

# The Holt County Sentinel.

42ND YEAR.

OREGON, MISSOURI, FRIDAY, MAY 10, 1907.

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Then Hebe walks where primrose grow,  
Where myrtle blooms and cowslips blow,  
With dancing feet and glowing face,  
O'er greening hills she trips apace!  
Byron Williams

### Court of Appeals Decisions.

The Kansas City court of appeals has handed down the following decisions, affecting Holt county litigants:

The case of Haer vs. Van Vickie, affirmed Monday in the court of appeals at Kansas City, was first tried in the justice court of Z. T. Randall at Craig, and was next tried in the August term, 1906, in the circuit court here. It was a case in which Andy Haer, the landlord, rented 80 acres to Van Vickie. Haer was to have one half of the corn, and nothing was said about any other crop. The year of 1904 was too wet to raise any corn. There was a fair crop of apples on the farm and Haer sued for \$75, the value of one half of the crop of apples. The case was brought under the Landlord's Lien law, Section 4115 Revised Statutes, 1899. Haer also sued out an attachment. Van Vickie won in the circuit court on the ground that the suit was on the contract and then collect a reasonable rent of any crop that happened to be on the land. Harry M. Dungan represented Van Vickie. The decision of the lower court was affirmed.

The second case decided was entitled George W. Quick vs. M. D. Walker, Public Administrator of Holt county, in charge of the estate of Daniel Hahn, Sr., deceased, and was appealed from the circuit court, at the August, 1906, term. This suit is only a small part of the litigation that resulted from the act of Daniel Hahn, in 1854, in deeding an undivided one-half of his lands to his wife, Nancy Hahn. Nancy died in 1866, and her children were by the courts many years later, awarded the one-half of the lands—although their claim thereto was vigorously contested in some cases, and it took a judgment of the supreme court to settle the matter finally. The present case was first begun in the probate court. Judge Quick had bought some of the lands in which Daniel Hahn had given his said wife, Nancy, a half interest, and when her children took the land from Quick in the courts, Quick asked for administration on Daniel Hahn's estate and presented a demand there claiming \$1,500 damages for the failure of warranty. Upon a trial the probate court allowed him \$676. The administrator appealed to the circuit court, and upon trial there, the circuit court gave Quick a judgment for \$333.45. The administrator again appealed, and now the Kansas City court of appeals reverses and remands the case.

### April Weather.

The weather clerk has been off the past two months. He gave us August weather in March and November weather in April. April, 1907, we believe as a whole, goes on record as the second coldest in the history of our records here. The normal temperature for the month up to April, 1906, was 52 degrees, and the coldest day during the month a year ago was 30 degrees on the 1st, and the warmest was 87 degrees on the 24th. This year, 1907, the coldest was 21 degrees on the 13th and 21st, and the warmest 80, on the 23d. We

have had colder days in April, however. The coldest April was in 1859 when the highest range was 67 and the lowest 8 degrees, and the mean for the month was 40. This year 1907, the mean was 44.

Frosts and snows are common here during April, snow having fallen here 33 times in the past 50 years. Snow fell here during the month this year, but was not measurable on account of rain fall and great moisture. These fell on the 24th and 29th. The extreme cold weather of the month did much damage to fruits especially peaches and apples, and stem fruits.

The rain fall for the month was 4.03 inches—the heaviest occurred on the 29th when 1.66 inches fell within 20 minutes, and seemed in the nature of a cloud burst. Much damage was done to field and gardens, and train service was stopped for several hours below Forest; hail followed doing much damage to fruit buds. The normal rain fall for April at this station is 3 1/2 inches.

The extreme ranges of the thermometer for the month have been

| Date.             | Max. | Date.   | Min. |
|-------------------|------|---------|------|
| 3.....            | 66   | 13..... | 21   |
| 4.....            | 67   | 17..... | 22   |
| 22.....           | 74   | 18..... | 22   |
| 23.....           | 80   | 21..... | 21   |
| 26.....           | 72   | 25..... | 26   |
| Mean maximum..... | 66   |         |      |
| Mean minimum..... | 32   |         |      |
| Mean.....         | 44   |         |      |

The month has been noted for extremes in various parts of the country. Chilpanco, Chilapa and Tixtla in Mexico were completely destroyed by earthquake on the 14th and some 100 lives lost. Quakes were also felt in the Philippines, Central Mexico, Charleston, S. C. and Algiers.

