

# CUSTER COUNTY REPUBLICAN.

October 18, 1906.

## Supervisors

### Proceedings

(Continued from First page.)

county shall be known as Arbor county and to be bounded as follows:

Commencing at the northeast corner of section 1, town 16, north range 21, west 6 p. m., thence running west on the township line about 30 miles to the northwest corner of section 6, town 16, range 25, thence south along the county line to the southwest corner of Custer county, and the southwest corner of section 31, town 13, range 25, thence east along the county line about 30 miles to the southeast corner of section 36, town 13, range 31, thence north along the range line to the northeast corner of section 1, town 16, range 21, to the place of beginning.

Which petition had attached to it, the following affidavit:

State of Nebraska, } ss.  
Custer County, }

R. E. Brega being first duly sworn upon his oath says that he has read the foregoing and attached petitions containing 750 signatures of legal voters residing in the territory sought to be detached from Custer county known as Arbor county and also has acquainted himself with the approximate number of legal voters in said territory and the signatures on said petitions are those of a majority of the legal voters in said territory sought to be detached from Custer county and known as Arbor county.

Subscribed in my presence and sworn to before me this 19th day of September.

(SEAL) Ray B. Bennett.

Also the petition for the erection of a new county to be known as Noble county, which petition was in words and figures as follows:

To the Board of Supervisors of Custer County, Nebraska.

Honored Sirs:

We the undersigned legal voters of Custer county, Nebraska, residing in the territory herein described and sought to be detached from Custer county, do respectfully petition your Honorable Body for the erection of a new county out of the territory now comprising Custer county, Nebraska, and that the question be submitted at the next general election and that you call and order such election. The new county shall be known as Noble county and to be bounded and described as follows:

Commencing at the northeast corner of section 1, town 20, range 21, west 6 p. m., in Custer county, Nebraska, thence running west on the county line to the northwest corner of Custer county, thence south along the county line to the southwest corner of section 31, town 17, range 25, thence east on the township line to the southeast corner of section 36, town 17, north range 21, thence north on the range line to the place of beginning and the northeast corner of section 1, town 20, range 21.

Which had attached to it the following affidavit.

State of Nebraska, } ss.  
Custer County, }

R. J. Kelley, M. S. Eddy and F. C. Pinch being first duly sworn upon their oath say that they have read the foregoing petitions attached hereto containing 431 signatures of legal voters residing in the territory sought to be detached from Custer county and known as Noble county, also have acquainted themselves with the approximate number of legal voters in said territory and the signatures on said petitions are those of a majority of the legal voters in said territory sought to be detached from Custer county as they verily believe.

Subscribed in my presence and sworn to before me this 25th day of Sept. 1906.

(SEAL) Robert R. Duncan.

Notary Public.

The clerk also reports to the board, that there have been filed in his office, remonstrances against or withdrawals from the above petitions for the division of Custer county, which remonstrances are in words and figures as follows:

To the Honorable Board of Supervisors of Custer county, Nebraska.

We, the undersigned residents and electors of Custer county, Nebraska, and residing within that portion of the territory of said county, which it is proposed by certain citizens shall be set off from said county and form a new county, to be named the county of Oyama, and it is proposed by said citizens to have submitted the proposition of forming said new county at the general election to be held in said county of Custer, in November, 1906, do respectfully petition your Honorable Body to refuse the prayer of said petitioners, and we, whose names appear upon said petition, upon mature consideration

and deliberation have reached the conclusion that it is not to our interests to divide said county or form said proposed new county, and, therefore, ask that our names be considered as petitioners for said proposed new county, and hereby withdraw our names from said petition.

Which petition had signed to it 369 names.

Also the remonstrance against the proposed new county of Noble, which petition was in words and figures as follows:

To the Honorable Board of Supervisors of Custer county, Nebraska.

We, the undersigned residents and electors of Custer county, Nebraska, and residing within the portion of the territory of said county, which it is proposed by certain citizens shall be set off from said county, and form into a new county, to be named the county of Noble, and it is proposed by said citizens to have submitted the proposition of forming said new county, at the general election to be held in said county of Custer in November, 1906, do respectfully petition your Honorable Body to refuse the prayer of said petitioners, and we, whose names appear upon said petition, upon mature consideration and deliberation, have reached the conclusion that it is not to our interests to divide the county, and, therefore, ask that our names be not considered as petitioners for said proposed new county, and hereby withdraw our names from said petition.

Which remonstrance signed to it 834.

The clerk also presented for the consideration of the board in connection with the division matter, the following affidavits, which had been in his office:

Affidavit of J. B. Osborn.

