

The Ward County INDEPENDENT

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By TRUAX & COLCORD

MINOT, NORTH DAKOTA.



SOME FACTS ABOUT NESTOS.

Some weeks ago when it became known that an expert to check Mr. Nestos had been employed by the forces opposing Mr. Nestos for the office of State's Attorney, that corpulent incumbent rushed into print with the statement that the "forces" were brewers, distillers, and blind piggers, and that money was being spent by the "foreign distilling" interests in an effort to defeat Nestos.

The true situation, however, was entirely a horse of another color. In the first place, the distillers and brewers did not even know that such an official as Nestos was in existence, although he endeavored to lead the dear "peepul" into the belief that he, Nestos, was so important and such a guardian of virtue and morality, that the combined emissaries of hell were about to be turned loose to accomplish his downfall and complete annihilation.

Nestos, with characteristic symptoms of Meglomania, saw himself as the one great Arch-angel in the glare of sanctified spotlights; he believed himself the one great disciple of Blackstone, and the chief dispenser of juridical wisdom.

Later, this self-styled defender of purity, who always does a lot of things with a view to political effect, and who claims to be "holier than thou," and more ethical in the practice of his profession than the sainted shades of Webster, Clay and Calhoun, tried an important law suit in the District Court before Judge Leighton.

We do not say anything about the merits or demerits of the suit in question, but we do know that Nestos was licked to a finish, not because he did not have more than a fighting chance, but because of his almost gross incompetence as a lawyer.

True to his instinct to shift and shake responsibility, he immediately rushed into print with a long rambling impossible article, blaming his failure, his mistakes and his incompetence on Judge Leighton, when as everyone knew, Judge Leighton had, during the trial of this particular suit abrogated all rules of evidence so far as the State's Attorney was concerned, and had publicly stated that he would allow the utmost latitude in the State's Attorney's proof, so that if he had a law suit at all that there would be no question about the State's Attorney getting a jury. In other words Judge Leighton let Nestos try his law suit in the way Nestos wanted to try it.

But Nestos failed to make a prima facie case. This is another habit he has.

Later when his rather calamitous record and his weakling attempts to enforce penal statutes became public property, he blamed his mistakes on judges, juries and Minot's brilliant and talented attorneys.

Now while Minot has a talented number of lawyers, still Nestos' characterization of the bar as "scintillating" was a little far fetched. But Nestos, needed a cloak to cover his multitude of sins, and so the Minot bar was complimented, the judges damned, and the juries trying state cases were accused of petty violations of their oath.

Everything and everybody, official or otherwise, was blamed but the real cause—the incompetence of Nestos was never mentioned.

The fact that he gave spurious ad-

vice to the county commissioners, the sheriff's office and elsewhere and fell down in the simplest of cases was not generally known, and the Minot dailies were filled with what Nestos had done or was about to do.

These newspaper accounts that appeared from time to time were written in the office of Nestos, by Nestos, and for Nestos, to cover up his many blunders. He didn't fool the people of Minot who would drop in at the court house, now and then, and watch him perform and he didn't fool the many jurors who attended court and who were forced to listen to his blatant braggadocio, and his voluble mouthings of inconsequential things.

His whole thought centered on getting to the jury with his set speech. The speech was so important to his way of thinking that he forgot to try his law suit and in many instances wholly forgot to read his preliminary records with enough care to draw proper informations.

Time and time and time again we have seen him floundering through his cases only to be upset in the end by an information that did not state a public offense.

In one case he charged the crime as committed a thousand or more years ago, and at his first term of court out of some twenty odd informations filed not a single information was good—all had to be amended again and again. These mistakes he publicly blamed on Mr. Carroll, by stating in court that he had not seen the informations and thought that Carroll had looked after them, when as a matter of fact the informations were mostly all signed by him and sworn to by him as State's Attorney.

So that now Carroll is added to judges, juries, and brilliant Minot counsel as the causes for his failing to deliver the goods.

It is to laugh. When the Staff murder case came on for trial, the most important criminal case during his term, he again shirked responsibility—he sent Carroll, his assistant, and a special prosecutor to try the case, while he, noble exponent of virtue and the criminal code, remained at home to try a few piggers, prostitutes, and petty thieves, and had it not been for Palda in the Staff case, Staff would have gone scott free. As it was he only got ten years for the heinous offense of wife murder.

When I. W. W. gangsters assaulted Minot and its citizens, Nestos—Oh, yes, it was then found convenient for Nestos to go-a-fishing. And like Simple Simon,—all the water he could find was in drinking pail, but fish or no fish, he didn't in this particular summer time, do anything but fish, while other officials stood for a principal, orderly government and respect for constituted authority, with Carroll on the job to take the blame if criticism came in the direction of Nestos.

