

The Sioux County Journal.

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L. J. Simmons, Editor
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THURSDAY, MARCH 6, 1890.

The appointment of Judge Caldwell as successor to Judge Brewer is meeting with general approval. Judge Caldwell is a man of ability and experience and it is proper that such men be promoted in the judicial scale.

The tariff bill, it is supposed, will be reported to the House a week or two hence. The Republicans are in earnest in the matter of tariff revision. We shall soon see how the Democrats stand on this question.—Globe-Democrat

Ex-Congressman Taulbee, who was shot by Chas. E. Kincaid at Washington a few days ago, is rapidly recovering. It is said the shot was fired in self defense and after great provocation had been given. It grew out of a scandal in which Taulbee was interested.

Judge Kincaid has issued an order for a grand jury in Sioux county for the April term of district court. It is expected that several old sequestrations who have been hiding in the rotten woodpile of that county may be unearthed at this sitting.—Daves County Journal.

A reunion of the Blue and the Gray is to be held at Vicksburg, Miss., May 25th and 30th inclusive. It is said that such reunions are highly enjoyable and no bitterness enters the recollections of the past. It is to be hoped that it will not be long until all causes for bitterness will be removed by the settlement of the race problem.

The charter of the Louisiana lottery has expired and an attempt is being made to have it renewed. The feeling against the institution is becoming a great deal stronger each year and it may not succeed in getting a new lease of life. It is to be hoped that the legislature of that state will put a stop to the legality of the organization.

Hon. Albert Griffin, the well-known prohibition lecturer and organizer, has issued a circular in which he says he has become convinced that the best hope of the temperance cause lies in moral suasion. He bases this conclusion mainly upon the fact, which he presents in an instructive table, that the prohibition vote has steadily decreased from 48 to 26 per cent.

This is how some one figures it out: From a bushel of corn a distiller gets four gallons of whiskey, which retails at \$10. The government gets \$3.60, the farmer who raised the corn gets 40 cents, the railroad gets a \$1, the manufacturer gets \$4, the retailer gets \$7, and the consumer gets drunk. No wonder so many Kansas farmers are using corn as fuel.—Lincoln Journal.

The admission of Idaho and Wyoming to Statehood, which will probably take place during the present session, will add two to the Republican strength in the House and four in the Senate. The contests for seats and the creation of new States can be relied upon to send the Republican majority in the popular branch of Congress up to twenty-five or thirty this year. This margin will be broad enough for all practical purposes.

It is reported that the F. E. & M. V. will at once build its line from White Wood to Dead Wood and put a stop to staging and freighting by team. It is evident that a good deal of railroad building will be done in the northwest this season. The F. E. & M. also contemplate building a line into Dead Wood so that that place will get two railroads to compensate it for so long being without any. The railroads are just beginning to appreciate the fact that there is a vast amount of business to be secured in the region which is rich in minerals.

One evening last week while Judge Gaala was hearing a case in chambers, at Hastings, one of the attorneys became enraged and struck the judge a terrible blow over the left eye. The attorney drew back and in a tragic manner remarked: "It was not I who hit you judge, that's what done it," at the same time pointing to a half filled whiskey flask which he drew from his pocket. It would be a good plan for men on whom whiskey has a tendency to arouse their fighting propensities to let liquor alone, and most certainly when they are going before a court.

The Daves County Journal of Feb. 28th was the first printed on its new power press. The Journal office has recently been all torn up, removing old machinery and replacing it with new. The machinery of the office is now moved by a fine new engine and the Journal is now printed on an eight-page paper, all printed at home. The enterprise of Mr. Ryan is to be commended, and it is evident that he has full faith in the future prosperity of northwest Nebraska, and the future of the Journal is in his hands. We are glad to see such indications of enterprise. Mr. Ryan has done much to help the people of the county, and his enterprise is to be commended.—H. E. BARNETT, Atkinson, Iowa.

During the session of the county board last week the matter of the indebtedness of the county was pretty thoroughly discussed. It was found that the levy of 1890, when made in June, will be to provide funds to pay the expenses of the year 1890, and not to pay up the debts contracted by the old administration. This has been passed upon by the supreme court in the case of the State of Nebraska, ex rel. Henry E. Hitchcock vs. A. E. Harvey, county treasurer of Pottawattamie county, and is to be found in the 12th Nebraska, page 31. The opinion was written by Judge Lake and bears directly upon the point. The court takes the ground that it was clearly the legislative intent that the estimate and levy for each year should be for that year, and not to pay up the indebtedness of former years. This puts the county in better shape for taking care of the necessary running expenses of the county. Warrants can be issued in July for all claims of 1890 and the money will begin to come into the treasury in October next, so that warrants will have to be discounted but little when issued in July.

