

# HARRISON PRESS - JOURNAL.

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NO. XXIII

## DISTRICT COURT.

**Meets Monday With Judge Harrington on the Bench. The Town full of Distinguished Lawyers and Visitors. A Heavy Docket.**

**James Force Acquitted.**

What is probably the heaviest docket ever held in Sioux county convened Monday with Judge Harrington presiding. A large attendance from all parts of the county is in evidence throughout our city and great interest is manifested in all proceedings of the court.

Four criminal and 103 civil cases are on the docket. The majority of the civil cases are foreclosures on land by the county for taxes.

The criminal cases are: Two murder cases, one assault, and one grand larceny case. The assault case is the State of Nebraska vs. Frank Hughson for an alleged assault on H. H. Russell. The grand larceny case is concerning an alleged horse-stealing affair by Nels Rosenberg. The murder trials are: State vs. Frank Force, and State vs. Chas. Russell. The latter is for re-hearing, the recent decision having been reversed by the supreme court.

On Monday the time was taken up principally with the minor cases and two divorce cases. Mrs. Lizzie Hixon and Jno. Beckman were granted divorces. The former for adultery which was proven to the satisfaction of the court and the latter for desertion.

Thos. Doyle, John Ebert, John Blomberg, J. C. Madson, Henry Dickman and Mr. and Mrs. Soltan were made citizens of the United States by the court on taking the oath of allegiance.

Tuesday the time of the court was taken up all day with obtaining a jury. It was not until 10 o'clock a. m. Wednesday that a jury was finally sworn in as follows: Lester Crane, A. C. Cullers, Pat Lucy, Philip Dunn, Carl Estler, Ed Palmu, Alfred Lethoff, Orin C. Tully, Bobt. Harrison, James Nelson, Carl M. Lux and Nels Peterson.

After a recess of five minutes, the opening statement of County Attorney O'Connell for the state was given. In it he outlined what the state would endeavor to prove. He said that they would show by competent witnesses that on the 16th of last June Franklin Force, father of the defendant, had come to Harrison and turned his son over to the sheriff with the statement that he had shot and killed Harvey Russell; that the sheriff, acting as coroner, had impaneled six lawful men as coroners' jury and held an inquest over the body of said Harvey Russell then lying dead; that they would prove by the confession of the prisoner himself that he had seen Harvey Russell approaching from the top of a ridge about one half or three-fourths of a mile distant; that he had taken his glass and watched some cattle while Russell traveled a distance of one half mile in a continuous trail as shown by tracks; that the first shot was fired across the abdomen, and was not fatal; that Russell turned and was 25 to 35 yards away when second shot was fired which went into the body near the heart and was a fatal shot; that the third shot was fired after the body had fallen from the horse and had been dragged by a foot in the stirrup out of sight in a draw where he was lying helpless from the effect of the second shot; that it had penetrated his skull, having entered at the cheek and had left a wide track, having been separated like an explosive or soft-nosed bullet was apt to be; that there was no danger at any stage of the shooting to the defendant; that he had first admitted the firing of the first two shots and later when being shown the evidence of a third bullet had admitted it; that the deceased was unarmed and in death struggle had pulled hair from his head which was found in his hands at the coroner's inquest.

M. F. Harrington, of O'Neill, then made the opening statement for the defense. He did not outline any course of action which would be followed, but simply asked the jury to withhold their judgment until the "wild and extravagant statements" as he termed them, of the prosecuting attorney, should be proven and given a chance to be contradicted.

The first witness for the state was Dr. Phinney. He testified to making an examination of the body after death and finding three bullet wounds. Two of which might have been fatal, and that it was possible for deceased to have been alive three or four minutes after the shot in the abdomen had been fired.

When the next witness for the state was brought on the stand some startling developments were brought to light by the defense. These were in regard to the admissibility of the confession which James Force is said to have made to various parties, principally the sheriff and county attorney, after the shooting. As this was a question for the court

alone to decide, the jury was excused from the room. The defense held that this confession was made while under the influence of threats, inducements and hopes of reward held out by the one in authority. The state brought on the sheriff and county attorney who testified that no threats or hopes of reward had been held out by them. The county attorney, moreover, told the defendant's father when he came to him with the defendant that it was not necessary for him to make admissions until he had counsel.

