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State Supreme Court Issues Writ of Certiorari

Judge Comer Must Transmit Transcript of Record in Coryell Case by Order of Chief Justice Brantly

"It Manifestly Appearing That District Court Has Exceeded Its Authority," Records Must Be Certified to Supreme Court, and Judge Comer Ordered to Desist From Further Activities In the Matter.

Chief Justice Brantley, of the Supreme Court of the State of Montana, has issued a Writ of Certiorari, to the Twentieth Judicial District and to Judge C. E. Comer, Judge thereof, directing him to transmit the records in the case entitled, "In the Matter of the Claim of C. E. Coryell, Applicant," to the Supreme Court for review by that body, because as the Chief Justice says, "IT MANIFESTLY APPEARS TO US BY THE PETITION AND AFFIDAVIT OF B. K. O'GRADY, ONE OF THE PARTIES IMMEDIATELY INTERESTED, THAT A CERTAIN ACTION OR PROCEEDING PENDING BEFORE YOU, YOU, EXERCISING JUDICIAL FUNCTIONS, HAVE EXCEEDED YOUR JURISDICTION, AND THAT THERE IS NO APPEAL OR PLAIN, SPEEDY OR ADEQUATE REMEDY, AND IT APPEARING FROM SAID PETITION AND AFFIDAVIT THAT THE WRIT THEREIN PRAYED FOR SHOULD BE ISSUED."

The return date of the Writ was set for Saturday, the 17th day of April, 1920.

The Writ of Review was petitioned for by J. J. Gunther, in behalf of Auditor B. K. O'Grady, in the Coryell case, wherein Mr. Coryell has been insisting on filing claims against the county for actual expense in driving his big Buick car hither and thither over the county in the sum of 20 cents per mile, and alleging to the amusement of all that it actually cost him the sum of 20 cents per mile to run his car, and which claim Mrs. O'Grady allowed for what all reasonable and experienced auto drivers testify is a sum more than sufficient to cover all costs of driving a buick or any other kind of a car—that is, 10 cents per mile, but Mr. Coryell not satisfied with this generous allowance as actual expense, [illegible] ON A NOVEL AND UNHEARD OF PROCEEDING, asking Judge Comer to audit his claim over the head of County Auditor O'Grady, which it seemed he was more than willing to do.

Then, County Attorney Gunther in an effort to assist Mrs. O'Grady in her gallant effort to protect the taxpayers against this transparent steal, in making the best plea that has ever been made by anyone connected with the county attorney's office before Judge Comer, tried to show that gentleman that he could not proceed in this novel and unprecedented manner, but to no avail, declaring that such a decision, seemingly violated an heard or rules of law and procedure and should not stand unchallenged to the further undoing of the taxpayers, and petitioned the supreme court of this commonwealth to intervene in behalf of justice and issue a Writ of Review to Judge C. E. Comer ordering him to certify a transcript of his records to the highest court in the state, and which body ordered Judge Comer "TO DESIST FROM FURTHER PROCEEDINGS IN THE MATTER," which writ was issued by Chief Justice Brantley in the following language:

IN THE SUPREME COURT OF THE STATE OF MONTANA.

STATE OF MONTANA ex rel. B. K. O'GRADY, as County Auditor of Sheridan County, Montana, Relator,

VS

TWENTIETH JUDICIAL DISTRICT COURT OF THE STATE OF MONTANA, IN AND FOR SHERIDAN COUNTY, and C. E. COMER, Judge thereof, Respondents.

