

Sick juror recovered; jury in Dewey trial reconvened

By Evelyn Ward

Sherman County Historical Society
March 17, 1904: The district court of Norton county in the trial of Chauncey Dewey, W.J. McBride and Clyde Wilson, charged with the murder of Burchard Berry, reconvened. The sick juror, Darling, was able to appear in court.

The defendants put Mrs. Barnes on the stand. She emphatically denied that Pearl Ross was at dinner at her house the day McBride was there and as emphatically denied there was any conversation as Pearl Ross swore to about McBride saying that they intended to get the settlers off even if they had to kill them off.

The defendants rested, and the state in rebuttal placed Mr. Grover, of Kansas City, on the stand. After a discussion of two hours over the competency of his testimony, he said that in June, 1899, there was a drove of cattle driven on the Dewey ranch and that Dewey had a white-handled revolver. Scott, a lawyer, had a gun, and Ratcliffe, a real estate man, had a gun, and one other man. That was all he knew about it.

George Lawless was called to the stand. He is editor of the *Kansas Eagle* in St. Francis. He testified

today in history

that Chauncey Dewey did not have a good reputation among the settlers of that county; that he had seen Dewey's cattle in Berry's crops; that he had never seen any of the Berrys armed.

He also testified that Alpheus Berry was a small man and weighed about 135 pounds, and Burchard Berry was larger and weighed about 160 pounds. J.B. Sheppard was the next witness. He said that Chauncey Dewey had a bad reputation among the settlers and that McBride's reputation was not the best.

F.L. Shields, assistant cashier of the Citizen's Bank in St. Francis, swore that Chauncey Dewey's reputation was not good in the vicinity in which he lived and that Thomas Lebo, one of Dewey's men, always had a bad reputation.

Charles Pritchett of Bird City testified that Dewey's reputation was not good in that vicinity. M.P. Meek testified that Dewey's reputation was not good in the vicinity of Oak Ranch.

Charles Burnham, recalled, said that Daniel Berry was not armed

July 18, 1902, when he was at Alpheus Berry's place to get some horses under a writ of replevin.

J.W. Schrader, Cheyenne county, testified that Dewey's reputation in that country was bad. McBride and Tom Lebo also had bad reputations. He said that he had often seen Dewey, McBride and his men carrying arms prior to April 1902.

A.V. Chapman, of Thomas county, about six miles from Dewey's head quarters, said Dewey had a bad reputation in that vicinity; that he was chairman of a meeting at the Berry place after the shooting June 3, 1903, and that the settlers decided to let the law take its course.

He also testified that he was present at the time Roy Morgan testified that Daniel Berry made the statement that if he or his boys ever caught Dewey away from his headquarters that they were going to kill him. Chapman testified that Daniel Berry made no such statement.

March 18, 1904: Dewey Case Revived by Attack of E.B. Robertson Upon George Lawless — George Lawless, the proprietor

of a St. Francis newspaper, the *Kansas Eagle*, was treated last Monday to a punch in the face and vile epithets therewith.

The assault was made by Under Sheriff E.B. Robertson, of Cheyenne county, because Mr. Lawless said an unpleasant thing about him in his newspaper — "that E.B. Robertson has been put on the stand in the Dewey case in Norton and refused absolutely to tell the truth."

The article in question was inspired from a telephone message from County Attorney Hotchkiss that "McColloch and Robertson went back on the state; the defense were so well pleased with their testimony that they were not cross examined."

Corollary seems not to work well in St. Francis. Lawless is a scrapper when it comes to the pen; his roast of the Kansas supreme court for granting bail to the Deweys stands by itself in western Kansas literature as a philippic and was alluded to by John Conway, of the *Norton Champion*, as a "supreme roast."

Mr. Lawless did not resent the assault by Robertson but had his assailant promptly arrested and put under bond to keep the peace. In emergencies of this kind, the "eye

for an eye and a tooth for a tooth" doctrine seems good.

The "Kansas Eagle" had a right to scratch and claw his adversary, but perhaps our fraternal brother did the best thing after all. We don't know the comparative weights and measurements of the two men.

In a hotly contested case like the Deweys, it is not infrequent that extravagant expressions on both sides may find their way into print. The Berrys are not held to have been entirely blameless, and since the defense says the Berrys were crack

shots and opened fire first at close range, why didn't they kill some one?

Let the defense explain how it happened that the Berry boys were shot in the back of the head, and their father, 70 years old, feeble and defenseless, was shot down like a dog, a bullet hole in his abdomen.

From weekly issues of The Goodland News, provided by the Sherman County Historical Society. Since the paper was published weekly, some items were arbitrarily assigned a date.