State of Nebraska, } ss.  
Custer County, }

Jos. B. Osborn, being first duly sworn on his oath, says that for a long time he was county clerk, and further says that he has examined the map showing the proposed new counties to be erected out of Custer county, that he has made an estimate of the legal voters in each quarter of Custer county based on last year's vote, and finds that Noble county as proposed has 765 voters, and the territory sought to be detached and known as Arbor county, has 834 voters, and Oyama county 989, and old Custer as proposed (E twp) has 1533 voters, and the total vote of the county in 1905 was 4121.

That in making this estimate he took the vote of townships that were in tact and the townships which were divided he took the proportionate share as shown by land embraced.

J. B. OSBORN.

Subscribed in my presence and sworn to before me this 21 day of September, 1906.

R. E. BREGA,  
Notary Public.

Affidavit of C. H. Holcomb relative to the organization of Arbor county.

Before The Honorable Board of Supervisors of Custer County, Nebraska:

In the matter of the petition of certain residents of Custer county to divide the same and to organize the county of Oyama and in the further matter of certain citizens of the county of Custer to divide the same and organize and form the county of Noble.

Comes now C. H. Holcomb and shows to the above named Honorable Board and alleges the fact to be that he is now and for a number of years last past has been a resident, citizen, tax payer and legal voter of the county of Custer.

He further shows to the Board and alleges the fact to be that many of the names on the petition for the division of said county of Custer and the formation or organization of the proposed new county of Oyama were not signed by the parties who it appears by said petition signed the same but said names were signed by other and different persons than those bearing the names upon said petition.

That in said proposed territory to be organized into said County of Oyama there is in all at this time 1271 legal voters or electors and that not nearly one half of all the legal voters of said proposed territory or of said county, have signed said petition.

Your remonstrator further alleges that a number of names signed to said petition were signed by those who were not legal voters of said proposed territory or of said county; that many of the signers to said petition are minors and that many others are non-residents and that some are women

Your remonstrator further shows

and alleges the fact to be that of the legal voters who signed said petition 100 thereof have since signed the same signed a remonstrance in which they say that "upon mature consideration and deliberation they have reached the conclusion that it is not to their interest or to the interests of said county of Custer to divide the same or form the said proposed new county of Oyama and therefore ask that their names be considered as petitioners for said proposed new county and specifically ask that their names be considered as withdrawn from said petition" and after deducting or striking from said petition the names of minors, non-residents and women a number of persons who did not sign the same that there does not remain the actual legal bona fide legal voters signing said petition a number exceeding 400 and that far less than a majority of the actual bona fide legal voters of said territory have signed said petition.

Your remonstrator further shows to the said Honorable Board and alleges the fact to be that the total number of legal voters in the territory proposed to be organized into said county of Noble at this time is 1108.

Your remonstrator further alleges that of the 517 names on said petition for the division of Custer county and the organization of said proposed new county of Noble many of the same, the exact number to your remonstrator being unknown, are minors, many others are non-residents and many other names were signed by others than those who it is purporting by said petition signed the same.

Your remonstrator further shows that of the said 517 signers to said petition 100 thereof have since signed a remonstrance in which they say "that upon mature consideration and deliberation they have reached the conclusion that it is not to their interests to divide said county or form the said proposed new county of Noble and therefore ask your Honorable body that their names be not considered as petitioners for said new proposed county of Noble and withdraw their names from said petition and ask you to consider that their names are withdrawn from said petition", but after striking from said petition the names of those who ask that they be not considered as petitioners for said division and proposed new county and after striking from said petition the names of non-residents, minors and women and the names of those signed by others than those who bear the name there is not to exceed upon said petition actual bona fide voters of said county to exceed 350 and that not more than 350 persons residing in said proposed territory actually desire to submit said question of the division of the county of Custer and the formation of the proposed new county and said petition falls far short of having a majority of actual legal voters of said territory and your remonstrator shows to your Honorable body that you have no jurisdiction or authority to order or call an election for the division of said county and the formation of said two proposed new counties of Oyama and Noble.

Your remonstrator further protests against the consideration by your Honorable body of the affidavits attached to said petitions and purporting to show that the same are signed by a majority of the legal voters of the territories of the proposed new counties and object to your Honorable body considering said affidavits as proof of the fact that said petitions are signed by a majority of legal voters of the territory or territories of the proposed new counties for the reason that no opportunity is given your remonstrator to cross examine said persons making said affidavits or in any way showing the basis of their knowledge and because the same is incompetent to establish the facts for which the same are offered as a part of said petition.