WRIT OF CERTIORARI

THE STATE OF MONTANA:

To the District Court of the Twentieth Judicial District of the State of Montana, in and for Sheridan County, and to C. E. Comer, Judge thereof;

GREETING:

WHEREAS, it manifestly appears to us by the petition and affidavit of B. K. O'Grady, one of the parties beneficially interested, that in a certain action or proceeding pending before you entitled "In the matter of the claim of C. E. Coryell, Applicant" you, exercising judicial functions, have exceeded your jurisdiction, and that there is no appeal or any plain, speedy or adequate remedy, and it appearing from said petition and affidavit that the writ therein prayer for should we issued:

We, Therefore, command you that you certify and send to our Supreme Court at the courtroom thereof in the City of Helena, on Saturday, the 17th day of April, 1920, annexed to the writ, a transcript of the record and all proceedings in the action or proceeding aforesaid, including the application of C. E. Coryell, applicant, the order of the court setting said application for hearing, the separate answer and objection to jurisdiction of the court of B. K. O'Grady, County Auditor of Sheridan County, the order and judgment granting such application, together with all things touching the same as fully and entirely as it remains before you, and by whatsoever names the parties may be called therein, that the same may be reviewed and formally heard at 10 o'clock A. M. of said day by our Supreme Court, and that our Supreme Court may cause to be done thereupon what it may appear of right ought to be done, and in the meantime we command and require the said District Court of the State of Montana, in and for Sheridan County, and the Honorable C. E. Comer, Judge thereof, to desist from further proceedings in the matter so reviewed.

HONORABLE THEODORE BRANTLEY, Chief Justice of our Supreme Court, at Helena, this 5th day of April, 1920.

By the Court:

J. T. CARROLL,
Clerk of the Supreme Court of the State of Montana.
Supreme Court
Seal Attached.

County Attorney Gunther and Attorney General Ford will appear for Mrs. O'Grady, and Attorney H. M. Lewis will appear for C. E. Coryell and the Court.

N. D. TAXES LOWER FOR FARMERS WHO WORK THEIR LAND

JOHN HAFFNER OF RICHLAND COUNTY PAYS LESS FOR 1919 THAN FOR 1918.

Fargo, N. D.—North Dakota farmers who work their own farms on the average pay less taxes this year than last, according to John Haffner, prominent Richland county farmer, who was in Fargo recently.

Mr. Haffner called at the editorial rooms of the Courier-News and brought with him his tax receipts for 1918 and 1919 to prove by the official records that he knew what he was talking about.

Here are the tax figures for the two years as taken from Mr. Haffner's receipts:

1918 Real and Personal Taxes	
Real estate taxes	$177.20
Personal property taxes	94.82
Total	$252.02
1919 Real and Personal Taxes	
Real estate taxes	$268.48
Deduct hail insurance	43.45
Leaves net real estate tax	$225.03
Personal property tax	25.03
Total	$250.06

Haffner chuckles when he contemplates his tax receipts. The real estate taxes are on 240 acres in section 25, township 133 and range 50 in Richland county. The personal property tax for both years is on the improvements, livestock, machinery, etc., on this land. Mr. Haffner declares that the amount of personal property in 1919 was not less but rather more than in 1918. Still when he adds his real and personal taxes together he finds that he was taxed just $1.96 less in 1919 than in 1918.

This is not all. Mr. Haffner admits that he got his hail insurance for only a fraction of what it cost him the year before.

NORWAY HAS LARGE NONPARTISAN LEAGUE

By the Federated Press

Christiania, Norway—Since 1896, the farmers of Norway have had a Nonpartisan League. The idea is not copyrighted by the American farmers of the middle west.

The league was organized here in 1896 with several hundred members. J. T. Lindkaark, a prominent agriculturist and originator of the idea, was elected president. According to their by-laws the aim of the league was to unite the farmers to work "as one unit for their economic and social interest."

The league as now organized has a board of 24 directors, half of whom are elected annually. It stimulated the organization in 1900 of the department of agriculture. In 1910 it was reorganized, with the policy of not entering politics as a separate unit, but of electing anybody standing for its program. In 1918 it was decided that candidates supported by the farmer vote should be required to pledge themselves to join a nonpolitical group at the storthing and work with them for the league's interests. This group, which is called storthingets bondelag, now has 60 members in the Norwegian parliament. The present membership of the farmers' league is more than 60,000.

Joe Dolin WIns Mandamus Case

Surprising Order Issued Directing County Auditor' to Audit Padded Claim.

MRS. O'GRADY THEN DISAPPROVES ENTIRE CLAIM.

