

ALLEN ON THE JUDICIARY

THE MADISON COUNTY SENATOR WRITES EXCELLENT ARTICLE.

HE FAVORS ELECTIVE JUDGES

Believes That They are Better, as a General Thing, Than Appointive, Would Modify the Power of the Trial Jury and Continue Grand Jury.

Hon. William V. Allen of Madison is the author of an interesting article, written with the senator's usual force and vim, entitled "The American Judicial System," which appears in the November number of "The Arena." Along with the article is a full page half tone photograph of Senator Allen, taken by Classon of Madison. The people of Madison county have a right to be proud of Senator Allen, regardless of party opinions, and the article will no doubt be read with interest among his friends and neighbors of this section.

"A bold, intelligent and honest judiciary," writes Senator Allen, "is and must ever be the mainstay of our political institutions. Experience has demonstrated that the other departments of the government and the people may, like a ship lashed by the fury of the storm, be driven by passion from the course of safety without lasting injury, if the courts do their duty firmly and intelligently; but if our judges shall at any time lack in integrity, wisdom and patriotism, the government will be in danger of being wrecked.

The writer then describes the system of judiciary in this country and discusses at some length the superiority 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 of the appointive power, or possibly the pliant servant of some special interest. Such a man may become the tool of some particular interest or an absolute tyrant and entirely forget, if he ever knew, that he owes the cause of the people and of justice any service whatever. The appointive judge, if an intelligent and industrious, patriotic and honest man, may, as a rule, be admitted to be the superior of his elective brother, chiefly I think, because his long term of service enables him to improve his knowledge of jurisprudence; while many cases he is called on to decide are of such importance that his decision may ultimately be taken as a new principle of jurisprudence and his reputation become thus established. He may also be stronger in the fact that owing to his holding by appointment he is capable of resisting unreasonable popular clamor and expectancy. But I am quite well convinced that our judicial records will show as high an order of ability, and equally as high personal character, in our elective as in our appointive judges. The elective judge is usually industrious. He strives to see that litigation is conducted at a reasonable expense and with due speed and that cost eating cormorants are dispensed with. In these respects at least he is superior to the average appointive judge and approaches more nearly the popular ideal.

Lee K. Mihills was born at Lodi, Medina, county, O., on the 20th day of August, 1855. He attended the common schools of his county and Eastman's Business college, Poughkeepsie, N. Y., and in these schools acquired a good business and literary education. He attended the law school of the University of Michigan where he graduated in 1879. He was admitted to the bar at Osborn, Kansas, in 1879 and to the bar of Ohio in 1883 and in the same year located in Akron, O., and formed a partnership with General Thomas F. Wildes. Mr. Mihills was a man of literary taste as his numerous contributions to the various law journals of this county, the chapter on insurance in the American and English Encyclopedia of Law and his work on "Commercial Law" abundantly show. He for several years was an instructor in Buchtel college at Akron, and there taught political economy and lectured on commercial and international law. He was a man of a modest and retiring disposition, which together with his literary turn of mind naturally prevented him from engaging in the ordinary hurly-burly of the profession and induced him to engage, as stated above, in educational and editorial work. His career as a lawyer was to a certain extent cut short by physical and mental infirmities which he suffered early in life and which finally terminated in his death on September 7, 1905, at Akron, O.

Stanton Pickett: The residence of Nathan Chace came near being consumed by fire last Thursday afternoon. Mr. Chace was at his place of business, Mrs. Chace was at a neighbor's, the maid servant was about her household duties and Master Burtran was monarch of all he surveyed. As a pastime he proceeded to heat a poker by placing it in the fire in the hard coal burner and then applied it to a convenient curtain.

The effect was more than he had bargained for and in a few moments the rooms were filled with fire and smoke. The girl told the child to run to the neighbor's and tell his mamma that the house was on fire, which he did, the telling being done by a faint whisper. Fortunately Omer VanMouwen was at work near by and went to the rescue. He promptly tore down the burning curtains and had the flames under control in a very few moments.

Some damage was done which will have to be repaired with new wallpaper, new paint and some new wood work. It was a fortunate escape from a serious fire.

Evils in Trial Jury System. "But I want to speak more particularly of the traverse or trial jury. This law auxiliary is more than six centuries old. Speaking in the light of more than a third of a century of experience at the bar and as one who has had a full measure of success in trial jury cases, candor prompts me to

TRAMPLED BY HIS CATTLE

U. T. CARL, FARMER NEAR HOSKINS, BADLY INJURED.

HE FELL UNDER A STAMPEDE

When He Went into the Feed Yard to Offer a Meal to the Frenzied Brutes, They Rushed for Their Owner and Crushed Him Under Foot.

U. T. Carl, a farmer living two miles west and five miles north of Hoskins, was badly injured by being trampled under the feet of a herd of wild cattle at his home Sunday morning. His face was terribly gashed and slashed by the hoofs of the cattle and he may have sustained internal injuries, although that is not as yet certain.

Mr. Carl went into the cattle yard to feed the brutes. Wild and panic stricken, they started after the man and, not being able to get out of their reach, he was run over by the stampeding steers.