He boasts of the fact that he won two appeals in the Supreme court, but he carefully conceals the fact the defendants were not represented by counsel at Bismarck and that the cases went by default.

There were the Phillips case for prostitution, and the Butler-Kimball cases for prize fighting, and the defendants' attorneys did not appear in the Supreme Court simply because they knew that no matter what became of the cases there as a matter of law that Nestos would never try them after the lower court was reversed, simply because defendants' attorney knew that Nestos could not produce sufficient facts to convict.

And the fact is that Nestos dismissed these cases and never attempted to try them after his great (?) victory on appeal.

But you, Mr. Taxpayer, paid for this fruitless and silly appeal in order that your State's Attorney might have vindication when not opposed by counsel.

Look up the report of these cases in the Northwestern Reporter and you will find that only the state appeared.

The defendants were not fools enough to spend money in trying to win in the Supreme Court what they had a cinch on in the lower court, and the proof of the defendants' good judgment lies in the fact that Nestos dismissed these cases voluntarily after winning his silly appeals.

He also boasts of having won 122 criminal cases. He admits that eighty-five of these were tried and that the rest plead guilty.

He does not tell you, however, that almost without exception the cases were of the very simplest of simple cases, and most of the defendants indigent and with no money to employ counsel. It would have made no particular difference, if these defendants had all been turned loose, and had Nestos been competent instead of a joke among criminals no trials would have been necessary,—pleas of guilty would have been entered. The county paid some attorney twenty-five dollars in a lot of these cases so that they could be tried "just for fun" and because it was a fifty to one shot that the defendants though guiltier than the infernal regions would be acquitted nevertheless.

He also speaks of 24 injunctions. He does not tell you that in all of them the preliminary injunction granted by the court in each of these cases was removed twenty-four hours after Nestos got the order signed—because of childlike error in his moving papers.

Oh, no, Mr. Nestos is silent. He may fool some of the people part of the time, and all of the people some of the time but he can't fool all of the people all of the time, and while we have always felt kindly toward Mr. Nestos as a man, and only criticize him as an official, and know that his intentions are good, yet we recall that good intentions constitutes the paving material of hell.

He says he had saved Ward county \$11,000 in the Warren case. He has back. The money due Warren is held back and is drawing seven per cent interest, and we are reliably informed that there is no chance of his appeal standing up because of his incompetent trial methods.

Aside from this the schools are damaged in the meantime.

He says his office expense so far is only \$6,980.64. Again he perverts the truth. It is nearly forty thousand dollars, when you figure his mistakes and the cost of his poor judgment. It was \$1000.00 in the Staff case alone.

He has recently issued a circular letter, which for grammatical error and faulty construction he should be awarded a prize.

For vacillating, pussy-footing misrepresentation it is without its equal in all the history of Ward county politics.

He says that the support of the Independent is "ever for sale to the highest bidder."

Was it for sale when we voluntarily supported Dudley L. Nash for State's Attorney four years ago because we knew he was a capable lawyer and that it would not be necessary for Ward county to expend money in his education before the county could have a reliable adviser and prosecutor.

We supported Mr. Nash, not because we had anything against Mr. McGee, but because Mr. McGee had had two terms and we knew that Mr. Nash would carry on Mr. McGee's work and deliver the goods.

Were we for sale when we voluntarily supported Mr. Bradford, a man with unquestioned legal ability?

When Nash was State's Attorney he had old Ward county to take care of. So did Mr. McGee. The county was divided and all the county settlements were made during the time of Mr. Nash in office, and both Mr. McGee and Mr. Nash tried five times as many cases as Nestos will ever try while in office, and they always delivered the goods.

Nestos has the effrontery to compare his first sixteen months in office with the first sixteen months of Mr. Nash's term.

Why bless you, Nestos, the first sixteen months of Mr. Nash's term in office were the same as his last sixteen months—periods of efficient service as the records show and you know it. He convicted almost invariably where you lose. He engineered with the county commissioners the Burke, Renville and Mountrail county settlements, stopped the illegal abatement of taxes, and tried five cases where you have tried one, was personally on the job night and day, and was never forced to apologize for error and blame it on his assistants, judges, juries, or anybody else. If he gave an opinion, he signed it and filed it. He didn't let his assistant take the responsibility.

Even you, your former partner and sometimes Mr. McGee assisting you after you balled up the record, represented defendants with Nash prosecuting, but you didn't get away, and he didn't amend his information after he started.

Do you remember the Millard case? After you or your firm gave away all of your client's rights in the preliminary you had to get McGee to help you out in district court, but because of your lack of judgment or that of

your firm you lost. Everyone knows this.

The same incompetence and lack of judgment on your part caused the county to lose \$800.00 in the Pat McCabe garnishment case. You have never shown legal qualifications sufficient to understand that the payment on this warrant can be stopped now—if you will act. The court was without jurisdiction but you let a bunch of Fargo collection attorneys get away with the \$800.00, and you keep the records of this case in your office in the hope that the public will not find out by inspection before the primaries.

