

# Judge Sullivan on the Water Works Case

The following is the opinion of Judge H. M. Sullivan as made a matter of record in the Water Works case against city assessors Osborne, in which a petition was filed in the district court asking the court to order the assessor to increase the valuation of the city property to actual value.

"The only party made defendant is the assessor. By the petition it is shown that he has completed the assessment of the property of the city, but still has in his hands and under his control the books of his office and schedules executed by the property owners, and that all that remains for him to complete the duties of his office is to deliver to the officers entitled thereto the books and papers of his office.

To grant the prayer of the relator is in effect to quadruple the amount of taxes against the property of the city. Before this can be done the tax payer is entitled to his day in court. He is a necessary party, and not having been made a party the writ ought not to issue.

Again, if the relief sought by relator be accorded him the effect will be that the valuation of the property of the city will be four times greater than like property of the same value in other parts of the county.

With this condition it would become the absolute duty of the county board, when sitting as a board of equalization to equalize the valuations of the property of the city with the other property of the county. There are twenty five revenue or assessor's district in the county.

The law requires the equalization board to not reduce the aggregate valuation of the property of the county as returned by the assessor and to increase the same only such an amount as may actually be necessary and incidental to a just equalization.

This would be effected by increasing slightly the valuation of the of the other twenty four districts and very largely reducing the valuation of the city.

Assuming that each assessor district has the same aggregate valuation of property by increasing the valuation as returned by the assessor of the other twenty four districts four per cent, the board of equalization could then reduce the valuation contained for by the relator one hundred per cent, and it would be its duty so to do, so that if the assessor of the city in obedience to the writ sought by relator should increase the valuation of property as prayed by him it would become the duty of the board of equalization to restore the valuation practically to the amount of which it now is.

Had this application been made on the first of April, and all necessary parties brought in, a different result might have been reached. For the reason given the demur is sustained and the preceptory writ denied and the action dismissed and costs to the relator.

## Milburn Items.

Received to late for last week. News is scarce. Poultry pays with 8 cents. Decoration day is a quiet day here today.

The eclipse of the sun Monday was plainly seen as the weather was very favorable.

Tom Dean of West Union was a city visitor last week, and calling on relatives about Milburn.

Hugh Davy has bought a team of E. E. Whaley and is busy breaking them.

Mr. and Mrs. S. Swengel of Brewster were down last Sunday to visit their son W. E.

Senator F. M. Currie was a city visitor on his way home from a long trip out west in the interest of his Calamus ranch.

John Hagberg an old settler of Blaine county passed through here this morning enroute to Cozad where he has bought a fine farm and is moving there.

While down in the river swimming with a lot of other boys the other evening, Walter Cady ran into a barbed wire stretched across the water and was badly out and scratched.

## Ryno.

It was cool last night but yesterday was a scorcher, threatening rain in the evening. Corn cultivating is on; it is a fine stand in fine condition; never saw better prospects for a crop; ground is getting dry on top, but subsoil is moist; rain would be beneficial as it would expedite plant growth.

Ryno was out of the totality of the eclipse, which crossed the southern part of the United States; but a portion of the sun was obscured here about an hour. No other eclipse will occur in this country till June 8 1918. Another will occur in New England January 25, 1925. Eclipse seven minutes induration will occur in India in 1955 and in Africa in 1973 the longest induration for a thousand

years. H. G. Dannel has finished his assessment of Custer township and has his book audited with the following result in part. Improved land 33,898 acres value \$33,618. Unimproved land 63,078 acres value \$49,050. Horses 1198, value \$5215. Mules 36, value \$1640. Cattle 3493, value \$14,476. Hogs 1848, value \$2231.

A W. Horn had engaged to work for I. D. Shuman for the season, lost his health failed and returned to Craig Mo.

H. G. Dannel informs us that grass hoppers are numerous around his wheat; he fears they may make a raid.

C. G. Empfield put a new roof on his house; tar paper and native shingles; trust he will get rain to test it.

Mr. James Brenner is some improved at this writing and there is hopes of his recovery.

Mr. I. D. Shuman had his witnesses measure his tree claim yesterday preparatory for making final proof on June 26th, he has a few trees in fine condition; he bases his right on planting trees and seeds for the time limit but through lack of moisture he failed to get a stand. This addition will make him a large ranch, which is already well fenced; has running water and a large herd of cattle, fine buildings wind mill, wind brakes and a large acreage of alfalfa in fine shape, which he has commenced cutting. He has bees galore and they make good honey for I sampled it.

J. F. Foxworthy's boy, aged four years clandestinely tried to climb on a roller when it was in motion, and fell off breaking his right leg, above the knee. Dr. Greer reduced the fracture and the boy is undergoing repairs.