One of the largest meteors ever observed in this section flashed across Nodaway county early on the morning of the 16th.

A cloud burst brought great destruction to property near Oklahoma City, Okla., on the night of the 28th.

The towns of Carthage, Yorktown and Clayton, Tex., were visited by a destructive hail storm on the 19th that Yorktown the ground was covered to a depth of 12 inches.

A destructive tornado passed over portions of Denton and Cooke counties Texas on the 26th. Several deaths were reported and much property was destroyed.

—Greene county this state, has purchased a portable jail for the housing of prisoners while they are employed on the public highways of that county. The prison consists of steel cells, large enough to accommodate 18 prisoners, and the structure is hauled about the country on a wagon. The object of this portable prison is to force the law breakers to work full time on public highways in fair weather.

—Miss Turner, of Kahoka, Mo., is visiting Mrs. Sol. Zachman.

—Lulu Marsh is home from Enid, Okla., where she has been teaching the past two years.

### THEY GRIND EXCEEDING FINE

#### The April Term of Our Circuit Court Disposes of Many Cases.

About 30 years ago, Henry Clay Dean, the eccentric Missouri lawyer and orator, was attending a term of the Adair county circuit court at Kirksville. Two horse thieves that were there in jail sent for Dean. He took their cases and after looking at it from all sides, concluded the best thing for them to do was to plead guilty and take two years each. His men balked on the idea of pleading guilty. He told them the penitentiary wasn't such a bad sort of a place—he had been all through it and knew. "The warden, a personal friend of mine, is one of the kindest men that ever lived," said Dean, "and he never makes you work when you are tired and when you are sick he looks after you like a mother. You get roast beef and brown bread every day and pie and turkey every Sunday. Why, when Bill Jenkins (you boys know Bill) used to run a little saw mill over in the corner of Putnam county, they sent him up for er-borrowing corn. When he went there he didn't weigh over 130 pounds—regular skin and bones, and in six months he weighed 300 pounds avoirdupois, and was made captain of the guard just getting along fine; said he would not swap his job for any other in Missouri, and wrote his folks to come down and live with him. The prison can't hurt anything but your reputation, and what does a fellow who's been stealing care about reputation anyway?" The two horse thieves by this time were dead anxious to plead guilty and begin life in the pen. More than that, all the other fellows in the jail who heard Dean's talk insisted in pleading guilty and go along.

The second week of our circuit court came to a sudden close on Monday, but there has been a great deal of business disposed of. The petit jury was relieved from duty Saturday, and the court has been busy hearing only court cases and he kept things moving all the time—especially the lawyers, and the fellow that can make a lawyer "ginger up" isn't very slow himself.

The court officers are to be congratulated on having their business so well in hand, and they kept it up all through the term. The clerk, Mr. Cook, had so much system that he could find any of his vast volume of papers readily, while Sheriff McNulty was on the move all the time and kept his deputies, George Gelvin, Frank Graham and Bob Fry busy all the time, with the aid of the grand jury. Over 119 witnesses were subpoenaed before the grand jury, and only nine of these were unserved—could not be found. This means much work and quick work.

The grand jury was also very busy the entire week, having been in session the entire week, adjourning Saturday afternoon and returning some 25 true bills. This means activity in the prosecutor's department at the August term, as the present term has not been a very heavy one as to state cases. This being the case it gave Prosecutor Price more time to be present with the grand jury. The most important case tried at this term was a civil action for \$20,000 damages. The case was that of Nora Odell vs. Thomas Strickler, for breach of promise, and the young man's property attached to prevent him from disposing of any of his property whatever until a result of the suit was reached. The young man is the owner of over 200 acres of fine Atchison county land, and hence is quite well-to-do. The plaintiff is a resident of Craig. The case occupied the attention of the court for two days, and the jury had the case a number of hours before arriving at a verdict. They finally agreed, awarding the plaintiff \$4,000 damages. The jury was composed of Frank Walker, M. J. Bennett, George Hayes, E. Miller, Ed. Evans, Wm. Baker, W. N. Hodgins, M. R. Martin, Andrew Kreek, James Cotter, Abe Snell, R. F. Buck. The plaintiff's side of the case was in the hands of Messrs. Stokes, Williams, Richards and Raleigh Martin, of Maryville, while the defendant was represented by T. C. Dungan, Mr. Stephens, of Hamburg, and Congressman Booher, of Savannah.

