

An Explanation.

Last Friday evening the editor of this paper was called up by Judge Westover during court to explain an article entitled "district court" published in THE VALENTINE DEMOCRAT of Dec. 16, in which the Judge seemed to think that we were accusing him of dereliction of duty as district judge. We did not know at the time of writing the article referred to, that he would preside at this term of court. We gave that matter no thought and had no thought of criticising or reflecting caustically upon the work of our district judges in this county. The getting "a postponement on a trivial excuse" was not intended to reflect upon the judge granting a continuance, which, under the statutes, an attorney may demand and the judge may grant. This may be within the legal privileges yet seem trivial enough when the public understands that a delay is the important factor in some cases. In proof reading the above referred to article we cut out a paragraph which seemed disconnected and did not notice that it might be inferred that the judge was the subject of criticism, though we do not believe the people who read the article thought we referred to the judges of the district court nor the county judge or sheriff, and we did not so intend it.

Last week the Crain and Loomis case occupied three days in court and one of the worst rape cases in recent years a little over three hours. Crain and Loomis were turned free and the jury hung on the rape case. A little more time and money probably spent for justice in the horse stealing case. These stock propositions are very important. Why not children, too? Some people get away WITHOUT ANY TRIAL AT ALL. If big officials do not like to be helping to carry the burden of poorly discharged duties in some minor officer they should not endorse him by failing to denounce his wrongful acts which come to their notice and then petulantly call upon some one who complains to show me. It rather savors of the idea, "How much do you know about it? and if you alone can furnish all the ammunition and make the noise we'll step in and say that's right." If an earnest desire is felt to know the facts, there are plenty of cases that might be investigated to learn whether there are only rumors or real reasons for complaint of our tax payers because of a laxity in criminal prosecution in this county. Some cases that might be gone into that transpired over two years ago should be no bar to the investigation.

Dean William Vance of George Washington University law school says:

"The American lawyer has proved a failure. The legal profession in America is blighted by two serious faults. The first is a low moral tone manifesting itself in its worst form in deliberate preying upon the public, legal parasitism, and in its less repulsive form in a selfish indifference to the deep public interest with which the calling of the lawyer is affected. The second is a lack of knowledge of the law as a science distinguished from knowledge of the law as a craft."

That is a heavy slap at the profession and while not true as to all, yet it is merited in many cases. The disreputable methods used to increase business by manufacturing cases and getting persons into cases when there is no hope to win, and they know it, have cast a heavy cloud over the profession, when it should stand on the highest plain.—Crain Democrat.

District Court Over.

District court last week spent three days on the Loomis and Crain case and the jury said they were not guilty. It's up to them to say in jury trial, but when the county has a sheriff who can catch 'em and the county hires a prosecution that shows up facts, it does look like a jury should not be swept off their feet by a plea from the attorney for the defense who seems to be an adept at throwing a crying spell. If that's the price of freedom with them let them rejoice within themselves for the public generally believes them to be guilty. Witnesses told of their employing the man to get the horses and of receiving them in the night at a price of \$5 per head for 14 head and that Loomis and Crain paid \$5 down to bind the bargain. Also that a special agreement was made that if the Indian got caught he was not to squeal on Loomis and Crain and they were not to squeal on the Indian if they were caught.

Judge Sullivan seems to be pretty good at throwing a crying spell and it was near Christmas and the case lasted three days and Crain and Loomis are free.

We don't think they will try to get any more cheap Indian ponies for awhile. It must have cost something for that crying spell. Judge Sullivan don't cry without being pretty well tickled, we guess.

James Rothwell vs W. E. Haley et al, suit for money; plaintiff leave to file amended petition instant, answer to be filed in 30 days.

J. E. Thackrey vs Milton Latta, suit for labor; judgment of \$70.32 for plaintiff.

Zella C. Blodgett vs Jas. Mangam, equity; demurrer sustained, plaintiff to file amended petition in 30 days, defendant to plead in 30 days thereafter.

State vs Fred Gardner, forgery; continued on motion of county attorney.

State vs Peter C. Peterson, peace warrant; continued by county attorney.

State vs Carl Olson, robbery; dismissed on motion of county attorney.

State vs Louis and William Ernst, burglary; dismissed as to Wm. Ernst by county attorney. Louis plead guilty. Paroled for ten years; to answer to court each regular term by letter as to conditions of his parole. Bond fixed at \$500.

State vs Wiley Howard, rape; jury disagreed, bond fixed at \$300, defendant as principal and A. M. Morrissey and F. M. Walcott as surety. Defendant to appear next regular term.