The defendant was brought on the stand and testified that he did not hear Mr. O'Connell make the above statement to his father and that he was 20 years of age.

The real evidence which ultimately carried the point which the defendant's counsel wished to make was Mrs. Force, mother of the defendant. She was brought on the stand and told her story while those in the court room held their breath and listened for every word. She told how James Force came home on the morning after the killing and found her in one room while her husband was in an adjoining room. After talking to her son for a minute or two she went in to the room where her husband was and says to him: "James has shot Harvey Russell." Mr. Force immediately ordered Frank Hughson, who was chopping wood in the yard, to get a team and went into the room where his son was. On entering the room he told his son that he must go to Harrison and tell the county attorney and sheriff all about it and if he did so he would go free and if not he would be convicted. James had replied that he did not want to go until he telegraphed Attorney Harrington and had talked to him as counsel. Mrs. Force agreed with her son in this particular and immediately Mr. Force jumped to the corner of the room and pulled a shot gun and pointed it at James saying, "James you are my prisoner. I have a right to arrest you and you must go to Harrison and tell all about it." The three came to Harrison and they telegraphed to Harrington for his services. No one heard this conversation except Mr. and Mrs. Force and James. It was first told to Mr. Harrington a little over a week ago when he was here.

This being all of the evidence on this point the attorneys submitted their arguments to the court. The court sustained the objection to the evidence being brought in and the state's case had received a blow from which it was a very hard thing to recover. They asked for a short counsel to see if it were possible to find a shred of evidence on which to build their case anew.

At 7:30 p. m. the court convened and the state called H. H. Russell to the stand. Mr. Russell told of several conversations which occurred between himself and James Force and between Harvey Russell and James Force. They were relative to range trouble about their cattle, and James had talked of shooting, using the expression, "there would be dead people down there," and that Force's cattle should continue to run where Mr. Russell objected to their being. Miss Belle Russell, sister of the deceased, and Frank Russell, brother of the deceased, were both brought on the stand. They testified that Harvey Russell did not have a gun on the morning of the killing and was not in the habit of carrying a gun of any kind.

With the testimony of L. C. Wright, one of the coroner's jury, the work was completed for the evening. His testimony was relative to the appearance of tracks noticed at the scene of the killing and the lay of the ground in that vicinity.

Thursday the time was taken up with trying to introduce evidence of the confession, but it was ruled out and there being no further evidence, shortly after dinner the court instructed the jury to bring in a verdict finding the prisoner not guilty, which was done.

(Continued next week.)

## THE LOCAL NEWS.

Miss Kendrick spent Thanksgiving at the home of her sister, Mrs. Marsland.

Just received: A new consignment of men and boys clothing at GERLACH'S.

Wm. Bourssett has been quite seriously sick the past week, but is improving.

More and better goods for the same money at Gerlach's store than any other place, try them. 10-11

Miss Tupper visited with Miss May Lewis, at Andrews, during the Thanksgiving holidays.

WANTED—Fifty head of steers to keep until the first of May, next. For particulars address, Box 51, Harrison, Neb.

Franklin Force has been very low during the last week. At last reports he was some improved.

Mrs. Chas. Hanson, who has been sick for some time, is not much improved. Stomach trouble seems to be the cause of her indisposal.

## Fence Posts.

Carl Witt will cut and peel pine fence posts at ten cents apiece. See him at the Witt place or leave your order with L. Gerlach. 19-4

Invitations are out for the marriage of Miss Claudia G. Hester to Mr. George D. Palmer at the residence of the bride's parents, Tuesday evening, Dec. 17, at 5 o'clock.

Miss Mary Moravak came down from Lusk Wednesday night and stayed over until Monday, participating in the Thanksgiving dance and visiting her relatives in the meantime.

## A CURE FOR CROUP.

W. C. Williamson, of Amherst, Va., says: "For more than a year I suffered from lumbago. I finally tried Chamberlain's Pain Balm and it gave me entire relief, which all other remedies had failed to do." Sold by J. E. Phinney.

Among the distinguished legal talent in attendance at the Sioux County court in Judge Hamer, of Kearney, M. F. Harrington, of O'Neill, Judge Crites, of Chadron, and W. H. Fanning, of Crawford.

The undersigned will sell at public auction at his farm east of Five Points on Dec. 10, 1901, the following described property: 2 horses, 10 head of cattle, farming implements, household goods and other articles too numerous to mention.