Born to Mr. and Mrs. Charles E. McDermott on May 29th, a son; mother doing well; babe dead; interment at Riverside cemetery.

## Our Exchanges.

Sargent Leader.

Ed Walto has accepted a position as "chief cook and bottle washer" at the Windsor. Ed takes to the work like an old "profess" and is an honor to his sex.

Rev. Teagarden, pastor of the Christian church at Ansley, was in the city Wednesday looking after business interests. Mr. Teagarden is making a deal in which he is trading his property at Broken Bow for a farm lying near Sargent.

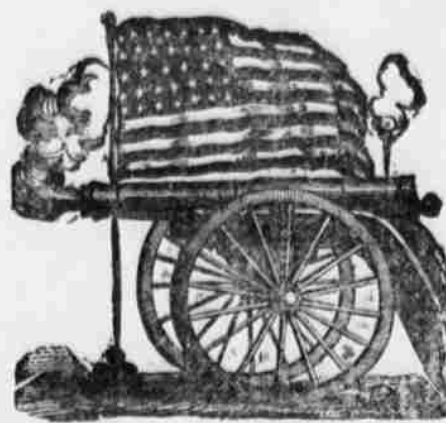
The Boston and Maine Railroad has in operation a new machine for shoudering and leveling the road bed. In four days the machine does the work which it would require 375 section men to do and the work is done much better. Pioneer Grip.

## Shooting Affair at Miller.

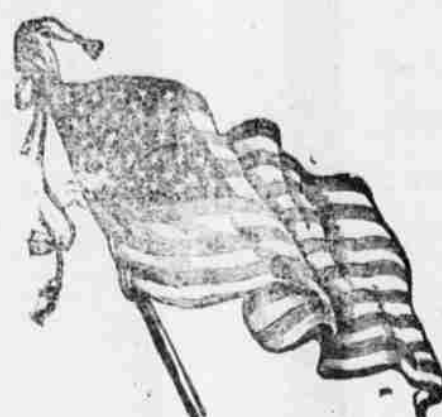
Word was received Tuesday morning from Miller that a serious shooting affray took place near there Monday. One version of the trouble is that one Merriman and his father-in-law had a quarrel over a fence corner, and that on Monday they met on the public road, about a mile from Miller, when the shooting began. Merriman was armed with a shotgun and Stevens with a revolver. The former was shot twice, and the latter, together with his two sons, who were with him, were pretty well filled with shot, but none of the four were seriously wounded. All were arrested and a preliminary hearing had, at which they were held to the district court in the sum of \$150 each.—Callaway Independent.

Trouble seems to be brewing for somebody connected with the soldiers' home at Grand Island. An affidavit has been made by an inmate of the home, telling of shameful neglect on the part of the commandant and the physician. According to the story, an inmate of the home is being eaten up by a cancer, without receiving proper medical assistance. The sore on the poor sufferer's neck was full of maggots, the attendant or nurse could not get proper medicine and disinfectants and neither commandant nor physician had visited the ward for eleven days. Such a condition of affairs is enough to excite the lively indignation of the whole state, and the sworn statement of such neglect calls for the most thorough investigation by the state officers. The home for the old soldiers is an object of special pride on the part of the Nebraska people, and any ill treatment of the veterans will be promptly resented by the whole state. An investigation should be made at once, and if the statements made are found to be true, their removal should follow without a moments delay.—Seward Reporter.

# LET THE CANNON ROAR



## JULY FOURTH AT BROKEN BOW AND Old Glory



Reign Supreme.

The grandest display of Fire Works ever seen in Custer county will be given at night.

Music, Speeches and Sports of all kinds to entertain.

Good Shade and ice water in abundance.

Five hundred dollars have been raised to defray expenses and no effort will be spared to make the day one of pleasure and comfort for all.

Look out for program latter.

The following committee have the arrangements in charge which assures the celebration a success in all particulars.

## COMMITTEE.

Speakers and transportation—F H Young, F M Rublee, J R Dean.

Salutes—Chas Penn, John Johnson, Wm Davis.

Music—L E Wilson, J E Adamson, Alpha Morgan.

Sports and attractions—Fred Hayes, Ernest Thompson, Harry Day, Joe Baisch, L E Cole.

Decorations—I A Reneau, W B Eastham, Chas Martin, Jos Molyneux.

Program—J A Armour, C W Beal, C L Gutterson.

Printing—E R Purcell, D M Amsberry, E L Beal.

Grounds—P M Towsley, Billy Blair, John Decius, Scott Cooper, Fred Tipton.

