THE MADISON COUNTY SENATOR WRITES EXCELLENT ARTICLE.

Believes That They are Better, as a General Thing. Than Appointive. Would Modify the Power of the

Hon. William V. Allen of Madison

rity, wisdom and patriotism, the govwrecked.

The writer then describes the system of judiciary in this country and discusses at some length the superior-tice. ity of methods of choosing judges, finding from experience that the popular elective system is better than the appointive system. He says: "There are learned men who would have all the judges appointed while there are those equally learned who have so much confidence in the wisdom of the people that they would have the entire judiciary elected. In support of an appointive judiciary it is commonly urged that the judges are taken from a class of men possessing greater learning and more aptitude for judicial duties than are usually possessed by elective judges. But I am not willing to admit the correctness of this contention without some important limitations. That an opportunity is afforded the appointing power to make wiser selections than are frequently made by the people, is admitted. But that wise selections are always made is denied, while I assert that unfit appointments are frequently made. We should not overlook the fact, however, that it frequently happens that a judge is appointed not on account of his learning and fitness for the duties of the office, but because he is the political or personal friend the pliant servant of some special interest. Such a man may become the absolute tyrant and entirely forget, if approaches more nearly the popular Akron, O.

Would Not Abolish Grand Jury.

"Passing from this hasty glance, let me direct attention to a matter that I believe requires speedy attention to prevent a rising tide of criminality. frequently consults his own political convenient curtain, welfare rather than the welfare of the community in discharging the func- bargained for and in a few moments. The community in discharging the functions of his office and many persons the rooms were filled with fire and Mwho violate the law are not brought smoke. The girl told the child to run Comto justice. I believe in the grand jury to the neighbor's and tell his mamma F as it existed under the English law, that the house was on fire, which he Par and it is a serious blow to the effi- did, the telling being done to a faint

modify, or tamper with it. Evils in Trial Jury System.

This law auxiliary is more than six moments. centuries old. Speaking in the light | Some damage was done of the of more than a third of a century of have to be repaired with new some experience at the bar and as one who new paper, new paint and assess trial jury cases, candor prompts me to cape from a serious fire.

say that I do not see in the traverse bury the safeguard against wrong and oppression I thought I saw when I was younger and more inexperienced than I am now. Juries, traverse juries, are too frequently influenced by popular passion. That they are in a large measure ignorant of the duties of jurymen is apparent to those fa-HE FAVORS ELECTIVE JUDGES miliar with our courts. These men do not, as a rule, reason; they know no restraint save their own wish and frequently their verdicts outrage every reasonable principle of justice; and then there is an outery against the Trial Jury and Continue Grand Jury. courts as though the judge and courtofficers were to blame for the miscaris the author vi an intensely interest, riage of justice. I would not abolish ing article, written with the senator'a the trial of actions at law by a jury but pears in the November number of not accept the suggestion frequently face was terribly gashed and slashed His mate came out without a scratch. is a full page half tone photograph of dom reason consecutively or correct have sustained internal injuries, all in the shaking up and will be taken Senator Allen, taken by Classen of ly, and which frequently become the though that is not as yet certain. Madison. The people of Madison sport and prey of wily and misleading county have a right to be proud of advocates, and bow to unstable pop- to feed the brutes. Wild and panic harmed on the under side, which is Senator Allen, regardless of party ular clamor whether right or wrong, stricken, they started after the man one of the peculiar freaks of the acciopinions, and the article will no doubt and reflect an unhealthy public senti- and, not being able to get out of their dent. be read with interest among his ment more frequently than the truth reach, he was run over by the stamfriends and neighbors of this section, of the fact submitted to them, consti- peding steers. "A bold, intelligent and honest ju. tute a safer tribunal for a trial of a His face and forehead were badly diciary," writes Senator Allen, "is and case than the keen intellect of one cut up. must ever be the mainstay of our po-trained mind having the disposition to litical institutions. Experience has do right, regardless of passion or demonstrated that the other depart- prejudice. Nor do I accept as a wise ments of the government and the peo-suggestion that we should substitute Mickey has wired an invitation to ple may, like a ship lashed by the fury a minority for a unanimous verdict. President Gompers asking him to of the storm, be driven by passion Let the traverse jury continue to be choose Lincoln as the next meeting from the course of safety without last-composed of twelve men who shall place for hie Federation of labor. Goving injury, if the courts do their duty unanimously agree on a verdict; but ernor Mickey offers the hospitality of firmly and intelligently; but if our at the same time let the grounds for the city and the state. judges shall at any time lack in integ. a new trial be enlarged and make it the bounden duty of trial-judges and ernment will be in danger of being judges of reviewing courts to carefuly examine the facts after verdict and before entering Judgment. In no oth- town. er way will the judicial tribunals of A. Alfans of Wisner was here over