Francis M. Smith.

Instructions have been received by Mr. Pontius, our genial station agent, in regard to use of the Andrews telephone. A charge of twenty-five cents will be made for a conversation of five minutes duration or less.

Dr. Reynolds, the Crawford dentist, will be in Harrison, at the Harrison House, December 13, 14, 15 and 16. All those wishing to save their teeth can do so by having them filled and crowned. Teeth extracted without the least pain. Come in at once so you will have time to attend to your teeth. 21-2

S. Crawford was in the city Tuesday and announced while here that he challenges any literary society to meet him in debate on the question, "Resolved, that a high protective tariff is for the best interest of the people of the United States." He desires to take the affirmative side of the question.

There is rejoicing at the home of the Harrison Sun. Mr. Wright did not fall heir to a million, nor was he elected to be president of the United States. All these things pale into insignificance when one knows what really did happen. It is a girl, born Friday, and we haven't smoked our old pipe since.

Paul Rosenberg, of Sugar Loaf precinct, is in attendance at the court. He reports that grey wolves attacked his bunch of cattle on Sand creek and drove all of them from the range except one of the best cows, which was attacked and crippled until death. From examination of the tracks near the injured cow, it is evident that the wolf, after crippling the animal, mounted his horse and rode away.

## The Dance.

The Thanksgiving ball was well attended, notwithstanding the fact that it had been very little advertised. Thanksgiving day was one such as only North-west Nebraska can produce and this gave an excellent opportunity for all to attend from a distance. Many came from all directions and some as far as 40 miles away, notwithstanding the fact that there were other dances closer home. The excellent reputation which Harrison dancers bear, coupled with the excellence of the music which is given by Harrison musicians accounts for this. The Thanksgiving ball was no exception to the rule and everyone went home feeling that they had enjoyed themselves to the fullest extent, and wishing that the time will not be far distant when Mr. Dunn and his excellent orchestra will give another of their excellent dances.

White Cats Not Desirable. White cats are in a general way more savage and less intelligent than gray or tortoiseshell. Many of them have blue eyes, and all such are said to be stone deaf, hence they are less desirable in the house.

## Carey Items.

Mr. and Mrs. Rice are at Bozarc this week holding revival services.

County Clerk Raum spent Thanksgiving with his family.

Iva and Clarence Spence and Clarence Raum who are attending the Chadron academy, spent Thanksgiving at home.

Andrew Procuier and wife, who have been making an extended peddling tour in the Black hills country, are at home once more.

The literary and debating society grows in interest and attendance at each succeeding meeting.

## Barricks Gossip.

One evening during the past week a party was tendered Sergeant and Mrs. Rose and their lady friends by Stewart Sager, 1st Sergeant Ayers, and Sergeant Garry. A very dainty repast was served and the evening was interspersed with music, vocal and instrumental. Several pleasing selections were rendered by Sgt. Ayers, who is a good singer. The guests were Mrs. Paul, Mrs. Thomas, Mrs. Emery, Mrs. Rose, Miss Allen, and Mr. Olett and Sgt. Rose. All departed for their homes with many pleasant memories of the eve.

A number of inhabitants of the fort assembled at the Post Amusement Hall on Thanksgiving evening and enjoyed themselves at dancing, etc. Music rendered by Mr. Welling of Crawford.

A battery of field artillery has been looked for station at the post, which will greatly increase the enlisted strength, the authorized number to each battery being 160.

Mrs. Genier and little one, family of Post Commissary Sergeant Genier, who preceded them, arrived here on Thanksgiving day.

On the evening of the 29th ult. the commissioned officers and their ladies passed an enjoyable time at the Post Hall.

The regular muster and monthly inspection of the command was held on the 30th ult.

It seems that Co. F, 10th infantry, now at this post, and which was booked for Fort Crook, has been erased from the slate.

First Lieut. and Asst. Surgeon Peter C. Eeld, U. S. A., has been ordered here for duty, relieving Surgeon A. H. Simonton, who will proceed to his home in Birmingham, Alabama. This in obedience to a request made by Surg. Simonton sometime ago.

Mrs. Rose will discontinue teaching school after the holidays and resume her dancing classes at Harrison, Chadron and Hay Springs.