The latest Dolin mandamus case against the County Auditor, praying Judge Comer to call Mrs. O'Grady into court and order her to audit one of his "phoney" claims, which is padded and illegal and which from all appearances is fraudulent and perjured, came up for hearing last Monday afternoon. Assistant County Attorney Cudhie appeared feebly for the county auditor and Babcock & Ellery appeared for Mr. Dolin.

Mrs. O'Grady went on the witness stand in her own behalf and explained to the court that the reason that the claim had not been audited was because that Mr. Dolin had failed and neglected and refused to bring her proofs of publications in order that she could measure up the publications and commissioners proceedings in order to determine whether he had billed the county honestly or otherwise. She has requested him to produce the proofs again and again, and that upon the furnishing of the proofs desired she was ready and willing to audit the claims immediately.

There were some rag chewing among eminent council, and then the Judge found for Mr. Dolin, much to the surprise of everybody, for no one could understand how Mr. Dolin could ask for a mandate from the court when it was evident that he was entirely at fault himself. However, the Judge found that the auditor has the power of Subpoena and that when a person filing a claim refuses to produce the evidence necessary to audit his own claim the auditor is bound to assist him to collect his money from the county, dragging him before her as a court and ordering him to produce the required evidence in spit of himself. Mrs. O'Grady had figured that when Mr. Dolin wanted the money bad enough to bring the proofs that she would then audit the claims, but the court does not think that is the proper way.

In cases of this kind it is usual for the court to allow reasonable time to appeal from any decision it might make, but in these cases of Mr. Dolin's the court acts with celerity and the next day or Tuesday, Mrs. O'Grady was served with an order commanding her to audit the "phoney" claim of Mr. Dolin, in which he is trying to get away with more of the people's money, before ten o'clock Wednesday morning.

Mrs. O'Grady, being unable to secure the proofs of publication in order to know how much of the bill was honest and how much was fraud, thereupon, audited the claim, by disapproving the entire amount, which will give Mr. Dolin a chance to take the matter again to court and prove before a jury how much of his claim he should collect. At that time it may be that an effort will be made to secure the services of another judge.

A great many taxpayers devoutly hope so.

This case pleases several of the farmers in a way, however, because it was found that there are instances where mandamus will lie. It will lie to make the auditor audit Joe Dolin's fake and perjured claims without proof of publication, although it will not lie to compel the county commissioners to fix their settlement made with the Montana & Dakota Elevator Company, which company is short in its accounts with the county in the sum of over $21,000, according to the report of expert accountants.

FAREWELL PARTY GIVEN MEDICINE LAKE COUPLE

Mr. and Mrs. P. E. Johnson Honored By the Citizens of Medicine Lake.

Mrs. P. E. Johnson was the honored guest of about forty ladies of this city who assembled at the Lake Hotel Tuesday evening, the occasion being a farewell party and an expression of their high regard and friendship, and gave her a beautiful present as a token of remembrance. Music and games comprised the evening's entertainment. A delicious lunch was served.

Thursday about fifty of the male citizens of this city assembled at the Lake Hotel to give a farewell reception to P. E. Johnson. That the entertainment was a little above the average entertainments of this kind, owing to long and familiar acquaintance with the guest.

H. Sparling made a very appropriate speech for the occasion, and with anecdotes, reminiscences and story telling, jollification reigned.

A delicious lunch was served, with Powers, Gregg, Poe and Umbreit as waiters. Mr. Johnson was presented with a suitable present as a token of friendship and remembrance.

Mr. and Mrs. Johnson are among the pioneers of the old town of Medicine Lake, the gentleman having been one of our leading merchants in the mercantile business for ten years.

They expect to leave here next Tuesday for Miles City where Mrs. Johnson will visit a sister, while Mr. Johnson will look further for a location along with some he has at present in view.

Mr. and Mrs. Johnson are among the most respected people in this community and their departure will be regretted but they carry with them th highest regards and best wishes of all.—Medicine Lake Wave.