American System is the Best.

that I see nothing admirable in the morning. American judicial system taken as a whole. I believe it to be superior to city today. that of any other country and that our judges are fully abreast of the age in Norfolk today. which they live, in learning, patriotism and integrity."

L. K. Mihills.

On the front page of the Akron, Ohio, Times-Democrat, the following business in the city. article with reference to the death of L. K. Mibills, a brother of M. Mi- in town from O'Neill. hills and Charles Mihills of this city, appears under prominent headlines:

At the opening of the October term of common full transfer are a secondary morn- Democrats, was in town over night. ing memorial pt made for adveleath of Attorney said a Ns were held. Brief addresand were made by many of the deceased and referring to his many good qualities.

Judge Kohler was chairman of the secretary. Resolutions were adopted and Mrs. A. J. Durland. as follows:

Medina, county, O., on the 20th day terday on the noon train. of the appointive power, or possibly of August, 1855. He attended the acquired a good business and literary ance is desired. he ever knew, that he owes the cause education. He attended the law J. H. Conley is one of the constahis elective brother, chiefly I think, Akron, O., and formed a partnership Conley and Covert. jurisprudence and his reputation become thus established. He may also dantly show. He for several years of Mr. and Mrs. Hardy where a delibe stronger in the fact that owing to was an instructor in Buchtel college clous five-course supper was served. cormorants are dispensed with. In infirmities which he suffered early in doing so,

> "Harvey Musser, "A. J. Rowley. "W. E. Pardee."

Almost a Blaze.

I believe the abolition of the grand Nathan Chace came near being con- lunch, with coffee, sandwiches and called the county attorney. It is to by placing it in the fire in the hard evening. Among the out of town close. he regretted that the county attorney coal burner and then applied it to a mights were Mr. and Mrs. M. C. von On the Norfolk gridiron the Wisner-

ciency of the criminal law to abolish, whisper. Fortunately Omer Van Housen was at work near by and sent to the the rescue. He promptly tare dis a re-"But I want to speak more particu- the burning curtains and had the more larly of the traverse or trial jury, flames under control in a very feet

has had a full measure of success in wood work. It was a fortunate es

KINS, BADLY INJURED.

HE FELL UNDER A STAMPEDE

They Rushed for Their Owner and Crushed Him Under Foot.

Mickey Invites Gompers.

Lincoln, Neb., Nov. 17. - Governor

SATURDAY SIFTINGS.

George Gary of Lyons is in Norfolk J. H. Butler of Bloomfield is in

our country even approach perfect jus- night. L. B. Smith of O'Neill is in the city

today. "But I would not have it believed M. D. Tyler went to Omaha this

Arthur Fuller of O'Neill is in the

Mrs. Y. Liebker of Madison is in Hon. John A. Ehrhardt of Stanton

is in the city. Miss Hattie Ward of Dodge is a visitor in the city.

O. A. Spencer of Tilden transacted County Attorney Arthur Mullen is

C. H. Vail and William Jones are

hunting near Battle Creek today, F. J. Pratt, editor of the Humphrey

Con McKimsey of Osmond was a business visitor in the city last night. members of the bar reviewing the life early arrival in the city this morning.

Mr. and Mrs. H. F. Brownfield of Mr. and Mrs. George H. Bishop of meeting and A. J. Rowley acted as New Haven, Conn., are guests of Mr.