It is understood that Private Landenberg, Troop D, 13th cavalry, is now in confinement at Crawford, accused of breaking into one of the depots in that city.

The new hospital will be ready for occupancy about the latter part of January next.

Our post baker, Private Daft, Co. F, 10th infantry, has applied for a transfer to his old company, (E 10th Inf.), now serving in the Philippines. Pvt Daft is an efficient baker and will no doubt be greatly missed should his application meet with approval at the war department.

## Pigeons as Spies.

The Austrian government has determined to treat carrier pigeons belonging to another power as spies. It is alleged that pigeons can be so marked by the senders as to convey a message without carrying any note under the wings in the usual way. German military authorities have been practicing with pigeons in a way complained of by the Austrian authorities by letting them loose from Austrian territory and marking them with secret signs known only to the German military authorities.

Woman Still Forging Ahead. When Bishop Potter of New York was asked the other day what he thought of woman suffrage he made the diplomatic reply: "My dear madam, I have got away beyond that; I am trying to make the best terms with the sex that I can obtain." This brings to mind the motto of William M. Everts when asked by a lady if he did not think that woman was the best judge of woman. He replied: "Not only the best judge, madam, but the best executioner."

Boston's Literary Pre-Eminence. Boston adduces as further proof of her literary pre-eminence that she spent six dollars per capita for stamps last year, against the three dollars of New York and the two dollars and eighty-seven cents of Philadelphia.

**Personality of Habibullah.** Habibullah, the successor of Abdurrahman as ameer of Afghanistan, is a handsome young man of 30, with dark hair and mustache, sallow complexion and a pair of large, rather dreamy black eyes. He has neither the gigantic frame of Abdurrahman nor his commanding presence. But by all accounts he is a man of great ability, who has had a great deal of administrative experience and is possessed of much personal courage.

**Place for Divorce-Seekers.** The District of Columbia is rapidly becoming the most popular place in the United States for mismatched couples to seek separation. Scarcely a day passes that the courts of this city are not asked to grant anywhere from three to six divorces, and in nine cases out of ten the applicants are accommodated.—Washington Letter.

**A Novel Way of Driving.** A man riding a bicycle and driving a horse at the same time startled people on a Philadelphia street the other day. He held the reins in one hand and guided his machine with the other. His feet rested upon the coaster and the horse did the rest. In and out among the other vehicles he guided the animal and all along the street people stopped and gazed in wonder.

**Roosevelt Bars Camera Friends.** President Roosevelt has had the big gates of the White House closed, depriving some thousand or more federal clerks of the privilege of taking a short-cut home from work. The President's children romp in the grounds and several times recently they have been annoyed by camera friends. To protect them, he says, he was compelled to order that the gates be kept always closed.

**Prefer the Old Shiftless Way.** Tired of owning their own homes and making their own way in the world, 200 Pottawatomie Indians living on one of the reservations north of Topeka, Kan., will petition Congress at the coming session to permit them to sell their lands and again become wards of the government. These Indians and their ancestors have been living on this reservation for the past 90 years and many of them were born there.

**Marconi of Irish Descent.** Few people are aware that Signor Marconi, who is soon about to get married, is the son of an Irish lady, the daughter of Mr. Andrew Jameson, who had a famous distillery near Ennisworthy, which ceased operations in 1840. Of his two daughters, one married Mr. A. S. Davis, and the other became the wife of Signor Marconi, whose son is the present world-famed hero of wireless telegraphy fame.

**Little People Marry.** One of the most novel weddings ever solemnized took place recently in Dayton, Ohio, when Mr. Sherman Potter of that city and Miss Nora E. Brinkley of West Alexandria, both of diminutive stature, were married. The bridegroom is 38 inches in height and the bride an inch taller. The ceremony was impressive.

**Problem for Agricultural Department.** The dragon-fly is the natural enemy of the mosquito. The Department of Agriculture has discovered that the English sparrow, among its other offensive traits, is fond of young dragon-flies, called "nymphs." When these emerge from the water and come out with wings, the sparrows catch them by the thousand and destroy them. This, it is believed, results in a greater prevalence of mosquitoes.