DOOLEY MAY GET NEW SCHOOL BUILDING THIS YEAR

AT MASS MEETING HELD A WEEK AGO THURSDAY NIGHT IT WAS DECIDED TO BOND AND ESTABLISH HIGH SCHOOL

Dooley Item: At a mass meeting held last night at the school house, some twenty-five taxpayers and property owners, discussed the matter of rebonding this district for $15,000 for the purpose of building a new school house and establishing a high school here. A straw vote was taken and only two dissenting votes were cast. Two committees were appointed to investigate the advisability of going ahead with the bonding, one on building, consisting of H. Hunter and Dr. C. Sells and the others on finances, consisting of G. E. Epler and P. G. Neville. It is expected that another meeting will be held in the near future.

LABOR PICKS CANDIDATES

Fargo—The North Dakota Working People's Nonpartisan Political League is making headway in all the industrial centers of the state, according to Secretary M. Tauffler. Sunday, March 21, the Fargo workers will choose a committee which will be given the task of picking out candidates for congress, legislature, city and state offices. The duty of this committee will be to scand out all candidates as to their stand on labor legislation and only those candidates who are in accord with labor's program will get the support of the workers at the polls. Heretofore the workers have followed the professional politicians who promised to look after their interests and have generally been left in the lurch as soon as their "friends" got into office. The administration of the organized farmers in North Dakota is the first that has ever enacted the reforms which is promised labor, says Fargo unionists. That is why they are eager to join hands with the Nonpartisan League in the coming campaign.

LOST STRAYED OR STOLEN
Gray gelding, weight 1150, branded S. quarter circle U, on thigh, also heart brand on thigh. Notify Grant Stoner, Outlook, for reward. 52-tf.

LIVELY SCHOOL ELECTION SATURDAY

Two New Members of the Board of Trustees Elected After An Exciting Campaign—Everybody Voted.

The person about the street last Saturday had forgotten that Saturday was school election day, but he was early aware that something unusual was taking place, for he soon observed that there was a lot of quiet coming and going, and everybody seemed to be busy toating about for a while then cars commenced to run up the street toward the school house. If he had forgotten that there was a school election that day, someone soon quietly reminded him of the fact and whispered in his ear, and finally he hurries away towards the school house to vote. Some people were swarming out of their houses like ants from a disturbed hill and hurrying towards the voting place. By the end of the day there was great excitement abroad. When the polls were closed about 160 votes had been cast, more than has been cast at school elections combined for the last five years. The canvass of the votes disclosed that L. J. Onstad and L. E. Rue had been elected on the school board to succeed George W. Bolster and Mrs. P. G. Neffler, by the following vote, George W. Bolster, 67; Mrs. L. G. Neffler, 73; L. E. Rue, 87; L. J. Onstad, 78.

The proposition for the additional tax levy for the support of the schools carried by a vote of 57 for the additional levy to 45 against.

BON VOYAGERS

The Batcher, the Baker, the Candlestick Maker, All Went to Sea in a Rotten Potater.

Rub a dub dub,
Three men in a tub;
The Batchey, the Baker, the Candle stick Maker,
All went to sea,
In a rotten potater.

The three County Commissioners, Assistant County Attorney Cudhie, County Treasurer Rex Movious, Banker Belcher, together with their retinue and clients and patrons and several other interested parties left on ve bon voyage for Minneapolis last Thursday morning. Why? They needed a change, and there is still a few cents in the county treasury not otherwise appropriated.

There is a long, long tale wound into the cause of this curious expedition. The real election was called in a jiffy—not a moment's extra time was allowed for such trifling items as posting the notices of election and other legal requirements of bond elections. The reason for the rush was that the bankers, seed grain speculators and others, who were interested in putting the bond issue across, were fearsome that if the farmers and taxpayers had time to consider the issue on its merits, they would vote against the bonding proposition. The only safe way was a stampeded election, so they figured. Each banker or seed grain speculator was to go out in his particular neighborhood and peddle a line of bunk particularly attractive to his locality calculated to influence voters; the bankers shut down credit and refused to let out a dollar, telling all comers that they were bankrupt and could not loan another dollar, and that the only hope of salvation for the farmers was a county bond issue in the sum of four hundred thousand dollars. All sorts of nice stories were told as to how honest the county commissioners were going to be, how carefully and honestly they would handle the funds for the farmers, that County Agent Anderson would attend to the distribution of the money, and large quantities of dollar untruths.