Mrs. Fred Klentz, sr., and Mrs. Aug-"Lee K. Mihills was born at Lodi, Filter returned from Washington yes- this year by the badgers and will try

common schools of his county and Woman's club will hold a special meet the other hand, suffering the sting of Eastman's Business college, Pough- ing Monday afternoon at 2:30 at the keepsic, N. Y., and in these schools home of Mrs. Erskine. A full attend-

of the people and of justice any ser-school of the University of Michigan bles elected in Norfolk precinct. The play the game of her life. It was not vice whatever. The appointive judge, where he graduated in 1879. He was official vote turns the tables for him many years ago that Minnesota conif an intelligent and industrious, pa- admitted to the bar at Osborn, Kan- and makes him winner. The vote on sidered the Nebraska game a sort of triotic and honest man, may, as a sas, in 1879 and to the bar of Ohio in the three high men is: Conley 359, rule, be admitted to be the superior of 1883 and in the same year located in Covert 358, Bilger 354. This elects

ables him to improve his knowledge Mihills was a man of literary taste as Bartie Elseffer and Earl Perry, enterof jurisprudence: while many cases his numerous contributions to the va-tained about thirty-five friends last he is called on to decide are of such rious law journals of this county, the evening in a most delightful manner. chapter on Insurance in the American The guests were invited first to the to break through their line. And in mately be taken as a new principle of and English Encyclopedia of Law and Elseffer home where they played the last half of the game Pillsbury,

pable of resisting unreasonable nop economy and lectured on commercial from Bonesteel and a drive over the in pursuit. He outran them all and ular clamor and expectancy. But I and international law. He was a man reservation. He reports that the praiam cuite well convinced that our ju of a modest and retiring disposition, rie fire which had been raging in Minnesota rooters had to borrow mondicial records will show as high an which together with his literary turn Tripp county, northwest of the reserorder of ability, and equally as high of mind naturally prevented him vation, burned a distance of forty

The attendance was not an especially large one for the opening event in the ent enjoyed the dancing and cards. Good music was made by the Norfolk orchestra. During the evening re-Stanton Picket: The residence of freshments in the form of a buffet ment in Minneapolis today. Rahden Creighton; Charles Jack, Norfolk high school game is being The effect was more than he had Rush le, Neb. Dr. and Mrs. F. M. played.

or O'Noth: Pen Beld St noon. tre fast evening was and their families and

107 1017

He said yesterday that within a day or so he thought he would fight his way out of bed and go to work, which indicates the way he feels about things. It is learned that the acci-U. T. CARL, FARMER NEAR HOS- dent was not an explosion, as at first announced, but merely the derailing of the velocipede car while it traveled at a fast gait. The companion accompanying Eccles on the car, in his statement to the company, says Offer a Meal to the Frenzied Brutes, rate of about twenty-five miles an hour. Mr. Eccles doesn't remember much of what happened. He knows that the car had just passed a road U. T. Carl, a farmer living two miles crossing and that the speed had been was badly injured by being trampled ory becomes a blank. He doesn't out again soon. Mr. Eccles badly bit Mr. Carl went into the cattle yard his tongue on the top but it was un-

BOOTH'S CORNHUSKERS MEET MINNESOTA AT MINNEAPOLIS.

OTHER GAMES OF INTEREST

Michigan and Wisconsin Today Settle the Western Championship - Yale and Princeton Will Play a Game of Prompt Response of Neighbor Fire De-Extreme Interest.

The Nebraska football team this afternoon lines up against Minnesota at Minneapolis and it promises to be a contest of rare interest. Not so many rooters accompanied the team as had been expected by the railroad companies. The Northwestern road had planned to run four trains but two were enough to carry the excursionists. The trains arrived safely in Minneapolis this morning and, returning, will leave tomorrow morning.

Among other games of interest today are the Yale-Princeton contest and the Wisconsin-Michigan contest. In the west perhaps the Wisconsin-Michigan game takes the lead, as this is booked to determine the western championship for this season. Michigan is the team of "Hurry Up" Yost which recently defeated Nebraska by a score of 32 to 0 after the cornhusk ers had held the score at 0 to 0 during the first half. Wisconsin two weeks ago defeated Minnesota 16 to 12 in a Paul Fleming of Bonesteel was an close, hard game. A little earlier in the season Chicago university beat Wisconsin 4 to 0 but Wisconsin has day. Spencer are visiting in the city today. been considered the superior of those two teams for all that and Michigan more fears Wisconsin than Chicago.