Your remonstrator further asks this Honorable body to fix a reasonable time for a hearing of this cause so that he may have an opportunity to produce his evidence and prove the facts alleged in his remonstrance above set out and ask that the prayer of said petitions be denied by your Honorable body.

THE STATE OF NEBRASKA, } ss.  
Custer County, }

C. H. Holcomb being first duly sworn upon his oath says that he has read and knows the contents of the above and foregoing remonstrance; that he is the remonstrator

therein named; that the facts therein alleged in said remonstrance are true as he verily believes.

Subscribed in my presence and sworn to before me this day of September, 1906.

It was moved and carried that a committee of two be appointed on each petition, and that the chairman be a member of the committee on the northeast county.

The chair then appointed on the northeast county to assist him, R. R. Welch, and as a committee on the northwest county, Supervisors, Fennimore and Morris, and as a committee on the southwest county, Fonda and Cushman and Schneringer.

The following agreement between the representatives of the petitioners and remonstrators was read by the clerk.

It is hereby agreed by the parties representing the new counties of Oyama, Noble and Arbor counties, and the parties representing Custer county, that no more names be added to the petitions after this hour, and no more names shall be added to the withdrawals or remonstrances after this hour, and each party agree not to file any additional names.

Dated this 26th day of September, 1906, 10:45 a. m.

P. F. Forney,  
R. J. Kelley, Rep. Noble county.

W. D. Hall, " Oyama "

R. E. Brega, " Arbor "

C. H. Holcomb, " Custer "

It was moved and carried that the hearing on the petitions be continued till Monday, October 1, 1906, 9 a. m.

It was moved and carried to adjourn till 8 a. m. tomorrow.

Thursday, September 27, 1906.

Board met at 8 a. m. all present.

It was moved and carried that the clerk be and hereby is instructed to draw warrants on the 1906 bridge fund in payment of the claims already allowed.

In favor of the Custer National Bank for \$1900.

In favor of the Broken Bow State Bank for \$2300.

In favor of the Security State Bank for \$2500.

The yeas and nays being called, the vote was as follows:

Voting yea, Cushman, Fonda, Fennimore, Schneringer, and voting nay, Morris.

The chairman declared the motion carried.

It was moved and carried to adjourn till 8 a. m. tomorrow.

Friday, September 28, 1906.

Board met at 8 a. m., all present.

The forenoon was spent in committee work.

We recommend that the petition of Vene Powell et al for a road in town 17 range 19 be granted. Road to be 40 feet wide, and that E. M. Mosely be allowed for fence \$80.00 for stock chute 35.00 Total \$115.00 to be assessed against road district No. 1, Garfield Twp.

L. Cushman, H. B. Schneringer, R. R. Welch.

The report of the committee was accepted and adopted as read.

The committee also reported as follows on the petition of G. F. Christy et al to reduce width of road No. 19 from 66 feet to 40 feet in width.

We recommend that the petition be rejected and remonstrances granted.

L. Cushman, H. B. Schneringer, R. R. Welch.

The report of the committee was accepted and adopted as read.

The committee also reported on the petition of J. H. Brown et al for a road in town 14 range 19.

We recommend that the petition be granted.

L. Cushman, H. B. Schneringer, R. R. Welch.

The report of the committee was accepted and adopted as read.

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We recommend that the petition be granted.

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The report of the committee was accepted and adopted as read.

It was moved and carried to adjourn till 9 a. m. Monday.

MONDAY, OCT. 1, 1906.

Board met at 9 a. m. all present.

The forenoon was spent in committee work in the division matter. Adjourned till 1:30 p. m.

AFTERNOON SESSION.

Board met at 1:30 p. m. all present.

The committee appointed to investigate the petition and the remonstrances in the proposed new County of Oyama reported as follows:

We the committee appointed to investigate the petitions and remonstrances of the proposed County of Oyama submit the following report.

We find that the petition contains 643 names and the remonstrance contains 369 names and we find 63 names which signed both petition and remonstrance and ask that their names be withdrawn from the petition. We find 14 signed petition twice, we also find 19 names which by residence given do not live in said territory. We find by the abstract of the vote given by the County Clerk of the year of 1904 there was polled 1228 votes and for the year of 1905, 1141 votes. We find on average of the abstract of the vote of the two years 1904 and 1905 to be 1184 1/2, and after deducting the names of those we find not entitled to be counted on the petition they lack 45 1/2 of having a majority.

J. T. ARTHUR,  
R. R. WELCH.

It was moved and carried that the report of the committee be accepted and adopted as read.

The committee appointed to investigate and report on the petition and remonstrance in the matter of the new proposed County of Arbor reported as follows:

We your committee appointed to check the petition of the Southwest quarter known as Arbor county have examined same and compared it with the abstract of the vote and find the average of votes for 1904 and 1905 was 968 and the petition had 750 names which gave them a majority 255.

