a dinner party at the Hotel Golden Saturday evening, complimentary to her sister, Miss Margaret Witherow of Nebraska City. The fifteen guests later enjoyed a pleasant evening of cards and dancing at the H. J. Reardon home.

The Nebraska Farm Bureau Federation will hold a December meeting at Lincoln on December 5 instead of on the regular meeting date. The change is due to the fact that several members of the board have county meetings planned for the regular date.

The jury in the Rogge-Hall case, from Ewing, an outgrowth of the Hopkins murder a number of years ago, found for Rogge Wednesday morning after being out all night. The action was a suit on a \$1,000 note with interest and the verdict was for \$1,310, the amount asked. The trial of the case attracted a large throng Monday, Tuesday and until Wednesday noon, the audience being much edified and amused by the forensic muddling of the attorneys on both sides. Judge J. J. Harrington represented Hall and Arthur Mullen the plaintiff, Rogge.

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 PLUM PUDDING, PER CAN 50c
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