

The Climie Case

Synopsis of the Evidence Before the Coroner's Jury.

From Dickinson Recorder.

Dr. Perkins in answer to questions of Attorney Simpson, acting for the state, testified; I was personally acquainted with Ole P. Ziner, have known him intimately for the past six years and last saw him alive at the county convention at Richardton April 28. On Monday morning this week was called to go to the Ziner ranch, northeast about 35 miles and there saw the body of Ziner, dressed in drawers and underwear, cotton shirt, with blue stripes, grayish pants, stockings and shoes, and brown felt hat; no suspenders, no coat and no vest, but he had on a heavy pair of buckskin gloves. The body lay face downward immediately under a barb wire fence, the head pointing in a northwesterly direction, toward the ranch house. Of the two wounds think the fact of the rim of the hat being under the head indicates that the shot in the back was the first received and it was sufficient to cause instant death. In my judgment he was just getting under the fence when he received the first shot, headed toward the house and the bullet struck him in the back. Just outside the fence was a strip of plowing and beyond that a recently made track of a heavy wagon. Nine feet from the nearest wagon track (upon the plowing) lay a revolver and nearby a short handled pick, a small tin pail of onion sets and about eight or ten feet from these a garden rake. The revolver was 33 feet and 6 inches from the feet of the body and it was 52 paces from the body to the house.

Witness identified the bullet taken from the right shoulder as the one first shot and stated in his opinion it was 30 or 32 caliber.

In cross examination by Attorney Crawford it was brought out that the person firing the shot must have stood to the left of the man who received it.

Richard Fordyce, the next witness stated: On Sunday May 15, was in the employ of Ole P. Ziner at the latter's ranch. Am acquainted with Sheriff Goodall and Harry Knutson, they were both at the ranch and left separately between seven and eight o'clock Sunday morning. Knutson returned about eleven. After these men had gone only Mr. Ziner and witness were there. About 9 o'clock Mr. Ziner went out to the plowed ground to plant potatoes and onion sets witness assisted him until about half past ten and then went to the house and from there to the barn, on the way to the barn saw a wagon with two horses attached coming in which were Climie, Hartell and Brown, they were about 100 yards from Ziner when witness first saw them. Witness was in the barn about two minutes, saw them stop near Ziner and heard some man say "hello" went to the house, heard no loud or angry talk, entered and was hanging up coat when he heard a shot and went to the door, saw Ziner just getting under the wire fence coming away from Climie. Saw Climie standing in the wagon, shoot at Ziner with a rifle, did not see Ziner move after falling when first shot was fired, then

picked up on the plowing, nor had he seen any other gun in Ziner's possession.

Crawford elicited that witness was in plain view of the men in wagon while between the house and barn also that Hartell was on the seat of the spring seat driving the team and that Brown was seated in the wagon box with his back to the scene of the killing; also that he saw no gun in the hands of any of the men before the shooting began.

The testimony of Harry Knutson, who was the next witness, developed nothing new.

John Goodall swore that he, as sheriff of Stark county, went out to the Ziner ranch in company with Mr. Ziner last Friday and stayed until Sunday morning, in the meantime tallying the latter's cattle; slept with Ziner but saw no gun on him or in the shack; remembers telling Climie Saturday that he was going to Dickinson but saw more of the cattle, went back, tallied them and then stayed all night, driving by Climie's place and again stopped to talk with him. Witness remembers telling him that Ziner was going to Dickinson Monday and that Climie then and previously had made threats, on saw Climie jump down and run toward Ziner and shoot again within half a minute after the first shot, saw the second shot hit Ziner's head. Climie and the others were there only five to ten minutes in all, before driving off Climie called witness to come down and said: "He pulled a gun on me and shot; he didn't get me." Witness had never seen the revolver that was one occasion saying in substance that he would kill Ziner if the latter did not leave him alone. Witness left Climie's about nine or two hours before the shooting at the Ziner ranch, four miles from Climie's.