Minnesota was put out of the running for the western championship to get some consolation by winning The household department of the from Nebraska today. Nebraska, on ines and yet encouraged by the victory over the Colorado mountaineers a

practice stunt. The first game played between them because his long term of service en- with General Thomas F. Wildes. Mr. A trio of young men, Elmer Hardy, Minnesota rooters came down by the thousands, betting their all that Nebraska would not score. They believed it impossible for Booth's men made famous in that moment, grabbed the ball on a fumble and darted out night, his holding by appointment he is ca- at Akron, and there taught political Ed Wallerstadt returned yesterday the field with the whole gopher crowd scored for Nebraska. Hundreds of ey to get home on.

personal character, in our elective as from engaging in the ordinary hurly- miles, perhaps, but did no serious dam- with Minnesota was in Minneapolis, in our appointive judges. The elec-burly of the profession and induced age. No lives were lost and only a three years ago, when the famous Netive judge is usually industrious. He him to engage, as stated above, in ed- few shacks destroyed. Bonesteel pa- braska excursion went to see the strives to see that litigation is con- ucational and editorial work. His ca- pers all fall have been trying to per- sport. Nebraska was unable to score ducted at a reasonable expense and reer as a lawyer was to a certain ex- suade the settlers to plow fire guards and got defeat, 19 to 0. The year afwith due speed and that cost eating ent cut short by physical and ------ but many wait until fire comes before ter that Minnesota was confident and these respects at least he is superior life and which finally terminated in The first Elk party of the season didn't amount to much anyway. But boastful. They claimed Booth's men to the average appointive judge and his death on September 7, 1905, at was given last night at the club rooms. by straight line plunging Nebraska won that game, 6 to 0.

Last year's game was a beautiful Elk season but those who were pres- contest in which Nebraska lost but scored, 12 to 16. And so, from the record of past games, Nebraska may be expected to create a little excite-

Whether or not Nebraska can win jury, as in my own state, is a serious sumed by fire last Thursday afternoon, pickles predominating, were served in today is a conjecture. They have a blow to the administration of public Mr. Chace was at his place of busi- the lodge room, the guests seating fighting chance to do it, that is sure. justice. In Nebraska it is descretion- ness, Mrs. Chace was at a neighbor's, themselves at little tables about the Booth's men are in the pink of condi- and Mrs. C. R. Haggard. ary with the judge to call a grand the maid servant was about her house- big room. Otto Tappert presided at tion, his eleven weighs as much as jury, but it is rarely done and the au- hold duties and Master Burtran was the buffet lunch counter with his usual the gophers and will average as fast lated the law is vested in an officer pastime he proceeded to heat a poker in the dancing hall throughout the win or will hold the score very, very

The Pierce football team passed

If Dishop, New Haven, through Norfolk today enroute to Ne-Schnelder, Slone City light where they will play this after-

Greener, S. D. Nov. 17 -Ed G. John-

per of hand in a short time.

KROTTER ELEVATOR AND LUM- for the factory that is no more. BER YARD DESTROYED.

ESTIMATE THE LOSS AT \$30,000

Saves Further Destruction.

by another fire Saturday evening, city usual force and vim, entitled "The I would materially circumscribe and under the feet of a herd of wild cattle know how his wrist could have been About 9:30 the alarm was given and Stuart Ledger: Monday night the American Judicial System," which ap narrow the juries' prominence. I do at his home Sunday morning. His broken, nor where he struck his head was first discovered in the northwest community was saddened by the sudcorner of the Wm. Krotter & Co's, el- den death of Albert James Wadsworth, pears in the November number of made that twelve untrained minds sel- by the hoofs of the cattle and he may a sufficiently damaged evator. As to how it started is at He had been suffering for about a present a mystery and different ru- week from a slight injury caused by mors are affoat.