Another point was learned by the board and that was that the road district funds have not been separated and the claims presented for plows and scrapers could not be allowed as no provision had been made to pay for them. A rule was established by the board that all bills must be itemized and show just what every charge is for, and no "blanket bills" in which the amount is "lumped off" will be audited by them. A number of bills were cut down, making a saving of \$60 or \$80 to the county. The proceedings as published in another column show the exact amount.

In the matter of roads, a number of petitions for consent roads were acted upon favorably, the provision in each case being that no expense be made for the county in establishing or opening said roads. The question of roads is one of great importance to the county and it is pleasing to note that the settlers are petitioning for consent roads so that the county is not asked to pay a lot of costs and damages. Roads benefit the farmer more than enough to compensate them for the land used as a highway, and roads can be laid out now and work done on them from year to year and the result will be that it will not be long until Sioux county will have plenty of good roads for all practical purposes.

It is becoming apparent that the farmers are getting in shape all over the state to take a hand in the lawmaking business. Alliances are being organized and those already organized are being strengthened. There is no question but what the farmers are capable of taking care of their interests if they take hold of the matter. The trouble has been in the past that so soon as the excitement incident to organization is over the rank and file of the farmers lose their active interest in the organization and permit a few, who, as a rule, have personal interests at heart more than the interest of the farmer, to use the strength of the organization to further their personal ends. There is no question but that the farmers can make their power felt if due diligence is used.

The organ of the fusion ring and its legal correspondent continued in their attacks upon Judge Barker in the last issue of that paper. The malicious attacks on Judge Barker by that outfit will not lower him in the estimation of the people. The whole thing is simply to give vent to a little spite against that gentleman and at the same time by raising a cry against him, they hope to detract attention from the records of the former officials whom the fusion ring organ has so zealously defended in the past. A correspondent of THE JOURNAL calls attention to some misquotations of law and misrepresentations of facts which appeared in the columns of the last issue of the Herald, so that the people will not be deceived in the matter.

The action of the legislature of Iowa on last Monday showed that the republicans of that state are true by deciding that Senator Allison should be his own successor. A desperate attempt was made to draw votes from him, but when the ballot was taken every republican member was recorded as having cast his vote for Allison. This secures that gentleman his seat in the Senate for seven years to come, as it will be a year before his present term expires.

Booming Kincaid
Creston Courier.
While Mr. Dorsey is at Washington devising schemes that the bankers and monopolists may have additional levers whereby they may squeeze greater rates of interest from the farmers, it is somewhat of a comfort to know that we have a few Kincaids at home who do not bow to banks when they render decisions. And, by the way, wouldn't it be a pretty good plan for the Third district to put Judge Kincaid in Dorsey's shoes.

The following item has been going the rounds of the press, and as our druggist, C. H. Andrews, handles the goods, it may interest our readers:
Having had occasion to see Chamberlain's Cough Remedy, it gives me pleasure to state that I found it to be the best medicine for a cough I ever used; in fact, it cured me of a cough that had baffled several other cough medicines.—H. E. BARNETT, Atkinson, Iowa.

The Herald and the Herald Lawyer Again.
EDITOR JOURNAL:—The Herald and the Herald lawyer are invincible, at least in their own mind, in convincing themselves that their position on law points is impregnable. Their ability in misquoting law, and then misapplying it after it is misquoted, is pre-eminent in its colossalness. They say:

The idea advanced by the writer in THE JOURNAL that the word "feloniously" before the charge in a criminal complaint or indictment does not make the charge one of felony, is nonsense. In IV Blackstone, 307, the law is laid down that in all criminal actions the adverb "feloniously" is used to ascertain the intent. This is quoted in Maxwell's Criminal Procedure on page 65, and the same interpretation given it, and indeed any other interpretation would do violence to the well understood meaning of words. The word is essentially a part of a charge of felony, and is essentially not a part of a charge of simple misdemeanor.

In IV Blackstone on page 306, the author says that, "In all indictments for felonies the adverb 'feloniously' is used and for burglaries also 'burglariously,' and all those to ascertain the intent." There is nothing said about it on page 307. Said rule is also copied in Maxwell's Criminal Procedure, on page 65. So we see that the adverb "feloniously" is not to be used in all criminal actions to ascertain the intent, but only for actions in felony. The theory of the Herald and the Herald lawyer is that if the word "feloniously" is in a complaint charging a crime it is a felony, without regard to anything else contained in the complaint. It would seem therefore, that all that is necessary to do to charge a felony is to write a complaint with the single word "feloniously." That would fix the matter. A great simplification in practice indeed.

