State Hist. Libraries Series
of Nebr.

CUSTER COUNTY REPUBLICAN.

VOL. XXVIII | BROKEN BOW, CUSTER COUNTY NEBRASKA, THURSDAY, JULY 15, 1909 | NO. 6

NON-PARTISAN LAW ANNULLED

Supreme Court Declares it Unconstitutional.

CANDIDATES FILE FOR PRIMARY

Two Members do not Concurr in Complete Opinion Handed Down by Court.

The nonpartisan judiciary law enacted by the last legislature was declared unconstitutional by the Nebraska Supreme court Monday afternoon. This act prohibited the nomination of party candidates for the judiciary or for state or county superintendents but held that candidates for these positions should go on the ticket this fall at the general election by petition. The action of the court in declaring the law unconstitutional will mean that all these candidates will have to file as candidates for party nomination at the primary, August 17, or get out of the race. The time for filing will be up next Saturday.

The court handed down the following memorandum:

"The members of the court were of the opinion that the provisions of the act under consideration prohibiting political parties from in any way whatsoever endorsing, recommending, censuring, criticising or referring to any candidate for the office of chief justice of the supreme court, judge of the district court, county judge, regent of the state university, superintendent of public instruction or county superintendent of public instruction, are void, being in conflict with and repugent to section 5 of article 1 of the constitution, being the bill of rights, which provides:

"Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty."

And also section 19, of article 1 of the constitution, which provides: "The right of the people, peaceably to assemble, to consult for the common good and to petition the government, or any department thereof, shall never be abridged."

COURT NOT UNANIMOUS.

One member was of the opinion, however, that these provisions of the act were not properly before the court for its consideration, and not necessary for a determination of the case. Four members of the court were of the opinion that the act might be sustained if the foregoing were the only defect therein. Five members of the court were of the opinion that so much of the act under consideration as prohibited more than 500 electors of any one county signing the petition of any candidate for the office of chief justice or judge of the supreme court was void, being repugnant to section 32, article 1, of the bill of rights, which provides:

"All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise."

Four members of the court were of the opinion that the aforesaid limitation formed an inducement to the passage of the act, and that the entire act must fall.

One of the members not concurring in the judgment, is of the opinion that the aforesaid limitation is void, but that with such limitation striken out the act can still be sustained.

The remaining member of the court did not consider such limitation void, but maintained that the act is valid.

The majority of the court holding that the act is void, the judgment of the district is affirmed.

Reese, C. J. absent and not sitting.

HEATING PLANT WILL BE INSTALLED

In Court House to Take Place of Office Stoves.

Custer Township is Divided

Four Road Districts in Douglas Grove Township are Joined in One Large Large District.

The county board of Supervisors held a short session this week with all members present except Grint, of Sargent, who was kept at home farming. The board voted to install a heating plant in the court house to take the place of the stoves now used. The members believe that this will mean a saving in fuel and it will keep the offices cleaner and make more room for work. The contract for installing the plant was awarded to Ream Bros. at $1680. Anderson and Forney, W. D. Grant and O. H. Conrad were also bidders for the work. Ream Bros. were three dollars higher than Conrad, but the board considered Ream's furnace to be better. The furnace to be put in by Ream will be constructed of steel instead of cast iron and will be inclosed in brick instead of a jacket.

A petition from the voters of Custer township asking that the township be divided into two townships was acted upon favorably. Hereafter the six by nine mile strip running east and west south of Broken Bow township will be called East Custer and the balance will retain the old name of Custer township. Jerome Taylor was appointed clerk, A. Wolf justice of the peace, and R. L. Briggs treasurer of East Custer to serve until the next election.

The four road districts in Douglas Grove township were combined to make one road district. This action was taken in response to a petition.

MORE CANDIDATES GET IN PRIMARY

Do a Rushing Business During Closing Week.

The past week has been a busy one for the candidates. Eleven men have filed as candidates for office and several more are expected in the next two days.

John Haney, of Merna, James Lee, of Berwyn, and F. A. Amsberry, of Mason City, have filed as candidates for register of deeds. These are all Fusionists. J. L. Ferguson, of Comstock, and M. L. Lamb have filed for surveyor. Ferguson filed as a Republican and Lamb as a Fusionist.

W. W. Waters, of Westerville, and Garland E. Lewis, of Anselmo, filed as Republican candidates for county superintendent. N. Dwight Ford, of Ansley, and J. A. Armour of this city, will go on the primary ballot as Republican candidates for county judge.