> capacity of 25,000 bushels and the off the track at Newport. He suffered targe lumber yard belonging to the terrible agony and every effort to presame company were totally destroyed vent malignant blood poison failed. together with about 20,000 bushels of Mr. Wadsworth had held the position grain. Total loss is estimated at of section foreman at Stuart the past about \$20,000, which was well covered six years. with insurance

> southwest, for had it been from the score of 5 to 0. Lawrence Hoffman east or north probabilities are that the was referce. The boys who played depot and the Nye, Schneider, Fowler were Herman Schelly, Romie Kellercompany's elevator and lumber yard her, Wesley Roberts, Guy Parish, Ben would have been lost.

has had in the past two weeks.

FAIRFAX TO THE RESCUE.

partment.

Fairfax, S. D., Nov. 20. - Special about 9:30 a telephone call was received from Bonesteel stating that the whole town was threatened by fire and asking the assistance of special train over the Northwestern road was arranged for, and as the hose gathered to offer assistance. In exactly thirty minutes from the time that the call was received, the Fairfax boys were landed at the fire and were while out hunting last week. He and stringing hose, and with a favorable Tom Coyne were hunting together and lumber yards of Wm. Krotter & Co. and the Updike elevator and coal

000. The origin of the fire is unknown, TUESDAY TOPICS.

sheds. The loss is estimated at \$35,-

N. F. Reckard has returned to Oma-

Paul Fisher of Madison is here to-

N. C. Burgess of Creston is in Nor-B. Byrne of Rogers was in Norfolk

today. Mrs. F. W. Klentz went to Wayne today.

H. T. Brownfield of Spencer is in the city.

n town. Judge Douglas Cones of Pierce was

here today. Norfolk today.

Norfolk today. William A. Smith of Beemer was here this morning.

A. S. Clark was in Norfolk over night from Wayne. W. Kroblin of Bonesteel was in the city this morning.

in Norfolk over night. P. R. Peatrauskey and Charles Men-

in Norfolk over night.

Wisner were in town today.

Wisner were in town today.

Mrs. L. C. Washburn of Fairfax, S. D., is visiting at the home of Mr. and Mrs. James A. Read.

in Fremont and Omaha enroute.

of Omaha.

covering nicely from the terrible acci- hood of \$600. dent which befell him during the fair at Creighton. It will be quite a while, however, before Pat will be able to

get around among his friends. Plainview News: We have recently heard it quietly rumored that the West Point, Neb., Vov. 18 .- Anton 't is no a bound of that son and N. E. Cardner of Gregory, own- highly appreciated by every business completely recovered his reason and are one the bank of Gregory, will es. man in Plainview and a little effort health, and is now in the city on a tailed a hant at Divon a new town on the part of each one might bring visit to his old neighbors and friends, the ball creek country, twelve about the above result. Push it along. Mr. Engelmann is a jeweler and will

Part of these claims are held by the Oxnards, but they are not worrying, having been liberally rewarded by the graft worked on Norfolk and farmers of north Nebraska who raised beets

Thanksgiving day in Norfolk will be one of unusual attractions aside from the religious services and the turkey dinners this year. In the afternoon a football game is promised When He Went Into the Feed Yard to that the machine was going at the The Fairfax Fire Department Prompt- and as there are many people in the ly Responds to the Call for Assist-city who have never seen a football ance-Good Work and Lucky Wind game it is anticipated that, with fair weather, there will be a good crowd at such a performance. In the even-Bonesteel, S. D., Nov. 20.-Special ing at the theater "Fabio Romani" will west and five miles north of Hoskins, increased. Then, suddenly, his mem- to The News: Bonesteel was visited be presented for the first time in this

running a rusty nail in his hand while The elevator which had a storage working on the train that was thrown

Emil Wilde's football team defeated Fortunately the wind was from the that of Clarence McFarland by a Willey, Max Hellerman, Rob Schelley, This is the second fire Bonesteel Harold Lucas, Roger Willey, Frank McMilley. The feature of the game was the fine center rushing of Herman Schelley and the touchdown of Emil Wilde. Guy Parish also saved one touchdown well.

Wisner Chronicle: The Chronicle is gratified at the appointment as suto The News: Saturday evening perintendent of the Panama schools which has come to Supt. D. C. O'Connor of the Norfolk schools. The writer has known Prof. O'Connor for a number of years as one of Nebraska's the Fairfax fire department. The call most zealous and energetic school was promptly answered and soon a men. He will measure up to the requirements of the position to which he has been called, and will earn the carts were being loaded at the depot salary thereto attached amounting to about 200 of Fairfax's citizens had \$2,300 per annum. We do regret, however, to lose him from Nebraska.