On December 20th last, Steve Hayes, colored, struck Mr. Heavilin, the town's basket maker, and felled him to the sidewalk; the fall caused a fracture of the skull, and Heavilin ceased his vocation for several weeks. Hayes was arrested and charged with felonious assault. On Tuesday his case was called and he pleaded guilty to common assault. The court fixed his punishment at six months in the county jail, and he was paroled on the payment of the costs which amounted to \$50.

The state charged P. L. Wyman with selling liquor without a license. The case was submitted to a jury who said "guilty," and fixed the fine at \$100.

Robert King, by his next friend, D

Ward King, vs G W Reavis Damages. This was a suit for slander, asking \$2500 damages. Mr. Reavis, the defendant, was in charge of the Maitland public school, and it was charged that Robert had been slandered and expelled from the school. The case was dismissed.

On Saturday, April 2nd, this year, Eli McCowan and Uncle Henry Veits got into an altercation in front of the Ballegeer store in Craig, and the former, in the heat of passion, struck the latter. Both are excellent citizens, and the affair was greatly regretted by friends. Suit was brought in the name of the state, charging Mr. McCowan with assault. The case was called and continued.

James Murray entered the Park hotel at Craig, on the night of April 7th; he did not register; he secreted himself in one of the hotel rooms, and things looked so suspicious that he was arrested and charged with burglary. He pleaded guilty and Judge Ellison informed him he could go to Jefferson City and board with the warden of the penitentiary for the next two years.

Charley Stewart was called on the carpet for selling liquor unlawfully. He pleaded guilty and was fined \$200. On payment of \$40 and all costs, he was released on parole bond.

State vs Earl Randall. The charge was grand larceny for stealing a set of harness belonging to Asa Sharp of Craig. The case was called and submitted a jury, which returned a verdict of not guilty.

State vs Levi Cabbage. Defendant was charged before Esquire Hopkins, justice of the peace at Craig, with the seduction of Alice Hilsley in the fall of 1905. A preliminary was had and Cabbage was bound over to the circuit court. It has now been nearly two years, and another continuance in the case was taken.

State vs Wm. H. Allen and Annie Creek; adultery. State dismisses.

State vs Thos. M. Hunter. This was a case for unlawful compounding of a prescription. Defendant was found guilty and a fine assessed. Pending various motions and the usual law's delays, the defendant at this term pays fine and all costs.

State vs William Cobb, grand larceny. Cobb was found guilty at the last January term as being one of the parties engaged in stealing harness from Asa Sharp, of Union township, and fined \$50. The case is on the docket, pending motion for new trial.

State against G F. DeBord, unlawful sale of liquor. Defendant was fined \$100 at a previous term of the court, and appealed his case to the Kansas City Court of Appeals. This latter court affirmed the decision of the lower court and thus the fine will have to be paid. This same entry will apply to those cases docketed as state against C. C. Phillips and one against Lionel Wyman.

Walter Harrison was charged with stealing a hog from Joseph Groves, but when the case was called, the state dismissed.

State vs. George Groves. Assault with intent to kill. On the evening of November 19th, 1906, while Mr. Joseph Groves and wife were sitting in their family room at their home in Mound City, a sharp explosion was heard resembling the discharge of a gun. A lamp sitting in the window near Mr. Groves was shattered; the window was also shattered, and Mrs. Groves received a part of the load in her face. Snow was on the ground, and large footprints were plainly discernable which resembled that of a man's shoes. Blood hounds were obtained from Beatrice, Neb., and they followed this trail to a buggy track about a fourth of a mile from the Groves residence. An empty shotgun was found imbedded in Davis Creek, not far from the Groves residence. From various indications, suspicion at once pointed to George, son of Mr. Groves. He was arrested, gave bond, at the January term last, owing to illness of the accused man's wife, a continuance was taken. On Tuesday of this week the case was again called, and the state dismissed the case.

State vs. Charles Headley; wife abandonment. State dismissed.

State vs George Carlton. Carrying concealed weapons. State dismisses.

State vs. Charles Mallow. Last fall the defendant seemed to take a notion into his head to make the public highway a race track and consequently he started his team at a breakneck speed on the highway west of Bigelow. His team and rig came in contact with a buggy occupied by C. A. Waggoner and J. M. Smith; result, a completely demolished buggy, and Mr. Smith had his collar bone broken. He is arraigned on two counts; for running horses on the highway and for assault. The case was continued.

State vs. Martha A. Wood. The defendant was charged with failing and refusing to make tax list. The case was continued at cost of defendant.