George Headley filed as a Populist candidate for county supervisor in district No. 6 and Ed Foley, of Merna, filed as a fusion candidate from district No. 4.

Joe Wilson, of Ansley, was in the city and got the necessary papers for filing as a Fusion candidate for sheriff and he will probably get in before Saturday night. Bert Rogers, of Mason City, may also file as a Republican candidate. F. H. Wood, of Oconto, is expected to file as a Republican candidate for supervisor from district No. 6. Prof. Grimes, of Callaway, may get into the race as a Democratic candidate for county superintendent.

What Happened March 4th.

BEN TALBOT IS NOT INSANE

Insanity Board Advises Him That he Needs Rest and Recreation.

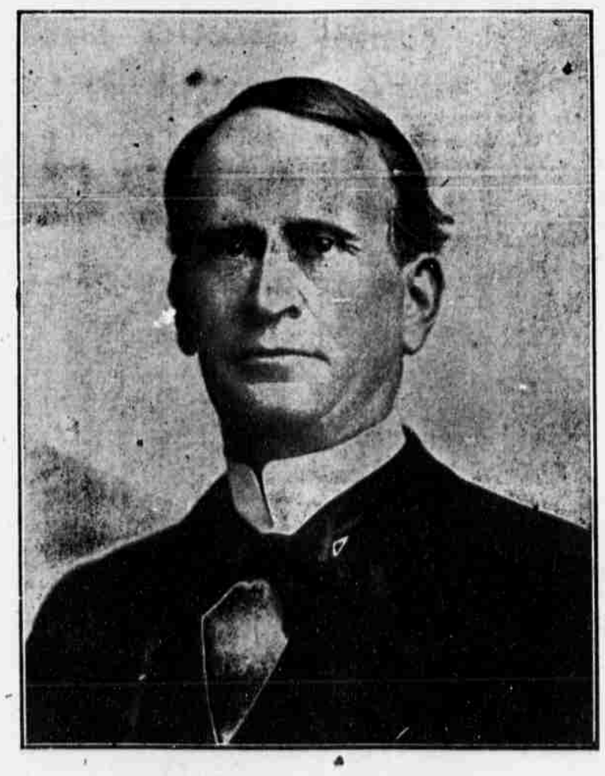
Ben Talbot, of Berwyn, was taken before the county insanity board Tuesday morning on complaint. A number of witnesses were summoned from Berwyn to testify as to his mental condition. The testimony showed that he had always been a hard working man and that he was probably working harder now than he had ever been, though he is now about fifty-nine years of age. His wife testified that he slept very little lately and rose for work soon after midnight. She said that he went to bed a few days ago at about 9:30 p. m. and got up a little after 11 p. m. and lighted the gasoline stove and began making preparations for her to get breakfast. She had some trouble getting him to put the fire out and he then took a lantern and went out to unroll some hog wire. He spent the balance of the time until daylight unrolling wire, feeding his horses, etc. She testified that he was always a hard worker but that he never worked as hard or as long hours as recently. Other witnesses testified that they thought his mental condition sound and that his lack of physical strength demanded that he have a rest and medical treatment.

The insanity board did not find him insane. The board, however, took steps to see that Mr. Talbot takes a vacation from work in order to give him a chance to recuperate.

WILL ORGANIZE RED MEN LODGE IN THIS CITY SATURDAY NIGHT

Col. J. G. Allbright, Of Omaha, Will Kindle The Council Fire Saturday Night in Odd Fellows Hall.

Col. J. G. Allbright, national organizer of the Red Men, will establish a tribe of his order next Saturday night at the Odd Fellows hall at 8:30. Mr. Allbright was assisted in procuring desirable material for the charter by several prominent citizens. H. Sauders, E Molyneux, W. A. Mehnke, and W. J. Rupert. Palefaces recommended by any member of the foregoing sifting committee becomes elegible for membership and when passed upon by election will be recorded upon the charter. The sifting



COL. J. G. ALLBRIGHT

committee is authorized and directed to invite their friends to the first Kindling of the Council Fire, who, being present on such invitation may subscribe their names to the charter petition to be considered as an applicant.

The charter membership committee who will pass upon the elegibility of applications are J. W. Craig, L. E. Cole, C. W. Beal, Clark S. Waters, Herbert G. Myers, S. R. Lee, J. L. Hollandsworth, W. B. Kennedy, J. W. Campbell, W. M. Swan, A.

