

# THE WARD COUNTY INDEPENDENT.

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## Dr. Moeller Guilty of Murder

### Jury Out 44 Hours, Brings in Verdict of Murder in Second Degree and Recommends Sentence to Be Ten Years—Will Make Motion for New Trial—The Closing Pleas in the Famous Case

Dr. Thor. Moeller, charged with murder in the second degree, in causing the death of Gina Lein, though an operation, was found guilty Sunday afternoon at 3 o'clock after the jury had been out 44 hours. The jury reported to Judge Goss, Saturday forenoon stating that they could not possibly agree upon a verdict. Two members of the jury hung for acquittal and ten for conviction. Finally one turned with those in favor of conviction. The Judge told the jurors that it would be quite necessary for them to arrive at a verdict, as the case had cost Ward county already a good many thousands of dollars, and he wanted them to agree if possible. This possibly had something to do with the jury arriving at a verdict, for they brot in a verdict of guilty, and recommended that the doctor be given the lightest sentence possible under the charge, ten years in the penitentiary. The maximum sentence would have been thirty years.

The doctor was in the court room when the jury returned its verdict, and as the verdict was read, his expression did not change, but he looked worn and pale from the tedious strain of the trial.

The Judge has gone to Bottineau, where he is holding court for Judge Burr, and has deferred the passing of sentence until next Monday.

The Independent has been informed that the attorneys for the defendant, will at that time make a motion for the arrest of judgment, and also for a new trial. If the new trial is denied, an appeal will be taken to the supreme court. In this case, the doctor will probably be admitted to bail and it may be a year before the result will be known.

This was one of the hardest fought cases ever tried in this district. The trial lasted for nearly two weeks, and was hardly contested at every stage.

The court room was crowded to the doors, Friday afternoon when the attorneys were making their pleas to the jury. Hundreds were turned away unable to get within ten feet of the doors. Palsrud made an urgent plea for his client, which could not help but have considerable effect on the jury. He contended that the operation had been performed by Gina Lein herself and that Dr. Moeller had merely done what he could to save her life. He cited the testimony of Drs. Newlove, Windell and others to support his contentions. Atty. Bateman of Bolla, attorney for the defendant, all made a strong plea in favor of Moeller. He declared that Palsrud who told Dale's secret, was a machine man and declared that all machine men lie all of the time. He sought to impeach Palsrud's testimony, which if thrown out would have reflected greatly in favor of the defendant.

Atty. Sinkler for the state made the closing plea, and his eloquent flow of words and excellent delivery, was listened to with intent by everyone in the court room. Frequently his sarcastic remarks had a tendency to cause considerable merriment in the room and once Judge Goss threatened to arrest the next person who would laugh.

Sinkler showed the strain of the hard work he had done and twice asked for a recess during his argument. He reviewed the case, paying particular attention to the testimony of Palsrud, which was given at the hearing, in which the doctor stated that he visited the sick girl at 12 o'clock the night before she died, found her pulse weak, and some temperature. The doctor was asked by the girl if it didn't

look like she was not going to pull thru and he said that it did, and that they ought to send for her mother. Later he injected strychnine into her arm, and she said she felt some better and would be all right. When he arrived in the morning she was just alive, and he telephoned to Dr. Newlove, the first time he had telephoned for any doctor. Newlove arrived soon afterwards, and they went to the room, but the girl had died. The bed was warm and the body was warm all over.

To this portion of the testimony Sinkler referred many times. In closing, he told the jury that if there was any doubt, to give the defendant the advantage of the doubt, but that he considered that Gina Lein had met her death from the effects of a criminal operation performed by Dr. Moeller, and that being the case, he considered the doctor was guilty of murder in the second degree.

Judge Goss gave the jury a fair verdict. He advised them to weigh the testimony carefully and decide upon its merits. He said that if the testimony of any witness had been impeached, the character of the witness should be taken into consideration.

He declared that a verdict of guilty or acquittal should be got in, the minimum sentence being ten years and the maximum thirty.

No less a sentence could be imposed, according to the charge.

During the last day of the trial, Mrs. Moeller sat by the side of the doctor, and took a keen interest in the proceedings. The poor woman showed that the doctor's name has not suffered.

### DAFFY LAND.

A Comedy With Music. A Cast of 10 People. Coming March 6.

Daffy Land, a very funny musical Comedy, a sure cure for the blues will be presented at Jacobson's opera house Saturday night, March 6. The company is composed of talented singers, Mrs. Bennington has attracted much attention in all the towns where the show has been by her high, clear voice it is a voice of great range, and being besides a clever actor, she wins favor every place. Her husband, Mr. Ed. Bennington is a comedy singer in every sense, possesses really a fine voice, he is a tall lean man and as funny as a man can be, he reminds you of a rained, and the way he hands out the funny stuff is not slow at all.