O'Neill Independent: J. S. Harrington came near getting his last call wind they kept the fire confined to the through a mistake in the location of Jack Tom fired a full charge directly at him, peppering him badly, some of the shot hitting him in the face, going through the cheek and one of them flattening on a tooth. A number hit Jack on the breast and a heavy hunting coat saved him here. Tom was hurt more than Jack, yet they both suffered enough. Jack says the only bad effects with him is that it makes him gun shy.

Madison Chronicle: Fred Schwank met with a peculiar accident while dipping cattle at the stock yards Wednesday. Some of the cattle got unruly and knocked him into the tank, two of the animals also falling in at the same time. There was a general L. R. Craig and wife of Pierce are mix-up and the chances for the young man escaping without serious injury looked rather dubious for a while, but he was finally rescued safe and sound. George B. Deemit of Lynch was in more frightened than hurt. Outside of a thorough drenching in the sulphur-C. H. Lockeman of Carrol! was in jous liquid contained in the tank, the victim suffered no ill effects from his experience, although he does not care to have it repeated again soon.

The Norfolk high school football team is anxious for a game on the home grounds with Wisner on Thanksgiving day. This would be the rubber Frank Hough of Newman Grove was of the series. If Wisner can not come efforts will be made to play another team. The boys are favorably imter of West Point were in town over pressed with the idea of playing Neligh for the northwest championship F. L. Gallagher of Humphrey was and it is possible that a game with the team of that city will be pulled Hugh Compton and his orchestra of off. Captain Boyd Blakeman, who has played up until the game of Saturday L. J. Thompson and C. S. Dietz of in which he slightly strained an ankle, has been forbidden by his parents I. J. Johnson and Joe Johnson of to continue on the gridiron and will Newman Grove were in Norfolk over play no more this year. His place at quarterback will be hard to fill.

Rosebud Racer Killed.

Gregory, S. D., Nov. 17.-Martin Mrs. H. J. McCallum will leave to Schonebaum, a saloonkeeper of this morrow noon for her new home in place, had a fine thoroughbred mare Oakland, Iowa, where Mr. McCallum killed night before last by cuting her is now located. She will visit friends throat on a barbed wire fence. The mare's name was "Dora C" and had Mr. and Mrs. J. K. Boas entertained raced in many parts of the northwest a few friends at dinner last evening and was Kentucky bred. She had a in honor of Mrs. Joseph Schumaker suckling colt. The mare was left hitched at Dallas, a small place south-Mrs. Small and daughter, mother east of here five miles, for a few minand sister of American Express Agent utes. Becoming impatient she broke Small, arrived today from Missouri loose and started for Gregory on a Valley, Iowa, and will occupy at once dead run. When two miles from Dalthe house recently vacated by Mr. las she struck a wire fence at an angle and literally tore her throat open. Vardigre Citizen: Pat Cavanaugh She ran a few yards and fell, dying came home Wednesday after an ab- before any one reached her. The valthority to indict those who have vio- monarch of all he surveyed. As a good form, Cooling punch was served in their plays. Nebraska will either sence of several months. Pat is re- ue of the animal was in the neighbor-

RECOVERS HIS REASON.

Former West Point Business Man Is Cured of Insanity.

Great Northern depot will probably be Engelmann, a former prominent busimoved closer to town. The site se- ness man of West Point, who was adlected is just south of the Northwest- judged insane some months ago, and ern depot, and would require a great whose condition was so serious that deal of grading. The change would be his friends believed him incurable, has Battle Creek Enterprise: The su- locate with his family in one of the Preme court of Nebraska has decided larger eastern cities, where he will enwith them in the that the sugar bounty law is uncon- gage in business. His recovery is the stitutional, consequently claims ag- cause of much satisfaction in this comgregating \$40,000 held by the Norfolk munity, of which Mr. Engelmann was Beet Sugar company will not be paid, for many years an exemplary citizen.