Henry M Fisher and H T Pendergast,

et al, vs James M Krusor, et al. Suit for wages. The plaintiffs rendered service for defendant on the ditch construction, and asked for full payment of balance claimed to be due. The jury found for the plaintiffs for \$60. Motion for a new trial was at once filed.

E J Kellogg vs Sarah Taylor. Note. The court named Ivan Blair as referee, and to report his finding at the August, 1907 term.

John A Ridge vs Elmer Johnson. Damages. The case was tried at the January 1907 term, and was for damages for alienation of affections of Ridge's wife by Johnson. Plaintiff and wife were in the employ of defendant; the former as a farm hand and the latter as housekeeper, and while so employed the trouble arose. At the January term the plaintiff was awarded \$2,000 damages. The defendant at this term filed the usual motion for appeal to the Kansas City court of appeals.

D Ward King vs Elijah Rowlett. Account. This was a suit for corn claimed to have been bought by latter from a tenant of King, when the rent was unpaid. The case was submitted to a jury and a verdict for the defendant was returned. Plaintiff filed notice of appeal to Kansas City Court of Appeals.

Silas Bucher vs C B & Q R R Co Damages. The defendant filed motion and bond for removal of cause to the federal court. This promised to be an interesting case, but the move of the defendant to go into the United States court caused the plaintiff to dismiss the suit. The plaintiff is a large fruit grower in this section, and claims that the railroad company through its agents agreed to furnish refrigerator cars for the shipment of his fruit—peaches. Pursuant to the agreement he ordered the specified cars each day of the week—excepting August 5 and 7. He ordered cars on the 6th, for his shipment on the 8th. On said date, he delivered 434 6-basket crates of peaches, for shipment, and there being no car, as contracted for, he was compelled to make shipment by express to Omaha and he claims he was damaged to the amount of \$250. There are several counts in the petition, and the total amount of damages asked is \$1250. The case no doubt will be heard from later.

Patrick Fitzmaurice, Mary A Fitzmaurice vs Patrick Timothy Fitzmaurice. Contract. Continued.

J L Galloway and W F Atkinson vs J W Squire. Set aside deed. Defendant filed answer to amended petition and the cause continued.

M D Walker, guardian of the estate of Martha Gillis, vs Elmer Wilson. Appeal from J P court. Dismissed.

Forest City vs Claude Sanner. Appeal from J P court. Plaintiff dismisses.

John W Stokes and Ivan Blair vs P L Bohart. Account. Dismissed at cost of defendant.

J S McKown vs W L Riffe and C M Wickiser. Contract. Plaintiff dismisses.

James A Vanderventer vs Bank of Mound City. Damages. Continued at cost of defendant.

J I Chuning vs A W Chuning. Note. Judgment by default.

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James Bush and Elizabeth Bush vs C B & Q R R Co. Damages. Defendant files motion and bond for removal of cause to the federal court. Plaintiff dismisses.

J A Klopp vs Alex McArthur and wife. Appeal from J P court. Defendant files motion to require plaintiff to file additional bond. Continued for want of notice of appeal.

Pearl Fowler vs Claude Fowler. Divorce. Continued.

Mabel Thomas vs John William Thomas. Divorce. Continued.

James Ballinger vs Mary M Ballinger. Divorce. Decree for plaintiff.

Lulu Belle Watson vs James Watson. Divorce. Decree for plaintiff.

Marticia Thorpe vs Wilbur Thorpe. Divorce. Decree for plaintiff.

Henry T Alkire vs Charles F Sipes. Judgment. Judgment for plaintiff and damages assessed at \$437.

James W Krusor vs George W Krusor. Partition. Sheriff filed report of sale which was approved and distribution was ordered. E. J. Kellogg allowed \$300 attorney fee.

Charles Sandall vs J W Squire. Damages. Dismissed.

Wm Galbraith, by his next friend, P Galbraith, vs T E Teare. Appeal from J. P. court. Motion to set aside non suit overruled.

Frank Cook and Myrtle M Cook vs J W Squire and A D Annis. Damages. This was a suit asking damages growing out of a land deal, the plaintiffs claiming misrepresentation. The plaintiffs dismissed suit as per stipulations filed.

Sherman W Shiley and Hattie L Shiley vs A D Annis and J W Squire. Damages. This was as similar a case as the one above mentioned, and a similar entry was ordered.

Bailey Patterson vs W S Hodgins.