His face and forehead were badly cut up.

Mickey Invites Gompers. Lincoln, Neb., Nov. 17.—Governor Mickey has wired an invitation to President Gompers asking him to choose Lincoln as the next meeting place for the Federation of labor. Governor Mickey offers the hospitality of the city and the state.

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

A. Alfons of Wisner was here over night. L. B. Smith of O'Neill is in the city today. M. D. Tyler went to Omaha this morning. Arthur Fuller of O'Neill is in the city today. Mrs. V. Liebker of Madison is in Norfolk today. 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 business in the city. County Attorney Arthur Mullen is in town from O'Neill. C. H. Vail and William Jones are hunting near Battle Creek today. F. J. Pratt, editor of the Humphrey Democrat, was in town over night. Con McKinsey of Osmond was a business visitor in the city last night. Paul Fleming of Bonesteel was an early arrival in the city this morning. Mr. and Mrs. H. F. Brownfield of Spencer are visiting in the city today. Mr. and Mrs. George H. Bishop of New Haven, Conn., are guests of Mr. and Mrs. A. J. Durland.

Mrs. Fred Kleutz, sr., and Mrs. August returned from Washington yesterday on the noon train. The household department of the Woman's club will hold a special meeting Monday afternoon at 2:30 at the home of Mrs. Erskine. A full attendance is desired. J. H. Conley is one of the constables elected in Norfolk precinct. The official vote turns the tables for him and makes him winner. The vote on the three high men is: Conley 359, Covert 258, Bilger 254. This elects Conley and Covert.

A trio of young men, Elmer Harley, Bartle Elseffer and Earl Perry, entertained about thirty-five friends last evening in a most delightful manner. The guests were invited first to the Elseffer home where they played games. Later they went to the home of Mr. and Mrs. Hardy where a delicious five-course supper was served. Ed Wallerstadt returned yesterday from Bonesteel and a drive over the reservation. He reports that the prairie fire which had been raging in Tripp county, northwest of the reservation, burned a distance of forty miles, perhaps, but did no serious damage. No lives were lost and only a few shacks destroyed. Bonesteel papers all fall have been trying to persuade the settlers to plow fire guards but many wait until fire comes before doing so.

The first Elk party of the season was given last night at the club rooms. The attendance was not an especially large one for the opening event in the Elk season but those who were present enjoyed the dancing and cards. Good music was made by the Norfolk orchestra. During the evening refreshments in the form of a buffet lunch, with coffee, sandwiches and pickles predominating, were served in the lodge room, the guests seating themselves at little tables about the big room. Otto Tappert presided at the buffet lunch counter with his usual good form. Cooling punch was served in the dancing hall throughout the evening. Among the out of town guests were Mr. and Mrs. M. C. von Rabbin, Creighton; Charles Jack, Rushville, Neb.; Dr. and Mrs. F. M. Bush, Mulvane, N. Y.; Mr. and Mrs. M. H. Bishop, New Haven, Conn.; Mr. H. Scholten, Sioux City; F. J. Pratt, O'Neill; Ben Bold, St. Paul, Minn.; and a number of other guests.

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

Almost a Blaze. Stanton Pickett: The residence of Nathan Chace came near being consumed by fire last Thursday afternoon. Mr. Chace was at his place of business, Mrs. Chace was at a neighbor's, the maid servant was about her household duties and Master Burtran was monarch of all he surveyed. As a pastime he proceeded to heat a poker by placing it in the fire in the hard coal burner and then applied it to a convenient curtain.

BAD FIRE AT BONESTEEL

KROTTER ELEVATOR AND LUMBER YARD DESTROYED.

ESTIMATE THE LOSS AT \$30,000

The Fairfax Fire Department Promptly Responds to the Call for Assistance—Good Work and Lucky Wind Saves Further Destruction.

Bonesteel, S. D., Nov. 20.—Special to The News: Bonesteel was visited by another fire Saturday evening. About 9:30 the alarm was given and was first discovered in the northwest corner of the Wm. Krotter & Co's. elevator. As to how it started is at present a mystery and different rumors are afloat.

The elevator which had a storage capacity of 25,000 bushels and the large lumber yard belonging to the same company were totally destroyed together with about 20,000 bushels of grain. Total loss is estimated at about \$30,000, which was well covered by insurance.

Fortunately the wind was from the southwest, for had it been from the east or north probabilities are that the depot and the Nye, Schneider, Fowler company's elevator and lumber yard would have been lost.

This is the second fire Bonesteel has had in the past two weeks.

FAIRFAX TO THE RESCUE. Prompt Response of Neighbor Fire Department.

Fairfax, S. D., Nov. 20.—Special to The News: Saturday evening about 9:30 a telephone call was received from Bonesteel stating that the whole town was threatened by fire and asking the assistance of the Fairfax fire department. The call was promptly answered and soon a special train over the Northwestern road was arranged for, and as the hose carts were being loaded at the depot about 200 of Fairfax's citizens had 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 stringing hose, and with a favorable wind they kept the fire confined to the lumber yards of Wm. Krotter & Co. and the Updike elevator and coal sheds. The loss is estimated at \$25,000. The origin of the fire is unknown.