Youth Hunt

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Who: Kids 15 years and under

When: Saturday, March 27,

8 a.m. Mountain Time

Where: Ringneck Country, Hwy 27 to Rd 80 - 3 mi. west

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Parent or legal guardian must accompany their youth on the hunt



Farmers can get emergency loans for losses

Farmers in Sherman, Cheyenne and Wallace counties who suffered crop or livestock losses because of natural disasters can apply for U.S. Farm Service Agency emergency loans.

"Loans covering physical and/or production losses may be made at a 3.75 percent interest rate," said Farm Loan Manager Patricia Eckhardt, "and are scheduled for repayment as rapidly as feasible, consistent with the applicant's reasonable ability to pay."

Loans covering physical losses

may be used to replace installations, equipment, livestock or buildings, including homes, lost through a disaster.

Loans covering production losses may be used to buy feed, seed, fertilizer, livestock or to make payments on real estate and other debts. The money can also be used for essential operating and living expenses, Eckhardt said.

To be eligible, she said, an applicant must be operating a family-sized farm or ranch, unable to get credit elsewhere and have suffered

a qualifying loss, at least a 30 percent reduction to at least one crop or enterprise. Emergency loans cover 100 percent of qualifying losses.

Loans are limited to \$500,000, Eckhardt said, less the outstanding principle balance of any prior emergency loans.

Farmers needing credit as a result of drought, excessive wind and insect infestation since Jan. 1, 2003, and who think they are eligible should make their applications at the farm service office at 210 W.

10th, Goodland. The office is open from 8 a.m.-4:30 p.m. Monday-Friday. Call 899-3070.

CONSIGNMENT SALE

Date: Monday, March 22, 2004 **Time:** 10:00 am MST

Auction Location: Former M&M Sales Building, 1840 W. Highway 24, Goodland, Kan.

TRACTORS

641 Ford Workmaster w/ factory loader; 547 IHC Tractor w/ 6 ft loader - overhauled in 2002; D14 Allis Chalmers gas w/hydraulic loader; 1980 John Deere 4640 tractor - 3,065 hours on overhaul; 1971 John Deere 4320 tractor - 10,452 hours

TRUCKS

1963 Ford Cab over with hoist - 39,000 actual miles; GMC Volvo 3406 Cummins w/9 speed - has had \$3,000 repairs; 1985 349 Peterbilt Conventional Day Cab - 350 Big Cam 4 Cummins; 13 speed direct, air ride, AC, 95% rubber; 1979 GMC General Truck, 6V92 Detroit, 9 speed, 82 barrel tank, New Motor @ 95,000 miles; 1991 Dodge 1/2 ton pickup, 2wd, red, V-6 - 86,000 miles; 1972 Chevrolet 3/4 ton Cheyenne 20 V-8, 400 big block, 2-tone green 160,000 miles; 1995 Chevrolet 1 ton dually, 350, 4wd, bail bed, black - 93,000 miles; 1995 Chevrolet Silverado 3500 1 ton pickup, 2wd, 454, 4 speed dually, extended cab, running boards - 130,000 miles; 1975 Kenworth, 350 Cummings, 13 speed, 411 rear end; Ford LN9000, 5/4 transmission, double frame, 534 motor - weak

FARM EQUIPMENT

1996 10,000 watt Kubota diesel generator - 120/240 single or 3 phase; 40 to 50 aeration tubes; 2 wheel trailer; Tractor propane tank; 7100 8 row JD planter w/ liquid fertilizer boxes, Kinze meters & plates; 1980 20' Hamby anhydrous rig; NH Sperry Rand 103 SQ bale wagon; 2 - 15' Sund bean pickers; 1972 8 row Hitchcock bedder + follow up markers; 18' Jeffery chisel; 1980 26' Kent crust buster; 1994 8 row Buffalo cultivator; 1981 10' Degalman dozer; 1970 28' IHC grain drills w/ hitch; 1970 BJM tandem mixer

wagon; 1979 15' IHC packer; 1977 6 bottom Massey plow; 1977 7 shank Big Ox ripper; 1982 8 row Orthman tool bar + bean knives; 1981 10 row Orthman tool bar + rods; 1994 42' Jet grain trailer; Single v-ditcher; 1998 16' MacDon 5000 - very clean; 30' header trailer; 4 wheel running gear trailers; Heavy duty 3 pt forklift, 5' forks, side shaft; Fertilizer tender box; Ridge Til 8 row; John Deere 330 disc-30'; Richardson Silage Dump Wagon - 14'; 3 - 150 drills, 1971 John Deere planter; John Deere cultivator; Trailer load of fertilizer equipment.

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MISCELLANEOUS

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