

THE WARD COUNTY INDEPENDENT.

—THE INDEPENDENT HAS THE LARGEST CIRCULATION OF ANY WEEKLY PAPER IN THE STATE—

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GUST JOHNSON GIVEN TEN YEARS FOR THE MURDER OF JOHN GASH

Rice Lake farmer who killed school teacher over a quarrel over some lumber found guilty of manslaughter in first degree.

After considering the matter carefully for just twelve hours, the jury in the case of the State vs. Gust Johnson, charged with the murder of John Gash, returned a verdict of guilty of manslaughter in the first degree, and recommended that he be sentenced to serve ten years at hard labor in the penitentiary at Bismarck. The case went to the jury at eleven o'clock Tuesday morning, and upon the first ballot, there were seven for conviction and five for acquittal, there being a doubt in the minds of some of the jurors as to the right of Johnson to shoot Gash. On the second ballot eight favored conviction and on the third ballot ten voted to convict. Two of the jurors stood by their first ballot for many hours, until they were finally convinced that Johnson had no right to take the life of John Gash.

The verdict is considered quite reasonable by nearly everybody familiar with the case. Johnson had no right according to his own testimony to kill Gash, altho he claimed that the shot was purely accidental. Witnesses did not corroborate the defendant in this particular part of his testimony, however. It was shown that Gash was a quarrelsome fellow, altho Johnson was in no danger of receiving bodily harm when he killed his victim.

Among the witnesses for the state was Mrs. Gash, who prior to her marriage to Gash, was Mrs. Bates, a Minot woman. She told on the stand of the dispute with Johnson over a small amount of lumber on the farm, which she had purchased by contract from Johnson. The Gash family lived in a small house on the farm and Johnson occupied a sort of a dug out just a short distance away. When Mrs. Bates bought the farm, she thought she was getting some lumber that was on the farm, also that Johnson had sold to a neighbor. When the neighbor came after it, Mrs. Gash refused to let him have it, and told him that her husband would fix him like he had several others if he persisted in taking it.

Johnson was angered because the Gash family interfered with the lumber deal and when Gash returned home from teaching school that day he started for Johnson's dug out to remonstrate with him. Mrs. Gash fearing trouble, climbed up a short ladder at the side of the house so that she could see what was going on over the small hill that separated the two domiciles. She said she saw Johnson appear in his doorway with a gun as her husband advanced towards his dug out. She saw him about to fire and called loudly to her

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STOUT HEARTED MEN SHED TEARS

Isaac Wright, G. N. engineer who met his death in wreck, leaves a host of friends—Eighteen Years With the Great Northern

When the news reached Minot that Isaac Wright, the well-known Great Northern engineer, had been killed in a wreck near Rugby near midnight Saturday night, many a stout hearted railroad man broke down and cried, for Isaac Wright was one of the best beloved men on the road. He was an old timer, having been with the Great Northern for nearly twenty years. Until a year ago he had his headquarters in Devils Lake, when for the sake of convenience he moved to this city, living in one of White's cottages on the north side. The deceased was nearly fifty years of age and leaves a wife and four children. When Mrs. Wright re-

ceived the sad news, she was inconsolable, and bemoaned the fact that she was not informed sooner that she too might have visited the scene of the wreck.

Mr. Wright was one of the most capable engineers on the road and for two years held the responsible position of traveling engineer, resigning this to accept his old position again.

He was a member of the Knights of Pythias lodge, which order had charge of the funeral Wednesday morning.

The mother of the deceased, who is eighty years of age, and a brother, reside at New London, Minn. The brother arrived in this city Monday morning.

YOUNG MINER'S HORRIBLE DEED

Buell, young man employed in the Hunnewell mine, performed horrible operation upon himself Wednesday morning.

A young miner named Forest Buell, employed at the Hunnewell mine near Burlington, while under the influence of dope, succeeded in performing a nameless operation upon himself about six o'clock Wednesday morning. He was taken to Burlington and then brot to the county jail where he is being treated. He will probably regain his right mind as soon as the influence of the dope wears off.

The fellow is lying in the ward at the jail and he will probably recover. He came to Burlington from Canada about three weeks ago.

Officer Dan Dougherty who went to Burlington for him, says that Buell refused to talk and appeared in a badly demented condition.

BATTLE OVER THE NORMAL IS ON

State contends that act was not constitutional

Bismarck, N. D., Nov. 22.—Argument was resumed this morning in the Minot Normal school case, where the state contends the act, establishing the school at Minot, was not passed according to the constitution. Attorney Greene for the normal board of control addressed the supreme court until noon, when F. J. Murphy of Minot continued the arguments the defense.

It is expected the arguments will occupy the time of the court until late this afternoon, as Attorney General Miller for the state will again address the court after the defense finishes.