You dared not take the appeal in the Warren case before election day. Any attorney of any ability would have disposed of the case before now, but you know you're licked, and you admitted to Mr. Smallwood that you would have to consult Mr. Green on the appeal because you didn't know appellate procedure. The Warren case involved the public schools of this county. The question was public. The cause could have been advanced on the Supreme Court calendar the same as the Stanley court house injunction case. Did you do it? Not on your life you didn't!

You told Smallwood that it would take you a month to correct the transcript and you know that the transcript didn't need correction and if it did it could have been corrected by you by two evenings' additional effort, and you know that most of your offers of proof upon which you rely in this case were written out by you and filed with the clerk.

Do your own written offers of proof need revision? If they do we take it for granted that you will blame it on Carroll.

You say the number of cases started by you without proper investigation before the issuance of a warrant and dismissed are no greater than under other State's Attorneys.

Man, alive do you realize that other State's Attorney's looked after the old county of Ward—an empire beside what you now make so much fuss about, and don't you further realize that other State's Attorneys tried five times as many cases as you and three times as many cases as any other three counties in the state combined?

You holler about fifty-two old cases incumbering the records—cases that were not tried because witnesses died or were out of the state? It only took you a few minutes to dispose of these. You didn't try but three or four of them and these you lost when the other attorneys ahead of you had won them.

You lost the Titanic pig case, because of your incompetence, and you never found time to argue the Kahelk case in the Supreme Court, but left it to the Attorney General when the Attorney General knew nothing of the trial and allowed the case to slip through court on a misunderstanding of the record.

No, Mr. Nestos, we have not, and do not sell our support to Tom, Dick nor Harry, and we do not support incompetent men.

That's why we are not supporting you.

You see we know your record. You may shift, and duck and dodge, write misleading news items for dailies blowing about your great and eternal prowess, and carefully concealing your multitudinous mistakes, and maybe you can fool some of the people all the time, all of the people some of the time, but you can't fool all of the people all of the time, and put this down in your bean—you can't fool us any of the time because we now and then have an opportunity of seeing you perform in public.

Hon. C. E. Davidson of Portal, is, we are glad to know, a candidate for re-election to the State Senate. If conscientious, honest and faithful service to the people of this northwest section, is to be considered by the voters of his district, and we presume it will, he should and probably will be nominated by a big majority. Its a good thing for any section to have an experienced legislator, and especially when you have a man whose record is so good, as that of C. E. Davidson's. Mr. Davidson, should he be returned, will be placed upon some of the most important committees, and particularly those of finance and taxation. On both of which he has already performed good service to the state and his section. It's a safe statement to make that what Mr. Davidson has done while a member of the House and Senate during the past six years, he will continue to do. Of the many good things, he worked and voted for, we of this section, feel under the greatest obligation to him, because of his earnest, successful effort, in getting the Normal School, located, and established in this northwest section of the state. He has been right on every other important question that has been debated and voted upon during his term of service.

Two great luxuries now, strawberries and cherries. Use them both in the best way. Sprinkle a little sugar

over the berries but not drown them in milk, as it spoils the flavor and adds nothing to their charm. Cherries in sauce, but not too sweet. Elegant in pie, but pie in summer makes a restless stomach and a dull brain. So with fruit, peas and potatoes, cut down your meat bill. Let the butchers saw wood.

Here is a case of "personal liberty" that the wets harp on. A Chicago judge let a chap free when he promised to take the pledge and quit beating his wife. The next day the poor wife appeared in court with a sick baby and a black eye. The judge sent the baby to an asylum, and ordered the police to run down the rascal, and put him where the dogs can't bark at him. This chap believes in personal liberty.

There are still well meaning women who kiss in public when meeting or in parting from their female friends. It is probably none of our business, but it always looks in poor taste for one woman to walk up to another in broad daylight, and smack her on the mouth. This happened the other day right in Minot and the resultant sound was not unlike that of a mule pulling its foot out of the mud. Of course there is always the attendant germs, but laying this aside, a handshake appears in better form and just as effective.

TAKEN UP—One dark brown mare, with white strip in face, black mane and tail, weight about 1,000 lbs. Owner can have same at my place by paying charges and proving property. Jos. Sys, Burlington, N. D. R. D. No. 2. 6-11-13eg

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The United States Government will auction off, on dates shown, the unentered lots in the following towns on what was formerly the Fort Peck Indian Reservation: Poplar, June 15th, Sprole, June 19th, Brockton, June 22nd, Blair, June 24th, Chelsea, June 27th, Macon, July 1st, Wolf Point, July 3rd, Oswego, July 7th, Frazer, July 11th and Milk River (Wiota), July 14th.

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