The word "feloniously" in a complaint that does not charge the commission of a crime that is by Statute made a felony, will not raise the complaint to the dignity of charging a felony; the Herald's interpretation of the law to the contrary notwithstanding. They say the word "feloniously" is essentially a part of a charge of felony and is essentially not a part of a charge of simple misdemeanor." Thanks, Justinians. Much obliged for the information. Now be kind enough to inform the public wherein the JOURNAL article referred to stated that the word "feloniously" was essentially not a part of a charge of felony and was essentially a part of a charge of simple misdemeanor? Now let us examine the Herald's reason for holding that the charge against Perry Lewen et al. which has caused all this discussion charges a felony. I tell you right now the "reason" is a daisy, logically, rhetorically and otherwise; particularly otherwise. Here it is. The word "feloniously" was in said complaint, and if said complaint was not construed to charge a felony a great violence would be done to the well understood meaning of the word "feloniously," (they don't say whether it would be physical or mental violence.) It would never do to hurt a little word like that. That ought to be enough to satisfy any one that a felony had been charged. They ought to get such a precious idea patented or preserved on ice for the use of succeeding ages. Far better to do violence to all else in a complaint and to the well established principles of law in construing complaints, as handed down by the courts from time immemorial, rather than to commit any violence on the adverb "feloniously."

I desire to reiterate what I said last week even at the risk of being called "a stupid fool, colloquially speaking," or "a contemptuous imbecile" by the corks of the sulphuretted hydrogen gas bag of the Herald, viz, that the complaint against Perry Lewen et al. charged a simple assault and battery; the word "feloniously" in the complaint being surplusage, and it is a well established rule of law that where there is redundancy in a complaint, that if there is sufficient words remaining after all surplusage is sifted to charge the crime that the complaint will stand as good.

If the reader noticed, the citation from Blackstone provided that in complaints charging burglary the adverb burglariously must be used to determine the intent. Then if the word burglariously had been substituted for the word "feloniously" in the complaint against Perry Lewen et al., the logic of the Herald law department would hold that the said parties should be tried for burglary.

The Raw Material Ambush.
An especially significant phase of the opposition to protection just now quite prominent, is the demand for "free raw material." This is the first degree to which the free trade neophyte is introduced, and in which he is expected to become proficient preparatory to assuming the more advanced attitude of the Cobden Club and its representatives in the United States.

Demand for "free raw material" serves well for a rallying cry, because of its ambiguity. It is sufficiently flexible to suit the most fastidious voter—provided he should be not too inquisitive.

So long as he is not called upon for particulars, our tariff reformer gets on swimmingly. Force him to enumerate those materials he would include in the proposed exemption from duty, and it will be found that his logic followed to its legitimate sequence leads to absolute free trade in nearly every article competing with the products of domestic

manufacturers. In the iron industry not an article short of the very highest product would escape: with dry goods only ready-made garments and fabrics requiring no further manipulation to fit them for further use would be exempted from the comprehensive list. For in the entire range of manufactured products there are but few that do not become the base, the "raw material" of some more advanced industry. In the case of clothing, the finished cloth is the raw material of the tailor, wool of the weaver, corn and grass of the sheep owner. In iron, ore comes to the smelter, pig iron to the maker of iron bars, and these in their turn to the makers of cutlery, machinery and other articles, many of which—such as nails, hinges, gas pipes etc.—are but auxiliary to the business of workers in other industries.

The cry for "free raw materials" is a drag net, just now most persistently manipulated by free traders for the capture of results to the Cobden policy. In vain should it be set in the presence of intelligent voters.



B. E. BREWSTER, President.
C. F. COFFEY, Vice Pres.
CHAS. C. JAMESON, Cashier.

Commercial Bank.

[INCORPORATED.]
—A—

General Banking Business

Grant Guthrie,

—DEALER IN—

Lumber,

Lime,

Grain

—AND—

Coal.

AGENT FOR WIND MILLS AND PUMPS.

FINAL PROOF NOTICES.

All persons having final proof notices in this paper will receive a marked copy of the paper and are requested to examine their notice and if any errors exist report the same to this office at once.

Notice for Publication.
Land Office at Chadron, Nebraska, February 4, 1890.
Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before the Register and Receiver, at Chadron, Neb., on April 10, 1890, viz:

CONSAD LINDEMAN, of Harrison, Neb., who made D. S. No. 170 for the NW 1/4 sec 1, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

EDWARD A. WEIR, of Harrison, Neb., who made D. S. No. 199 for the NW 1/4 sec 2, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 4