The funny stuff that the entire company are stocked with will keep you laughing for over two hours. We assure you that this company will not disappoint you, you can get your seats at Taylor's Drug store Thursday. Prices 75c and 50c.

Lawrence C. Eby of Minneapolis, city salesman for the Fawkes Auto Co., for sometime, has accepted a position with Fred V. Dale and will handle his line of Reo and Rambler cars. He is a good salesman, a fine fellow, and knows the auto business thoroly. He is an operator of some note, having represented gas engine firms for some years.

The fire department was called to the barn at the rear of the Scandinavian hotel Tuesday noon to put out some flames that had been started in the loft by some boys who had gotten busy with matches. The firemen were on the scene two minutes after the alarm was turned in and put out the fire with the chemical engine. They made a phenomenal run on the icy streets.

## BRICK BLOCK FOR RIVER STREET

Detlin Bros. & Marshall have purchased from Michael Lye, the lot at the corner of Beiyea avenue and River street for \$2500 upon which they will erect a \$7000 brick block this year. They already have a

grocery store located on the lot, and business has been so brisk that it is necessary for them to get larger quarters. They are showing a good deal of enterprise.

## PERMIT LAW KNOCKED OUT

The druggist permit law has been knocked out, both the Senate and House having passed the bill. This will make it necessary for anyone desiring whiskey, brandy or the like, to present a doctor's certificate to the druggist before he can

buy it. Of course, the law will be gotten around in some manner or other. An old toper should have a few hundred prescription blanks printed, and have them signed by some doctor down in New Orleans. His life may be saved in this way.

## Hagenstein Does Not Like The West

A. D. Hagenstein has returned from a visit in the west, feeling much improved. He visited Dr. Crotok at Tacoma, Wash. The doctor is doing well as a specialist, but says he does not like the climate, and will probably leave before long. Out west they have been trained to tell all of the eastern tourists that the present winter is the worst

that has ever occurred, making them believe that the weather there as a rule is nice and mild. Mr. Hagenstein says he noticed the women wore their furs, as in North Dakota and it requires as much clothing to keep warm there as here. He is glad to be back in the sunshine again.

## MITCHELL'S BIG SALE

E. M. Mitchell, the clothier and gent's furnisher, is advertising a clean sweep unloading sale this week, in two pages of attractive advertising. His sale is on the square all right and is in the hands of Harry C. Whittier, of Minneapolis, representing the well known sales concern of Hamilton & Flick. The

country is being plastered with thousands of bills and arrangements are going on at the store for the big sale which starts Saturday morning. The store is stocked especially strong on furnishings, suits and shoes, and special low prices are quoted.

## OFF FOR THE FATHERLAND

Geo. Fritschel, of Foxholm, left yesterday for his old home in Hamburg, Germany, where he will visit relatives. It has been 13 years since George left the Fatherland,

and he will be away four months. He is taking along plenty of spending money, having recently sold a thousand dollars worth of grain from his last year's crop.

## GLENBURN MAN IN TROUBLE

A man from Glenburn recently broke into James Hjelstad's boarding house, frightening Mrs. Hjelstad nearly out of her wits. He rapped at the door, which was opened by the woman. The man forced his way into the room, whereupon Mr. Hjelstad got up and tried to make him leave. He finally

went outside and one of boarders tried to drive him away from the premises, but the man drew a gun and threatened to kill the boarder. Later he left and was pursued to a restaurant where he was arrested. He was taken before Judge Murray and fined \$15.

John Davis has completed the task of filling his new ice house with 1800 tons of choice ice, and will put the roof on next week.

George Gilson, who lives close to Glenburn, drove down to Minot Monday on purpose to buy a turkey gobbler. He will go into the turkey raising business quite extensively this year. He was accompanied by Mrs. Gilson and they visited friends over night.

John J. Keavin has gone to Chicago and New York City to his annual spring buying.

## PLEASING GIFTS FOR SPRING WEDDINGS

Our selection of desirable articles for wedding gifts includes numerous things, both practical for use and handsome in appearance.

