

# Man was acquitted of killing wife's lover

**By Evelyn Ward**  
*Sherman County Historical Society*  
**May 21, 1904:** An Old Story — (From the *New York World*) — The acquittal of James Newman, indicted for manslaughter in the first degree for shooting and killing Wilbur Van Tessell for "breaking up his home," is the repetition of a verdict which puts the "unwritten law" above the statute law. It also raises the old question, "What good?"

In this case, the faithless wife, dressed in mourning for her dead paramour, unblushingly admitted on the witness stand her infidelity, giving as a reason that she "loved Wilbur better than Jim."

She gave her testimony in a very pert manner and "laughed lightly" as she left the stand. And this is the sort of woman for whom a respectable man and "kind husband" became a murderer!

What has he gained except pub-

## today in history

licity for his shame and the life-long memory of a crime? Is his "broken home" mended? Will he take the flippant and faithless woman back?

Is his "honor" vindicated by killing the man whom his wife confessed that she freely and eagerly ran after? If "injured husbands" would do a little rational thinking before resorting to the pistol and try to find in their inner consciousness, a saving remnant

**May 22, 1904:** L.L. Ernst last week sold his large residence to Mrs. May Kern, who will conduct a rooming house. The consideration was \$2,050. The Ernst family have taken up quarters in rooms in the rear of the jewelry store building. Mrs. Kern was intending to build a ten-room house, but will not do so

now. A.D. Stewart sold his residence on West 11th street last week to John Miller, consideration \$850. Possession will be given the first of June. Mr. Miller is a Rock Island brakeman.

T.E. Townsend, manager of the Foster Lumber yard here, has sold his house he recently built to T.W. Simmons for \$700. Mr. Simmons lives at Norton, but formerly operated a farm near Ruleton.

**May 23, 1904:** \$800 Loss By Fire — A large new barn on the farm of Amos G. Smith, ten miles southeast of Goodland, was wholly consumed together with its contents Sunday afternoon.

The barn was a new frame structure, 64 x 48 feet, and cost over

\$400. It was insured for about one-half its value. Besides the barn, a new farm wagon, a new team harness, grain drill and other farming tools, 60 bushels of ear corn and 200 bushels of barley were also lost in the fire.

The origin of the fire is not known, as Mr. Smith and family were absent at church at the Kipps school house at the time.

Some of the neighbors saw the blaze and arrived on the scene just in time to save some calves that were penned in the barn yard. It was getting very hot for the young animals, and the fence was torn down to get them out of the way of the fire. The loss is estimated at about \$800.

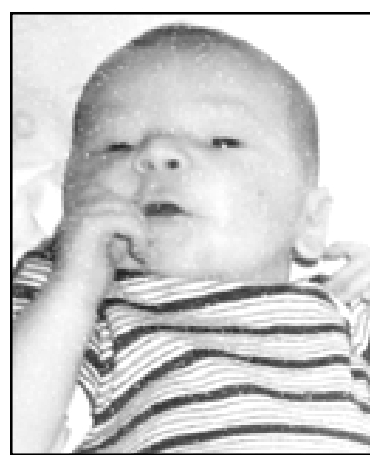
**May 24, 1904:** The Bag-Bag Incident Expunged From the School History — Pupils of the Kansas high schools will not be taught that it was for swimming the Bag-Bag River in the Philippines in the face

of a hot fire from the enemy that General Frederick Funston was promoted from colonel of volunteers to be a brigadier general in the regular arm.

A subcommittee of the state text book commission has ordered the account of the incident expunged from the history, which has been readopted for use in the high schools for five years.

"We will give credit to the privates, Trembly and White, to whom it belongs," says Mr. McCray, a member of the subcommittee. "The misstatement that Funston ever swam the river will be stopped now while there are men living in the state who know it is not true."

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.



Caleb Todd

## Baby boy born in April

Caleb Gregory Todd, son of Cody and Susanne Todd, was born April 21, 2004. He weighed 8 pounds, 4 ounces, and was 20 1/2 inches long.

Grandparents are Richard and Connie Allaman and Julie Todd, all of Goodland, Merton and Donna Todd of Lawton, Okla. Great-grandparents are Thelma Allaman, Doris Curry and Walt and Helen Rohr, all of Goodland.

# Treasurer files motion to stay order on school payments

State Treasurer Lynn Jenkins filed an emergency motion with the Kansas Supreme Court on Wednesday to stay a district court order prohibiting her from paying money out to Kansas schools.

Under an order issued by District Court Judge Terry Bullock, effective on June 30, the treasurer's office has been ordered to "cease and

desist" expenditures "under all education funding statutes for the purposes of operating schools," including capital outlay money.

The treasurer's office acts as the bond-paying agent for 90 percent of municipalities, which includes school districts. During Fiscal Year 2003, the office issued payments totaling \$303 million on school

district's bond issues.

Judge Bullock's order would cause local school districts to default on their bonded indebtedness, Jenkins said, possibly harming the schools' bond ratings. Jenkins said the State's bond rating also could be affected if school districts default.

"The order has numerous financial consequences and this is one of

them," the treasurer said. "If school districts default on their payments, bond ratings will fall and interest rates will climb, costing Kansans even more money in the long run."

"I have a duty to serve the citizens of Kansas in my position as state treasurer and am very concerned with the court's order. A stay of all District Court proceedings must be

issued by the Supreme Court to prevent permanent damage to the public schools of Kansas."

Earlier, the treasurer was successful in receiving a summary judgment and dismissal from this lawsuit, and she is no longer a party to the litigation. However, she said, this order prohibits her from fulfilling her duties under state law.

## matters of record

### Goodland Police

The following crimes have been reported to the Goodland Police Department:

**May 6** — An estimated \$1,000 in criminal damage was reported at 1521 Kansas Ave. to a counter and sink in a rental property belonging to Property Management.

Jeffrey W. Gray reported a burglary at 532 W. 11th St., and the theft of four tires, valued at \$460, taken from a storage shed.

The theft of \$25.90 worth of gas (gas skip) was reported at Presto Oil, 2510 Commerce Rd.

**May 7** — Cole B. Weise, Dustin

C. Scott, Chris P. Maldonado and Jamie L. Knox were arrested at 1528 Sherman Ave. for possession of marijuana and possession of drug paraphernalia. They were charged in district court.

**May 8** — Kenneth R. Jones reported an incident of criminal damage and disorderly conduct at 2218 Commerce Rd. Reina Barrera was arrested and charged in municipal court.

**May 9** — Fernando Ortega was arrested for driving under the influence of alcohol, not having a valid driver's license and speeding. He was charged in municipal court.

**May 10** — An incident of battery

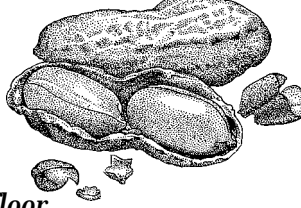
involving juveniles was reported at 1209 Cherry Ave.

Yesenia Sanchez reported the theft of purse, valued at \$136, taken from 2160 Commerce Rd.

**May 16** — Tamara D. Fogg was the victim of battery at 2157 Caldwell Ave. Rodney Miller was arrested and charged in municipal court.

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