The story of the controversy, briefly told, follows:

An amendment to the state constitution was legally adopted and an appropriation by the legislature made for the establishment of a state normal at Minot. One of the conditions was that the city of Minot should furnish a suitable site for the institution free of cost to the state. Several tracts of land were offered and the state normal board chose one of them. A controversy arose over the choice and the people of Minot made such a protest that the question of a site was submitted to a vote of the people. Another location than the one selected by the state board was decided on and acting on the result of the election the state board made the change. Then an application for an injunction was made in the Ward county district court and a restraining order issued. About this time Attorney General Miller raised the question of constitutionality of

TWO MINOT MEN KILLED IN WRECK ON GREAT NORTHERN

the proceedings. The constitution provides for a revision and not an amendment before such school can be legally located. The whole matter was then taken to the supreme court by agreement of counsel and this is the question which is being fought over. Attorney General Miller takes the ground that an amendment is not a revision of the constitution and that the proceedings are illegal and void. This is the question which the supreme court will be called upon to decide.

The situation is novel and has excited much discussion and speculation throughout the state.

JUDGE ADJOURNS COURT TO GIVE GREEK A LICKING

Tom Morris called Mrs. Newell and Judge Murray Uncomplimentary Names and gets into a peck of trouble

Judge Murray adjourned court long enough this morning to administer a good trouncing to Tom Morris, a Greek who had appeared before him charged with stealing a ring from Mrs. Newell. The Greek cannot speak very good English, and like all other Greeks coming to this country, about the first thing that he learned was to swear. As Mrs. Newell was giving her testimony against Morris, the fellow exclaimed, "You're a liar." The Judge gave Morris a little fatherly advice and the fellow turned to the Judge and called him some sort of an uncomplimentary name.

"I adjourn court," the Judge cried and over the table he went after the Greek, giving him a few good cuffs

that he will always remember. "I could have given Morris ten days for contempt of court, but this would only have delayed the case that much longer, and Mrs. Newell was anxious to go to Canada. The judge dismissed the action against Morris.

The Way to the Jail

A stranger wishing to visit the Ward county jail, accosted Sheriff Kelley and said: "Will you please tell me how I can get into the jail?"

The sheriff replied: "If you want to go there quickly, just walk down the street with a couple of bottles of beer in your hands," and the fellow is still trying to find out if Kelley was joking.

IS CONVICTED OF STEALING

Sam Jones found guilty of stealing \$29.60 from John Goenon near this city last August.

Sam Jones was found guilty of stealing \$29.60 from John Goenon, last August. Goenon and his father were working for a horse dealer named Frank Taylor, who was in camp south of the city. Goenon missed his pocket book and suspicion fell upon the negro, who was arrested in Minot by Chief of Police Elmer J. Smith. The negro had nearly all of the money left, which had been well described by young Goenon. The negro maintained his innocence, stating that he had gotten the money from his parents.

Prof. Norton, Director of Music at the state university has been away on a lecture tour of the state during the past week. In his absence Andy Carr, of Minot, lead the band.

Isaac Wright, engineer and Wm. O'Leary, fireman of Fast Mail, Meet Horrible Fate—Others Injured—Head-on collision With freight

The Great Northern equipment train, No. 28, known as the fast mail, met a long east bound extra freight in a head-on collision about three quarters of a mile west of Tunbridge a small station six miles west of Rugby, Saturday night about 11:45 o'clock. The engine crew of the mail train were killed and three others badly injured.

The dead: Engineer Isaac Wright, Minot. Fireman William O'Leary, Minot. The injured:

Mail Clerk Dan Healy, Devils Lake, injured about the head, and one eye hurt. In the Rugby hospital.

Conductor R. C. Wynn, known as the non-swearing conductor, Devils Lake, hurt about the head. In the hospital.

Express Messenger Ned Price, St. Paul, ribs broken and badly bruised. In the hospital.

Brakeman William Radinbaugh, Minot, bruises about the legs.

Mail Clerk Jennings, Devils Lake, one foot hurt.

Story of the Accident.

The freight train, which was an especially long heavy one, was in charge of Conductor William Christian, Engineer Webster Acker, Fireman Harry Owens and Brakeman Clayton. No. 28, the mail train was running on regular time, hence the freight conductor and engineer needed no orders, so were given none. They were supposed to be on the lookout for the fast mail, and the engineer intended to head in at the Tunbridge siding. He failed to do so and did not notice that he had passed Tunbridge until he was nearly a mile by the station. As soon as he saw that he had made a mistake, he brought the train to a standstill and was about to back up when the fast mail came tearing down upon his train at the rate of fifty or sixty miles an hour, it is estimated. The engine of the fast mail was equipped with an electric headlight, which the engine crew of the freight saw just in time to jump. They escaped injury. The crew of the fast mail's engine, however did not notice the dim light on No. 1111, the big freight engine, and of course were not looking for any trouble, as that train was expected to be on a siding. Had they been looking for it, it would have been a hard matter to have seen the light, for the freight engine was equipped with one of the old oil lights, and it is said that a storm was blowing at a fearful gale as well.