Our prices are no higher than those usually charged for inferior goods

STERLING SILVERWARE		SILVER-PLATED WARE	
—PER SET—		—PER SET—	
Tea Spoons	\$3.75 to \$8.00	Tea Spoons	\$1.75 to \$2.75
Dessert Spoons	9.00 to 13.00	Dessert Spoons	2.75 to 4.00
Knives	11.00 to 14.50	Knives	1.90 to 5.50
Forks	9.50 to 15.00	Forks	1.90 to 5.00
Carvers	5.50 to 20.00	Carvers	5.00 to 9.50

A great variety of fancy serving pieces All fancy pieces in patterns to match

Berry bowls \$3.75 to \$16.00. Cream and sugars \$5.00 to \$15.00  
Bon-bon dishes \$1.25 to \$3.00. Pepper and salts \$1.50 to \$5.00

and many other sets and single pieces at a great range of price

## W. H. REIGHART

The Exclusive Jeweler

## Dutch Lunch For John Botz

### Mayor Clark and A. Skeoch Hosts at a Most Enjoyable Stag Party

One of the most enjoyable stag entertainments given in Minot for many a day was the Dutch lunch given by Mayor Sam Clark and A. Skeoch at the Waverly Cafe Monday night, after the session of the council, to pay an election bet made between Alderman Bismarck Botz and Mr. Clark. Clark was overly confident of Johnson's election as governor while Mr. Botz who has been a life long Democrat, couldn't believe that his good old Irish friend, John Burke could be defeated. The lunch was spread on a long table at one end of the cafe and the

guests helped themselves to choice dishes of sauer kraut, hot weiners, spaghetti, cold baked beans, cheese, rye bread, pickles, salads, etc. that had been placed before them. During the time of feasting, the pianist kept things lively with excellent music and later a couple of vaudeville artists from one of the vaudeville houses appeared and did some enjoyable stunts. Mayor Clark's brother, Charlie, a recent arrival, sang a solo and several of the guests gave witty talks. The affair could not have been pulled off better.

## Norwegian Lecturer Here Sunday

### Capt. Angell the Noted Captain and Traveler to be at Jacobson's Opera House to Tell of Conditions in Norway

Capt. H. Angell, a noted captain of the Norwegian army, will give an address in Jacobson's opera house Sunday afternoon at 3 o'clock on Norway and Norwegian conditions. He is representing the well known Normandsforbund, which includes members of Norwegian descent, all over the world. He is a very interesting man, having gained a well

deserved popularity in his native country, as well as abroad. He has traveled through the whole of Europe, and has visited Asia and Africa. He has a wide reputation as an author of books, one of which was on the conditions existing in Norway in 1905. This book was so popular that it was necessary to publish eleven editions.

## Dale Bound Over For Murder

### Lorraine Banker Who Caused Miss Lein's Trouble Must Answer to Charge of Murder in Second Degree Bonds Fixed at \$5,000.00

L. W. Dale, cashier of the bank at Lorraine, N. D., Ward county, was bound over to the district court under \$5000 bonds, on the charge of murder in the second degree, in connection with the death of Gina Lein, on whom Dr. Moeller was convicted of performing a criminal operation.

The principal witness for the state was Palsrud, whose testimony had much to do with the conviction of Dr. Moeller. Palsrud told of his conversation with Dale regarding the condition of the girl, how he mentioned Dr. Moeller's name as that of a doctor who might perform the operation, and said that Dale had told him that the doctor agreed to perform it for a hundred dollars.

D. C. Greenleaf, attorney for Dale tried to make it appear as tho Palsrud was intoxicated when he talked with Dale, but the witness said he had not been drinking.

Palsrud stated about Feb. 15, Dale met him and asked him not to testify as to his conversation with him regarding Miss Lein.

The state rested and the defense did not attempt to give in any testimony.

States Attorney Nash asked Dale be placed under \$10,000 bonds, but Greenleaf objected stating that Dale could not raise that amount, and he that inasmuch as Moeller had been placed under only \$5000, Dale should be let down just as easy. Accordingly Judge Murray placed his bonds at \$5000, which have been furnished.

Mark Nelson will go to Rugby Friday where he meets Griffith, the negro wonder, that night. The fight for \$50 a side and 75 and 25 percent receipts. They will endeavor to go fifteen rounds, and the bout will be a good one. It will be remembered that Nelson knocked Griffith out in five rounds at Bottineau, but the colored gentlemen evidently has concluded that the "Terrible Swede" has not yet given him enough.

During the past two years, the Public Drug Co. filled 10,000 prescriptions, according to a sign which appears in the window of that store. This is going some. Mr. Hanson has been paying particular attention to this end of the business, has been advertising it well and it is not surprising that he is succeeding.

A chunk of dynamite used in mining lignite coal, got into J. L. Smith's heating stove at Williston blowing it all to pieces. No one was injured, the family all being in bed. Fire was scattered all over the room but was put out.

A spring tonic that makes rich red blood. Brings strength, health and happiness to the whole family. Nothing equals Hollister's Rocky Mountain Tea as a spring regulator. 35 cents.—F. P. Taylor, Minot, N. D.

H. T. Hertsog, one of the sturdy Palermo farmers, was in Minot Saturday. Mr. Hertsog had had luck the past three years, being hauled out, burned out, but he's sticking to the farm like "a stick to a nigger's back" and will win out in the long run. He has a nice bunch of milk cows and some chickens, and will get along until after next harvest.