A. L. Johnson vs L. E. Kneeder et al, foreclosure; court finds amount due to be \$3172.50, interest at 7 per cent.

There was a little strike this week when the railroad company started to put up ice on Lake Minnechadaza. They offered \$3.50 per day to the men with teams and \$2 per day for men to saw and work in the cars, and \$1.50 to \$1.75 for floating and prodding. The men wanted a raise of 50 cents per day and selected a man of their number as spokesman for the single men and another for the men with teams. They worked till noon Monday and quit to await the raise which was given and the men started to work. The men who acted as spokesmen for the strikers were refused employment, we hear, and were also given the cold shoulder by those who went back to work. Shouldn't they contribute from their pay to make full wages to these spokesmen who lost their jobs in an effort to benefit the whole, who are now profiting by what was said in their behalf? Perhaps they will do it and will not see them get the worst of it for they may want some one to talk for them another time. That's only justice between man and man.

Mr. Green, the printer of Merriam, was in the city yesterday on business and visiting friends.

Sylvanus Moon.

Sylvanus Moon died at his home in this city Sunday, Dec. 26, 1909 of pneumonia at the age of 60 years, 8 months and 2 days. He was born at Martinsville, Ohio, April 24, 1849. He was married to Mary E. Fenner 32 years ago and they lived four years at Marshalltown, Ia., before coming to Cherry county 28 years ago and took a homestead on north table where they lived a number of years and then moved to town. From here they went back to Marshalltown and lived a few years, returning to Valentine eleven years ago and the family has since made this their home.

Mr. Moon was ill but a few days but he was not very strong. He caught a cold while siding the north side of the Kazda building, perhaps better known to the old timers as the Efner building on Main street. He grew worse and finally the extreme weather and possibly other exposure developed pneumonia.

Mr. Moon bought hides and furs and sold windmills. He was also a carpenter and did considerable building around town. He was honest in his dealings and radical in belief. He was earnestly conscientious and a follower of the gospel teachings. Both he and his wife have long been members of the M. E. church. Mr. Moon was a strong temperance advocate and was said to be the most earnest in his mission of anyone in town. His familiar countenance and walk will be missed by Valentine people.

His wife is partially paralyzed and has been in very poor health the past year and a half. She is prostrated with grief and the shock has been very severe for her.

The funeral was held this morning at the house and the remains laid to rest in Mt. Hope cemetery.

The deceased leaves a wife and two daughters, and also three sisters.

Murdered at Ainsworth.

Ainsworth, Neb., Dec. 28.—Jake Davis, a pool hall proprietor, was murdered on the way from his place of business to his home shortly after 11 o'clock last night.

The shot was fired at his right from close range and the ball entered his head just above the right ear.

He was then dragged into a barn on his own place and struck blows on the head with some sharp instrument. His wife heard his groans and went out and found him. He lived until about two o'clock this morning.

George Wilson, a young fellow who has been around town some days claiming to be a detective from New York City, is under arrest. When searched he had nearly \$300 in his sock. Davis was known to have about \$400 on his person yesterday.

At the inquest it was recommended that George Wilson be held for further investigation. A woman, Helen Leads, who is thought to be an accomplice of Wilson, she having known him in Hot Springs, S. D., last summer, is also held for further investigation.—World-Herald.

Frank Randall has been selected as city agent of the Standard Oil company to sell and deliver oil by the barrel to dealers in gasoline and kerosene. This will be a convenience to dealers and enable them to get oil in any quantity as they need it without the trouble of handling the empty barrels.

Up in Wyoming feed is scarce and is being shipped in from Nebraska to feed the starving sheep and cattle which are said to be already very weak. Some are being rushed to market in poor condition to sell. The loss will be heavy if the snow doesn't melt soon. There will be some loss anyhow for the stock are now weak and cannot rebuild without good care and feed.

Advertisement for Lombard Pianos. Features an image of a piano and text: "Lombard Pianos are the best in the world!! Praised by Press and Pulpit. No Piano has ever been more enthusiastically endorsed. The Artistic Case, the Easy, Responsive Action, and above all the deep, sweet, rich Tone, captivates performer and listener. The united verdict is that... LOMBARD PIANOS ARE THE BEST IN THE WORLD!!"

Advertisement for Galesburg Piano Co. Text: "Do Not Buy a Piano Until You Have Investigated the Lombard. We send the Lombard Piano to any reliable party on 10 days' free trial. It may be paid for by easy monthly or quarterly payments. Credit will be given to suit any honest customer. A discount allowed for all cash. GALESBURG PIANO CO., MANUFACTURERS, GALESBURG, ILL."

Advertisement for Bovee Furnace Works. Text: "Buy Bovee's Furnace at Factory Prices. And save from one-third to one-half the cost of any first-class heating plant, having EQUAL CAPACITY. SIXTY DOLLARS. We sell a first-class furnace, suitable for a cottage with all pipe and fittings for \$60.00, and larger furnaces at proportionately low prices. We manufacture 36 different furnaces of the leading styles. We own one of the best equipped furnace plants in the west. We manufacture the very best and sell at the lowest possible manufacturer's price. Our furnaces burn any kind of fuel. The Bovee furnace is the only furnace having a perfect forced Ventilation System, that insures pure air in every part of the house. The value of this forced ventilation cannot be over-estimated, especially in case of bad lungs or sickness. We ship everything properly prepared ready to install so that any handy man can properly install our furnaces without any assistance from a tinner. Send rough plan of building to be heated and get our three-colored catalog and best plans for heating plant. A letter to us will save you about half the cost of a heating plant. BOVEE FURNACE WORKS, 496 8th St., WATERLOO, IOWA"

Advertisement for Pool and Billiard Hall. Text: "Pool and Billiard Hall. Cigars and Soft Drinks. JOHN G. STETTER - PROP."