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NEGLIGENCE ON PART OF FREIGHT CREW GIVEN AS CAUSE OF THE TERRIBLE WRECK AT TUNBRIDGE SUNDAY

DR. OFFERMAN'S WIFE DIED IN CANADA

Passed away suddenly at her home at Maple Creek, Sask., following an operation.

Dr. F. X. Offerman returned from Maple Creek, Sask., Tuesday morning, where he was called by the illness and death of his wife. About a week before her death, Mrs. Offerman submitted to an operation and it was thought she was recovering. She became worse suddenly and soon passed away.

The remains were interred at the ranch several miles from Maple Creek. Mrs. Offerman had been living on the ranch for the past year, proving it up.

Deceased was 32 years of age and the mother of three children, aged ten, eleven and fourteen years. The children were brot to Minot by the doctor and will reside here.

Mrs. Offerman will be remembered by many people of this vicinity, who had met her at the office of the doctor. She was a woman of very pleasing personality and her death is generally regretted.

Morton County Man Loses Clothing. R. M. Doyle, who owns some land in Morton county, lost a suit case containing all of good clothing, which he had left at a local hotel. He considers that his belongings were worth all of \$50, which consisted of a good suits of clothes, several suits of underwear, shoes, etc. An effort is being made to locate the missing articles.

Engineer Acker Forgot That No. 28 Was On The Line According To Report—Facts From The Investigation Leak Out

It is now quite certain that the head-on collision between the fast mail No. 28, and the freight train Saturday night, near Tunbridge, resulting in the death of Engineer Isaac Wright and his fireman, O'Leary, was due to negligence. It is reported quite authentically that the engineer of the freight train, Webster Acker, did not intend to sidetrack at Tunbridge at all, and that he forgot that No. 28 was on the line until he saw the electric headlight coming down the track a

half a mile off. Thirty seconds later the collision was on and it was all over. It was first reported that Acker intended side tracking at Tunbridge but could not tell when he arrived at the station on account of the storm.

Acker was subpoenaed by an officer from Pierce county to appear as a witness in the inquest at Rugby, but it is reported that the conductor, Wm. Christian, had not been apprehended. It is expected that both Acker and Christian will be arrested.

TRAVLED FAR WITH CHEAP AUTOMOBILE

Leo Bulen, Minnesota Lawyer, Passes Thru Minot With Small Brush Auto, Which Has Carried Him 20,000 Miles.

Leo Bulen, a young attorney from Minneapolis, passed thru Minot Saturday in his \$350 Brush auto, with which he has traveled 20,000 miles this year. He was the guest of his old college chum, Clarence Vandenoever, while here.

Mr. Bulen was returning from the western coast country. He is looking up a location. The little auto has come thru in good shape. Mr. Bulen had to replace but two tires and one rod on the entire trip.

A Goose Dinner

Mrs. George McGee served a delightful goose dinner the other evening for John Aaker of Velva, Sam Clark of Bismarck, Cap Aaker of Minot and Mr. McGee, who constituted the hunting party that bagged just wagon loads of geese over in Canada several weeks ago. The hunters have been comparing the hunting yarns that they have been telling and the blue ribbon has been conceded to Cap Aaker by prior right.

Paul V. McCoy returned from Minneapolis Tuesday night where he spent a day buying fixtures for the rear of his department store. Mr. McCoy will have one of the most beautiful stores in the state when the new fixtures are installed.

OPSAH PLEADS GUILTY TO ROBBERY

Young Superior man who broke into Jacobson & Fugelsos hardware store will take his medicine.

Gus Opsahl, of Superior, Wis., a young man who broke into Jacobson & Fugelsos hardware store several months ago, with intent to do burglary, plead guilty to burglary before Judge Leighton this morning. It is expected that owing to his youth, he will be paroled after sentence is passed upon him. Opsahl's companion had already pleaded guilty and was paroled.

The Willis Moffitt bastardy case will come up in District court Monday. The civil cases begin Friday.

Miss Marsh, a charming young woman, from Kansas City, Mo., has accepted a position with Greenleaf, Bradford & Nash, as stenographer.

OUR LINE OF CUT GLASS

is strictly up-to-date both as regards shape and design. We take particular pains to see that every piece of glass that goes into our stock is properly cut and well finished. The price of our glass is attractive, not only on a few articles but on the entire line.

We have just received some new cuttings that are exclusive with us. We would be pleased to have you call and see them.

W. H. REIGHART
The Exclusive Jeweler