Parade—Jas Stockham, C B Betts, A R Humphrey, J J Wilson, W L Rule.

Fire Works—J G Haerberle, Ed McComas, R W Wilkins.

## ANNOUNCEMENT:

I wish to say to my Friends and Patrons that I am now located in the New Brick Building, on west side of Square, where I will be better prepared to serve them than ever before.  
F. W. HAYES,  
Jeweler and Optician.

F. C. WORSALL, President.  
A. J. ROBERTSON, Vice-Pres.

J. A. HARRIS, Cashier.  
W. D. BLACKWELL, Asst. Cashier

## Farmers Bank of Custer County,

BROKEN BOW, NEB.

Transacts a General Banking Business. County Claims and Warrants Bought.

## PEAL & JOHN

Fancy Groceries

AND

QUEENS WARE

## Fresh Fruits and Vegetables.

SEND 50c  
Write inclosing this ad. and five and we will send you this beautiful Mandoline by express, C. O. D. subject to examination. If found exactly as represented you can pay the express agent our SPECIAL OFFER price, \$5.00 less the 50 cents, or \$5.00 and express charges. This is a regular \$15.00 instrument, solid rosewood body, fancy pearl and ebony checkered edge, beautiful pearl tattered guard plate, rosewood fingerboard and nickel tail piece. You can have either a Mandoline, guitar, Banjo or Violin on the same terms. Write for FREE musical Catalogue. Address, A. Hospe, Omaha, Neb.

## Anselmo Roller Mills,

Remodeled and in first class order.

Custom work or exchange a specially. Satisfaction guaranteed. Come and give us a trial.

L. CLARK & Co.  
Anselmo Neb.

WANTED—Several persons for district office managers in this state to represent me in their own and surrounding counties. Willing to pay yearly \$800, payable weekly. Desirable employment with unusual opportunities. References exchanged. Enclose self-addressed stamped envelope. S. A. Park, 320 Caxton Building, Chicago. 11 30-251.

A Good Thing—Our Great-Grandmother's garrets containing the same herbs of all healing found in Karl's Clover root tea. They gave our ancestor strength, kept the blood pure, and will do the same for you if you say so. Price 25 cts. and 50 cts. Sold by H. G. Haerberle.

FARM FOR SALE—At Upton, 160 acres of good farm land, 80 acres in cultivation and the rest fenced in pasture, with three wires. Good four room, sod house; corn crib and grainery, each 12x16 feet, connected; stable and chicken house etc. For particulars call on J. J. Snyder, Broken Bow, or Stephen Wilcox, on premises. 35-3m

## Burlington Route.

The democratic national convention. Only a few weeks to the big convention at Kansas City. Time you decided about your route. Time you found out for yourself how quickly and comfortably you can reach Kansas City if you take the Burlington. The rate will be one fare for the round trip and tickets will be on sale July 2, 3 and 4th. See the local ticket agent of the B. & M. R. R. J. Francis, General Passenger Agent.

The Broken Bow creamery received 3,200 pounds of cream last Friday.

There are now seventy teachers enrolled in the Summer school and more to follow.

A. R. Humphrey and Alpha Morgan were east bound passengers last night.

Mrs. Day, wife of Dr. Day is visiting in Des Moines Iowa with relatives. She went last week.

Avalo Vannice who has been attending college at Grand Island the past year came home Monday evening.

H. Lomax and family expect to leave Monday week on an outing trip to the mountains. They will go with wagon and team and a complete camping outfit. They expect to be gone until about the first of September.

## BAPTIST CHURCH.

Preaching at 11 a. m. Sunday school 10 a. m. B. Y. P. U. at 7 p. m. Children Day exercises at 8 p. m. The public is cordially invited to attend all these services.

Chas. S. Busey, of the hospital corps San Isedra, Luzon writes that he has recently received his commission as assistant Steward. This speaks well for Charley as he passed the examination with a good average in all the requirements. He enlisted as a private. He will try in the near future for promotion to Steward.

## Buggies! Buggies!

Now is the time to buy a buggy or spring wagon before the fourth of July. I have the Racine and Bradley make, new styles for 1900.

Having to make room for a car of Deering binders and mowers must reduce my stock before July fourth. Have prices that will sell them all. Call on 4t GEO. WILLING.

## A Happy Surprise.

Tuesday night about twenty members of the G. A. R. very agreeably surprised Dr. A. H. Shoemaker by dropping in upon him with well laden baskets of provisions, accompanied by their wives in several instances. A royal good time is reported by those present. It was the occasion of Mr. Shoemaker's 60th birthday which he had not thought of until his old comrades began to arrive with their baskets. He at once surrendered.