## French Mining in England.

A French syndicate has been formed for the purpose of mining iron and coal in the vicinity of Dover, England. Extensive mining rights have been acquired in the Alkham Valley, in the south of Kent, and not far distant from Dover. The boring is to be undertaken by French laborers under the supervision of skilled engineers from the Pas de Calais. A new diamond drill is being erected for the work. Kent is very rich in iron ore, and at one time was the principal iron producing district in England. At various parts of the country may be seen closed iron mines. The reason for their abandonment was the scarcity of coal, but at Dover and at other places rich seams of coal have been discovered beneath the iron ore strata, so that there is every possibility of the iron mining industry in this part of England being revived.

## Walking Match on Shipboard.

A feature of the voyage of the steamer Coptic, from China to San Francisco, was a five-day walking match. Sixteen of the passengers entered the competition. The deck was measured and from 6 o'clock in the morning until 6 o'clock in the evening the contestants walked encouraged by the plaudits of more sedentary passengers, who drew up their deck chairs close to the space allotted to the walkers and watched the match. Lieutenant Heinrich of the German army was the winner, walking 128 miles. A. J. Flaherty of the Pekin consular cadets was second with a score of 116 miles.

## Professional Cards.

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### Attorney-at-Law.

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E. ROHWER,

### Lumber, Harness, Saddles,

Grain and Feed, Doors

and Windows, Heavy Hardware.

NOTICE TO NON-RESIDENT DEFENDANTS

To American Investment Company, a corporation, W. J. Howden, whose true Christian name is known to plaintiff, E. S. Cruse by whose true name is unknown, trustee, non-resident defendant.

You and each of you will take notice that Sarah Wisdom plaintiff filed her petition in the District Court of Sioux county on the 16th day of October 1901 against impleaded with Sarah Wisdom and Leona Wisdom heirs of Aaron O. Wisdom deceased, the object and prayer of which petition is the foreclosure of certain liens for taxes upon the south half of the northeast quarter of section twelve and the north half of the northwest quarter of section thirteen all in township thirty-two north of range fifty-three west of the 6th principal meridian in Sioux County, Nebraska, said liens being for the state, county and school district taxes levied against said land for the years 1894, 1895, 1896, 1897, 1898, 1899 and 1900, that an accounting may be had of the amount due on said tax liens, that said premises may be decreed to be sold to satisfy the amount found to be due thereon, that you and each of you may be foreclosed and forever barred of all right, title, interest or equity of redemption in and to the same and for general relief.

You are required to answer said petition on or before the 25th day of November 1901.

Sarah Wisdom, plaintiff.

## A GOOD RECOMMENDATION.

"I have noticed that the sale on Chamberlain's Stomach & Liver Tablets is almost invariably to those who have once used them," says Mr. J. H. Weber, a prominent druggist of Cascade, Iowa. "What better recommendation could any medicine have than for people to call for it when again in need of such a remedy? Try them when you feel dull after eating, when you have a bad taste in your mouth, feel bilious, have no appetite or when troubled with constipation, and you are certain to be delighted with the prompt relief which they afford. For sale by J. E. Phinney.

## REMARKABLE CURE OF CROUP.

I have a few words to say regarding Chamberlain's Cough Remedy. It saved my little boy's life and I feel that I cannot praise it enough. I bought a bottle of it from A. E. Steere of Goodin, S. D., and when I got home with the poor baby could hardly breathe. I gave the medicine as directed every ten minutes until he "threw up" and then I thought sure he was going to choke to death. We had to pull the phlegm out of his mouth in great long strings. I am positive that if I had not got that bottle of cough medicine, my boy would not be on earth today.—Joel Demont, Inwood, Iowa. For sale by J. E. Phinney.

## History Blazed on Trees.

For six miles through the forest of Hancock and Wood counties, Ohio, may be seen a wide swath through the treetops, the once open space being grown thick with smaller timber. It tells the story of Gen. Hull and the army that blazed its way north to Fort Meigs in the war of 1812. On several farms near Findlay are still found sections of the old corduroy roadway built of the tree trunks that were felled to gain a passage for the army. The logs are well preserved and are found from two to five feet under the soil. It was at the close of that memorable campaign that Col. Fladway camped on the south side of Blanchard's fork of the Auglaize and established the old stockade fort named after him, Fort Findlay.

## A Comparison of Values.

Taking 1896 as a fair basis of value during the late agricultural depression, nine staple crops for this year represent an increase in value of over \$700,000,000. Live stock is worth \$1,000,000,000 more now than then.—Orange Judd Farmer.