SMALL CHILD LOST IN HILLS

Wanders About in the Vicinity of Lomax Two Days.

The two-year-old child of Mrs. Myrtle Troyer, of Lexington, who has been lost in the hills twenty-six miles northwest of that place, was found early this morning after a search of forty-two hours.

Mrs. Troyer was visiting at the home of a brother living north of Lomax. Tuesday while she was absent from the house, the child wandered away and all efforts to find it were unavailing. Bloodhounds and about 200 people joined in the search. The bloodhounds finally located the child in the hills. When it was found it appeared to be but little the worse for the exposure.

The bloodhounds used in this search belonged to the firm of Cole & Malcolm of Lincoln. This is one of their successful searches in the past few months. —Nebraska State Journal.

REV. DR. BAILEY GETS PROMOTION

Accepts Call to Erie, Pennsylvania Church August 1st.

Formerly Pastor of Church Here.

Change From Washington Church Means Additional Salary and Better Field For Work.

Rev Dr. George Bailey, son of John Bailey, of this city, has received a call to the Central Presbyterian church, of Erie, Pa. Dr Bailey went to Washington, D. C. in 1905 to accept the pastorate of the Western Presbyterian church of Washington and has been there since that time. The Pennsylvania church to which Dr. Bailey goes, is in a flourishing condition and the call means a promotion for Dr. Bailey. He will receive quite a raise in salary and will have a $16,000 manse to live in. He will take up his work at Erie, August 1st. Dr. Bailey stated, in tendering his resignation to the Washington church, that he believed that the opportunity for service is greater in Erie than in Washington and he was eager for the change for that reason.

A Washington paper of last week cantained the following:

"The Erie church is in a flourishing state, and has about 900 members on its rolls, with a Sunday school of over 1,000 pupils.

(Continued to page 8.)

ELEVEN YEAR OLD BOY IS KILLED

Three Boys Handling a 22 Calibre Rifle —Accidentally Discharged.

CORONER'S INQUEST IS HELD

Coroner Cole Not Satisfied With Verdict of Accidental Death Through Careless Handling of Gun.

Coroner Cole was called to the Crist home ten miles northeast of Mason City Sunday afternoon to hold an inquest over the dead body of little eleven-year-old Johnny Gill who was killed with a 22-caliber rifle by George Crist, jr., the eleven-year-old son of George Crist.

The Crist boy and his cousin and Johnny Gill were at the home of Levi Crist and the parents were away. George Crist shot Johnny Gill with his rifle, the ball entering the left side, piercing the heart and passing through the body and lodged in the right arm.

The boys telephoned to the neighbors that the Gill boy had shot himself. Coroner Cole was summoned and at the inquest the boys at first stoutly maintained that the Gill boy had been handling the rifle and had accidentally shot himself. After cross examining them for some time Cole was able to get the boys to admit that George Criss was handling the rifle at the time the fatal discharge was made. The boys claimed that they were in the house together at the time and that the Gill boy ran outside after he was shot. George Criss claims that they could find but one cartridge for the rifle and that they had tried to shoot it at sparrows twice and it would not go off. Then in a playful way he pointed it at the Gill boy telling him that he was going to shoot him and the shell went off. There is some evidence to show that George Criss struck the Gill boy with a whip and that he threatened to use a knife on him though the boys insist they had had no trouble.

Coroner Cole is not satisfied with the verdict of the coroner's jury, declaring it to be accidental death, and has sworn out a warrant for George Criss arrest on the charge of murder. County Attorney Gadd is holding the warrant waiting to see what testimony may develop to justify the arrest.

3 MEN CHARGED WITH BURGLARY

Are Accused of Breaking Into Car in Callaway.

Deputy Sheriff Craig went to Callaway Thursday afternoon to arrest three men who had broken into a car used as a place of residence by some railroad men working in Callaway. He found the men about 2 a. m. Friday morning in a spring wagon in Trotter's buggy shed on Taleen table. The men, when arrested gave their names as John Butler, Charles Rippe and Lewis Girty. When brought up for a preliminary hearing on the charge of burglarizing the car Saturday they waived preliminary examination and were bound over to the next term of the district court for trial. They are charged with having secured property valued at about sixty dollars. Rippe gave $200 bond for his appearance and the other two men will remain in the county jail pending trial, unless they are able to give bond.