TUESDAY TOPICS. N. F. Reckard has returned to Omaha.

Paul Fisher of Madison is here today. N. C. Burgess of Creston is in Norfolk today. B. Byrne of Rogers was in Norfolk today. Mrs. F. W. Kientz went to Wayne today. H. T. Brownfield of Spencer is in the city. L. R. Craig and wife of Pierce are in town. Judge Douglas Cones of Pierce was here today. George B. Deemit of Lynch was in Norfolk today. C. H. Lockeman of Carroll was in 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. Frank Hough of Newman Grove was in Norfolk over night. P. R. Peatruskey and Charles Menter of West Point were in town over night. F. L. Gallagher of Humphrey was in Norfolk over night. Hugh Compton and his orchestra of Wisner were in town today. L. J. Thompson and C. S. Dietz of Wisner were in town today. I. J. Johnson and Joe Johnson of Newman Grove were in Norfolk over night.

Mrs. L. C. Washburn of Fairfax, S. D., is visiting at the home of Mr. and Mrs. James A. Read. Mrs. H. J. McCallum will leave tomorrow noon for her new home in Oakland, Iowa, where Mr. McCallum is now located. She will visit friends in Fremont and Omaha enroute. Mr. and Mrs. J. K. Boas entertained a few friends at dinner last evening in honor of Mrs. Joseph Schumaker of Omaha. Mrs. Small and daughter, mother and sister of American Express Agent Small, arrived today from Missouri Valley, Iowa, and will occupy at once the house recently vacated by Mr. and Mrs. C. R. Haggard. Vardigre Citizen: Pat Cavanaugh came home Wednesday after an absence of several months. Pat is recovering nicely from the terrible accident 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 Great Northern depot will probably be moved closer to town. The site selected is just south of the Northwestern depot, and would require a great deal of grading. The change would be highly appreciated by every business man in Plainview and a little effort on the part of each one might bring about the above result. Push it along. Battle Creek Enterprise: The supreme court of Nebraska has decided that the sugar bounty law is unconstitutional, consequently claims aggregating \$40,000 held by the Norfolk Beet Sugar company will not be paid.

Former West Point Business Man is Cured of Insanity. West Point, Neb., Nov. 18.—Anton Engelmann, a former prominent business man of West Point, who was adjudged insane some months ago, and whose condition was so serious that his friends believed him incurable, has completely recovered his reason and health, and is now in the city on a visit to his old neighbors and friends. Mr. Engelmann is a jeweler and will locate with his family in one of the larger eastern cities, where he will engage in business. His recovery is the cause of much satisfaction in this community, of which Mr. Engelmann was for many years an exemplary citizen.

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PLAY THE GOPHERS TODAY

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 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 cornhuskers had held the score at 0 to 0 during the first half. Wisconsin two weeks ago defeated Minnesota 16 to 12 in a close, hard game. A little earlier in the season Chicago university beat Wisconsin 4 to 0 but Wisconsin has 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 this year by the badgers and will try to get some consolation by winning from Nebraska today. Nebraska, on the other hand, suffering the sting of defeat at the hands of Yost's Wolverines and yet encouraged by the victory over the Colorado mountaineers a week ago, has gone to Minnesota to play the game of her life. It was not many years ago that Minnesota considered the Nebraska game a sort of practice stunt.

The first game played between them was in Lincoln four years ago when Minnesota rooters came down by the thousands, betting their all that Nebraska would not score. They believed it impossible for Booth's men to break through their line. And in the last half of the game Pillsbury, made famous in that moment, grabbed the ball on a fumble and darted out of the crowd of players, dashing down the field with the whole gopher crowd in pursuit. He outran them all and scored for Nebraska. Hundreds of Minnesota rooters had to borrow money to get home on.

The next game Nebraska played with Minnesota was in Minneapolis, three years ago, when the famous Nebraska excursion went to see the sport. Nebraska was unable to score and got defeat, 19 to 0. The year after that Minnesota was confident and boastful. They claimed Booth's men didn't amount to much anyway. But by straight line plunging Nebraska won that game, 6 to 0.

Last year's game was a beautiful 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 excitement in Minneapolis today.

Whether or not Nebraska can win today is a conjecture. They have a fighting chance to do it, that is sure. Booth's men are in the pink of condition, his eleven weighs as much as the gophers and will average as fast in their plays. Nebraska will either win or will hold the score very, very close.

On the Norfolk gridiron the Wisner, Norfolk high school game is being played. The Pierce football team passed through Norfolk today enroute to Ne- light where they will play this afternoon.

New Rosebud Bank. Gregory, S. D., Nov. 17.—Ed G. Johnson and N. E. Gardner of Gregory, owners of the Bank of Gregory, will establish a bank at Dixon, a new town in the Red Rock country, twelve miles north of here, in a short time. The business of Red county, Neb., will be benefited with them in the near future.

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