A. FONDA,  
L. CUSHMAN,  
H. B. SCHNERINGER.

It was moved and carried to accept and adopt the report of the committee as read.

C. H. Holcomb by his Attorney H. M. Sullivan objected to the report of the committee offered for the reason that the report of the committee only purports to show the number of persons voting at two elections and does not purport to find the total nor actual number of voters at this time in the proposed territory of Arbor County, and the affidavits of J. B. Osborn and R. E. Brega are insufficient and incompetent to prove the number of legal voters at this time in said territory and there is no evidence before the committee or the Board showing that the persons whose names are signed actually signed the same to the petition now before the Board.

Said Holcomb denies the jurisdiction to grant the petition or authorize an election in said proposed County of Arbor and he demands that the petitioners show before the Board the actual number of voters now in the said proposed County of Arbor.

We recommend that the petition of Vene Powell et al for a road in town 17 range 19 be granted. Road to be 40 feet wide, and that E. M. Mosely be allowed for fence \$80.00 for stock chute 35.00 Total \$115.00 to be assessed against road district No. 1, Garfield Twp.

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Said Holcomb denies the jurisdiction to grant the petition or authorize an election in said proposed County of Arbor and he demands that the petitioners show before the Board the actual number of voters now in the said proposed County of Arbor.

R. A. Moore on behalf of the petitioners ask that the Board make as a part of the record, the abstract of votes for the years 1904 and 1905 as prepared by the County Clerk which abstract of votes be considered, in connection with the affidavit, by the Committee and the petitioners ask that the said abstract of votes as was prepared by the County Clerk which is certified to by him, a part of the record together with the petition and affidavit attaches thereto together with the affidavit of Ex-County Clerk Osborn.

The abstract of votes referred to above relative to the several proposed new Counties were as follows:

Statement showing the probable number of voters residing in the proposed new county of Oyama based upon the abstract of the vote cast at the general election of 1904 and 1905.

Territory included in proposed new county of Oyama	Probable No. of voters based on the vote of 1904	Probable No. of voters based on the vote of 1905.
Sargent Township 337	335	335
Douglas Grove Twp 173	170	170
Garfield Township 191	190	190
Lillian Township 143	142	142
18 Secs. of Myrtle which is 25 per cent of the township 37	28	28
27 Secs. of Westerville which is 39 per cent of the Twp. 75	63	63
49 Secs. of Berwyn which is 12 per cent of the township 18	88	88
48 Secs. of Broken Bow which is 28 per cent of the Twp. 228	212	212
72 sections of West Union which is 84 per cent of the Twp 116	123	123
Total 1228	1141	1141

The No. of votes cast at the general election for 1904 in Sargent was 337, in Douglas Grove was 173, in Garfield was 191, in Lillian was 143, in Myrtle was 149, in Berwyn was 111.

Myrtle township has 72 sections.

18 sections being included in the proposed new county of Oyama which is 25 per cent of the township.

The number of votes cast at the general election for 1905 in Westerville is 132.

The number of votes cast at the general election for 1905 in Berwyn was 150.

The No. of votes cast at the general election for 1905 in Broken Bow was 528.

8 sections being included in the proposed new county of Oyama which is 12 per cent of the township.

The No. of votes cast at the general election for 1905 in Broken Bow was 528.

Broken Bow township has 126 sections.

48 sections being included in the proposed new county of Oyama which is 38 per cent of the township.

The No. of votes cast at the general election for 1904 in West Union was 137.

The No. of votes cast at the general election for 1905 in West Union was 145.

West Union has 83 sections.

72 sections being included in the proposed new county of Oyama which is 84.6 per cent of the township.

STATE OF NEBRASKA, } ss.  
CUSTER COUNTY, }

I Jos. Pigman do hereby certify that I am the County Clerk of said County duly elected and qualified, as such officer that I have charge of the abstract of votes cast at the several polling places in said County at the general election held in and for said County on the 8 day of Nov. 1904 and on the 7 day of Nov. 1905 and that the above and foregoing statement is true and correct to the best of my knowledge and belief.

I further certify that I arrived at the above estimate in the following manner for townships wholly included within the proposed new County, the whole number of votes cast in such township is given. For every township in which a portion only is included in the proposed new County I included such per cent of the entire vote of such precinct as the number of sections cut off is of the entire number of sections included within the precinct.

In Witness Whereof, I have hereunto set my hand and affixed the seal of custer county this first day of Oct. 1906. JOS PIGMAN.