Hundreds of the farmers were in dire necessity, the election was called and went over with a large majority. Joe Dolin rejoiced. The County Commissioners rejoiced. The speculators rejoiced. They all could taste the juice of a nice fat slice. Their mouths watered. They waited for the great distribution of the alms to the needy farmers, when they would get theirs.—

But what one hears?

The faint voice of rumor.

It became noised about that the election is illegal. That inefficient county officials had made a mess of things. That little Joe Dolin as usual, with his willy-nilly printing outfit down the street had failed to deliver the election notices in time. Instead of getting out the election notices, he was down in the court

(Continued on page eight)

PLENTYWOOD CITY ELECTION QUIET

NO CANDIDATES FILED FOR OFFICE—STICKER CAMPAIGN RESULTED.

The Plentywood city election, Monday, April 5th, was a very quiet affair. In fact the different offices went begging and the fact of an election was almost entirely forgotten until the election hounds got busy election day and stickers were gotten out for candidates in both wards and before the day was lone considerable excitement was aroused and the voters given several hours of entertainment.

Stickers were printed for Louis Hein and Rev. Fridley in Ward two and for L. J. Onstad and C. E. Coryell in Ward one as candidates for aldermen, and Louis Hein and C. E. Coryell were elected, the vote standing as follows: Louis Hein, 35; Rev. Fridley, 23; L. J. Onstad, 11; C. E. Coryell, 21.

There was no Mayor elected at this election as a Mayor was elected last spring.

CULBERTSON UNDECIDED ABOUT NEW H. S. BUILDING

Letter From Architect Urging That New Building Be Erected at Once.

March 29, 1920.

Mrs. Geo. K. Dick,
Chairman of the School Board,
Culbertson, Montana.

Dear Madam:

We have been advised of some opposition to the transfer of the general fund for the building fund. We are writing at this time to advise you of the condition of the material and labor market, as they have been brought to our attention in the past week. Materials of all kinds have had a steady upward trend and instead of a quieting effect, have become more unstable.

Maple flooring has advanced thirty dollars per thousand, dimension lumber has had a proportionate raise. Steel and rough and finished hardware in addition to the raise they have taken, have been withdrawn from the market and jobbers make their prices now, subject to shipping date and freight conditions at the time the manufacturer can fill the order.

From our view point we can see no let up in the price condition until the administration in Washington regulates our exports by an embargo or by some other means. . .

In view of these condition, we believe that it would be very foolish for your district to postpone the building. We venture to say that if the bids were opened now the structure would cost five thousand dollars more now than it did March 19th. We ask that some publicity be given to the items mentioned above and we sincerely hope you can see your way clear to go ahead.

Yours very truly,
A. V. McIVER,
Of McIver & Cohagen, Architects,
Billings, Montana.

BY THE EDITOR

A. V. McIver, the architect who wrote the above letter, seems to be anxious to have the High School building erected as per the contract let conditionally, although his firm has already been paid for the plans and specifications. This anxiety on his part would seem to indicate, as has already been the accusations in some quarters, that there was collusion between the architects and the contractors.

At any rate there has never been so much uncertainty and instability in the material and labor market as at the present time. Consequently contractors have to allow ample margin in their bids in order to meet these conditions. While we don't say that prices are going to be reduced in the next two years, they will undoubtedly become stabilized, so that contractors will know within a reasonable amount what they are bidding on. At the present time they are up in the air. They don't know what their material will cost, nor what their labor will cost.

We do not believe it would be wise for the voters of this school district to vote an additional 20 mills special levy this year in view of these facts.—Culbertson Searchlight.

Rodger Burke, editor of the Scobey Sentinel, is in the county capitol on business today.

PLENTYWOOD CAN'T SELL SCHOOL BONDS

No Bid on Contract for Building New Building—Work Cannot Be Started This Summer.