Cross examined witness described revolver picked up on the plowed ground, said it had five loaded cartridges and an empty shell under the hammer. Also that Climie had said in substance on one occasion that he did not care what became of himself but that Ziner should never turn Climie's 80-year old mother and 3-year old son out doors.

The re-direct brought out that the gun was a "Montgomery-Ward" affair, that the loaded cartridges had apparently been in the gun some time, the empty one seemed to be an old one that had been greased to place it in there. Witness said however that there was considerable rust in all the chambers.

CORONER'S VERDICT.

At an inquisition begun at the ranch of Ole P. Ziner, in township one hundred forty-three range ninety three (which territory is attached to Stark county for judicial purposes) on the 16th day of May, A. D. 1904, and from there, upon said day, adjourned to the city hall in the city of Dickinson, in the county and state aforesaid, on the 17th day of May, 1904, before Anton Schmidtbauer, coroner of said county, upon the body of Ole P. Ziner, there lying dead, by the jurors whose names are hereto subscribed. The said jurors, upon their oath, do say that the said Ole P. Ziner came to his death on the 15th day of May, 1904, by means of a leaden bullet fired from a gun in the hands of one B. K. Climie with intent, feloniously, to kill and murder said Ole P. Ziner, and Charles Hartell and Harold Brown there and then aided and abetted the said B. K. Climie in the commission of said crime.

C. M. DINSDALE,
PHIL DICKINSON,
ROHR LYON.

ATTEST: ANTON SCHMIDTBAUER
HARTELL AND BROWN HELD.

Charles Hartell and Harold Brown were taken under surveillance of Deputy McCoull about noon Tuesday and after the inquest were locked up in jail being held as accessories before the fact. Brown is a brother-in-law and Hartell an employe of B. K. Climie and all three are comparative strangers here, having come from near Coopers-town.

The republican state central committee turned down the Murphy faction in Ward county which was the proper thing to do. When delegates have got to be met at the door by pugilists and their credentials taken away by brute force it is time to call a halt.

The postoffice department calls attention to the fact that private postal cards are contrary to law, and that those who have or intend in the future to use them must refrain from so doing. The following instructions have been received from Third Assistant Postmaster General Madden. "The law officer for this department advises that cards issued by private persons bearing on the address the words "United States of America," are in "likeness or similitude" of the regular United States postal card, are therefore in violation of law and unmailable, (Sec. 1591, postal laws and regulations.) However, in order to give owners of such cards reasonable time to dispose of those on hand, postmasters will accept them for mailing until July 1, 1904, upon payment of postage at the proper rate. On and after July 1, 1904, such cards will be treated as unmailable at any rate of postage."

Speaking about final examinations in schools a correspondent in the Sumner, Wash., Index, has the following very pertinent diagnosis of the case to make:

"And now comes the period of rapid reviews and the pernicious practice of cramming for final examination, a practice insisted upon by the regulations of the state course of study. It is a relic of past educational barbarism, no longer practiced where educational conditions are at their best. Every individual is a law unto himself, and should be developed as an individual, and not forced into a common mould; in fact he cannot be without almost complete destruction of all that is of any real value to him. Who, then, will presume to frame ten questions that shall give a fair opportunity for expression of individual worth in even a single pupil, to say nothing of a class of thirty? Who will presume to affix standing on a percentage basis? The same answers graded by a dozen different examiners will show results differing from five to twenty per cent. The intelligent, impartial teacher who has had charge of a class during the school year is the most competent to decide the matter of promotion. Digestion, assimilation and growth are the objects of school work, and not mere absorption of isolated facts to be given up as water from a sponge, under the squeezing process of written examinations. It is a matter of common experience that the pupil who is unable to make promotions upon the basis of written examinations proves the strongest man or woman in life. Why did not written examinations foretell this? Evidently the lack was not in the individual, but evidently in our ability to comprehend the difference between real and apparent strength.