Advertisement for subscription. Text: "Cut This Out and Send With a Dollar. We want 100 new subscribers and will send you the paper until Jan. 1, 1911, for \$1.00. Every tenth new subscriber will get a receipt in full and your dollar returned to you if you mention this offer or by cutting this out and enclosing with your dollar. These letters will be numbered before they are opened and every tenth letter from a new subscriber will get a receipt in full and money returned to the sender. NOW IS THE TIME TO SUBSCRIBE. Send your dollar and this clipping or mention this offer in your letter. Enclosed find \$1.00, for which please send me THE VALENTINE DEMOCRAT TO JANUARY 1, 1911. Name: Postoffice: Every tenth \$1.00 from new subscribers will be returned with a receipt in full to January 1, 1911."

Legal notices. Text: "In the District Court of Cherry County, Nebraska. In the matter of the application of Ella L. Ellis guardian of the estate of Willard T. Ellis, Frank R. Ellis, Fred D. Ellis, Linville Ellis and Walter Ellis, minor heirs of Solomon L. Ellis, deceased. On reading and filing the petition duly verified of Ella L. Ellis, guardian of the person and estate of Willard T. Ellis, Frank R. Ellis, Fred D. Ellis, Linville Ellis and Walter Ellis, minor heirs of Solomon L. Ellis, deceased, to sell the following described real estate, to-wit: Northwest quarter of southeast quarter, southwest quarter of northeast quarter, section 7, township 31 n, range 28 w, Cherry county, Nebraska, for the purpose of raising funds for the education and maintenance of said minors and for the investment of any residue that may remain in the hands of said guardian, and it appearing from said petition that said real estate consists of unimproved range, pasture and meadow land in Cherry county, Nebraska, and that it would be for the best interest of said minors that said real estate be sold and the proceeds thereof used for the purpose of educating and maintaining said minors and investing any residue thereof in approved real estate securities. It is, therefore, considered that the next of kin of the said minors and all persons interested in said real estate appear before me at chambers in the court house at Rushville, Sheridan county, Nebraska, on the 22nd day of January, 1910, at 10 o'clock a. m., to show cause, if any there be, why license should not be granted to the said Ella L. Ellis to sell said real estate for the purposes above set forth. It is further considered that a copy of this order be served on all persons interested in said estate by publication for three successive weeks in The Valentine Democrat, a legal newspaper printed and published in Cherry county, Nebraska. Dated at this, the regular October term of the district court of Cherry county, Nebraska, to-wit: December 28, 1909. W. H. Westover, Judge. W. C. & Morrissey, attorneys for petitioner. Notice to Creditors. In the County Court within and for Cherry county, Nebraska. In the matter of the estate of John Ford deceased. To the creditors of said estate: You are hereby notified, that I will sit at the County Court Room in Valentine in said county, on the 24th day of December, 1909, at 10 o'clock a. m. to receive and examine all claims against said estate, with a view to their adjustment and allowance. The time limited for the presentation of claims against said estate is six months from the 24th day of June A. D. 1909 and the time limited for payment of debts is one year from said 24th day of June, 1909. Witness my hand and the seal of said SEAL County Court this 25th day of December 27 4 1909. JAMES C. QUINLEY, County Judge. U. S. Land Office, Broken Bow, Nebraska, November 25, 1909. A sufficient contest affidavit having been filed in this office by Lewis Kussmann, contestant, against homestead entry No. 6651, made June 29, 1904, for all of section 21, Township 25n, range 35w, 6th P. M., by Herman C. Gumprecht, contestee, in which it is alleged that said Herman C. Gumprecht has wholly abandoned said tract for more than six months past, that he has never established an actual residence on said tract, that the same is wholly abandoned and that the tract is in its wild and native state and wholly unimproved, and that all of said defects exist at this date and have not been cured. Said parties are hereby notified to appear and respond and offer evidence touching said allegations on or before January 3, 1910, before J. H. Welton, U. S. Commissioner, Mullen, Neb., and that the final hearing will be held at 10 o'clock a. m. on January 4, 1910, before the register and receiver at the United States Land Office in Broken Bow, Nebraska. The said contestant having in a proper affidavit filed Nov. 13, 1909 set forth facts which show that after due diligence personal service of this notice cannot be made it is hereby ordered and directed that such notice be given by due and proper publication. 4 4 H. JOHN REESE, Register. Taken up by the undersigned, at my place, 6 miles northeast of Crookston, one black stock hog, weight about 350 pounds. Owner can have same by paying damages and for this notice. 504 FRED BOHMAN.