The School Trustees of District No. 20, which district composes the public schools of the City of Plentywood, and outlying rural schools, met at a special meeting Tuesday evening, April 6th, to open bids for the Bonds and to open bids for the contract for the building of the new addition to the public schools of the city of Plentywood.

There was not a solitary bid for the bonds. The money market is now so tight that a municipal bond cannot be sold at all; there was no question as to the legality and the security behind the Bonds of School District No. 20, which were voted last winter in the sum of sixty thousand dollars, for District No. 20, is, we understand, nearly out of debt. Bonds at this time cannot be sold. The reason that there was no bid for the contract for building of the addition of the school is probably the knowledge of the contractors that the bonds cannot be sold so they did not waste their time putting in bids.

It now looks as if the proposed new addition to the Plentywood Public school will not be built this year unless there is a sudden raising of pressure in the financial world.

ANTI-CIGARETTE LAW VOID

Bill Langer, who spent thousands of dollars in a weak attempt to enforce the anti-cigarette law, hired one $1,600 preacher-detective to ferret out violators and put scores of dealers in jail has suddenly discovered that the law is no good. He has given out an opinion holding that if dealers simply act as agents for the consumers and order cigarettes from points outside of the state no violation of the law occurs. This is the same game the bootleggers and other liquor purveyors worked to get around the constitutional amendment prohibiting the sale of intoxicating stuff in North Dakota.

COLDEN VALLEY DELINQUENT

Golden Valley county (N. D.) officials were delinquent in furnishing ballot and election supplies to a number of the rural precincts with the results that they were not able to hold elections, according to reports reaching Bismarck.

Born, to Mr. and Mrs. Jens Gronvold, Thursday, April 8th, early in the morning, a seven pound and a half boy. The mother and baby are doing nicely. This is Mr. and Mrs. Gronvold's fourth child, but one would think that the little boy is the first.

MOSSMAN WINS IMPORTANT CASE

In a test case in Federal court last week, Major Mossman obtained a verdict of $1050.00 in favor of the Fort Peck Indians against the estate of John McMahon, of Redstone, says the Poplar Standard.

The case was entitled, F. D. Mossman, for the Fort Peck Indians, vs. the estate of John McMahon and had to do with unpaid grazing fees for cattle and horses that Major Mossman alleges McMahon ran on the reservation during the years of 1917 and 1918. Major Mossman alleges that McMahon ran a large number of horses and cattle on the reservation and made no effort whatever to pay a grazing fee. The defense claimed that it did not know that a grazing fee was required by the government. After hearing the evidence Judge Bourquin instructed the jury to bring in a verdict for Major Mossman and the Fort Peck Indians. Assistant United States Attorney W. W. Patterson appeared for Major Mossman, while C. I. Ellery, of the firm of Babcock & Ellery, of Plentywood, represented L. N. Nelson, who is administrator of the McMahon estate.

The case just closed is declared to be of the greatest importance inasmuch as Major Mossman considers it in the light of a test case upon which to base other actions of a similar nature. In all it is understood he will institute some sixteen cases against people who have run cattle and sheep on the reservation and failed to pay a grazing fee.

DOOLEY MERCHANT WILL MOVE INTO ROAN BUILDING

Dooley Sam. Geo. Leibach has rented the former Sheridan Cafe building, which he will have remodeled and fitted for his meat market and grocery store. Mr. Leibach has ordered an exceptionally good refrigerator which he expects in several months. When he occupies his new quarters he also expects to enlarge his grocery stock to take care of his increasing patronage. Mr. Leibach expects to occupy his new quarters April 10th.

BISMARCK TURNING TO "SOCIALISM?"

The citizens of Bismarck who have consistently opposed state ownership of public utilities are singing a different tune. They are inclined to believe that public ownership is not so bad in some instances. You see that great servant of the commonwealth, Alex McKenzie, owns the Bismarck water plant and the service is abominable. So even those citizens who denounce the terrible Nonpartisans are petitioning the city commission to buy out McKenzie or build a new water plant.