Contract. Submitted to court; judgment for plaintiff for \$97 18.

Frank Frede vs Aetna Insurance Co. In August, 1906, the plaintiff lost his store building and stock of goods at Bigelow. He wants his insurance money, and brought suit for that purpose. The defendant took a transfer to the federal court.

F S Brownfield vs J D Armstrong, Lillian M Armstrong, Interpleader. Appeal from J P court. Continued.

The cases of R. bert Lunsford, Charles J Bruntmeyer and Albert Murray vs Squaw Creek Drainage District, No 1. Continued.

State ex rel, J H Wilson, vs E L Gaffney, A Lawrence, et al. Bond. Demurrer sustained.

C S McKee vs J M McKown, Wm T McKown, et al. Note. Continued at cost of plaintiff.

State ex rel James H Meador vs E L Gaffney, A Lawrence, et al. Bond. Defendant files motion to require plaintiff to file additional bond. Demurrer sustained.

State ex rel, Ivan Blair, vs Big Tarkio Drainage District, No 2. Quo warranto. This is a suit to dissolve the incorporation. Taken under advisement by the court.

William H Richards vs Gustave Voltmer, et al. Partition. Plaintiff dismisses.

Irene Jane Smart vs Susan Gleason and Thomas Gleason. Partition. Finding and decree for defendant. Plaintiff takes leave to file bill of exceptions before last day of next term.

Vinnie B Swain, Louis T Cropp and Dessie Cropp vs Charles L Cropp, Jennie Cropp, Bertha Cropp, B B Simmons. Partition. Sale bill approved. Decree as prayed for. A. Van Buskirk allowed \$62 50 attorney fees.

Nora Odell vs Farmers' and Merchants' Bank of Craig, Mo, garnishee in case of Nora Odell vs Thomas W Strickler. Garnishment. Garnishment dismissed.

William Voltmer vs Sopha Voltmer and Henry Voltmer, et al. Motion to retax costs. Motion to retax overruled; leave to file bill of exceptions before last day of next term.

William S Taylor vs Isaac Massey, Zinnie E Bragg, Alberta M Bragg, et al. A Van Buskirk named as guardian ad litem; decree for plaintiff as prayed for.

Jonas B Shields vs M J McAshane, Henry H Mayfield, John Perkins, et al. Decree as prayed for.

Samuel Nowland vs William Zimmerman, M J McAshane, et al. Decree as prayed for.

Thus it will be seen from the above disposition of cases that a vast amount of business was disposed of and the docket well cleared of cases.

The court adjourned on Monday of this week to meet May 25th, to hear arguments in the motion for a new trial in the case of Odell vs. Strickler.

For Life.

A pretty home wedding occurred at the residence of the bride's parents, Mr. and Mrs. C. B Rayhill, of this city, at 7:30 p. m., Wednesday, 8th inst.

Miss Alice Rayhill was married to Mr. John T. Scott, of Forest City, Mo. The grace and beauty of the bride was more than striking. She wore blue silk, mull trimmed in lace. The groom was dressed in the conventional black. The attendants were the bride's brother, Johnson J. Rayhill, Miss Lenora Rayhill, of Kansas City, cousin of the bride; Proctor V. Scott, brother of the groom; Miss Bessie D. Meyer, of Oregon, cousin of the bride.

The house was tastefully decorated with flowers and evergreens. Over 30 guests assembled in the parlors to witness the ceremony. The bridal party entered the room to the strains of Mendelssohn's wedding march, played by the bride's sister, Miss Cora Rayhill. Rev. James M. Walton, the bride's pastor, spoke the words that made the happy couple one, while soft music floated from the piano.

After congratulations, the guests were invited to the dining room, where an elegant supper was served—Mrs. Rayhill proving herself a delightful hostess. The bride was remembered by a host of friends with many beautiful and useful presents. After a social hour the guests departed, wishing long life and happiness to the newly wedded couple, and blessings upon their kind host and hostess, Mr. and Mrs. C. B. Rayhill.

A reception was given to the bridal party by the groom's sister, Mrs. Neville Dickson, of Forest City, on Thursday.

—Miss Hazel Spellman, of Mound City, after a delightful week's visit as the guest of Mrs. Andy Tochterman returned to her home Saturday last. Mildred and Russell so protested against her taking their little brother home with them, that Hazel concluded to let him stay until her next visit.

—John M. Wood, of Elmo, this state, was the guest of his brother, Dr. W. S. Wood, this week.