

A FATAL SHOT

Trouble Over the Location of a New Road Leads to the Death of Will Hunzeker

Who Was Killed by a Revolver Fritch—a Neighbor.

For many years there has been bad feeling between certain neighbors in this vicinity over the location of a road leading from Frank Fritch's house to the public road, which runs in front of the old Andrew Fallon's farm house. Many petitions and representations have been filed with the county board of commissioners. Finally the road was ordered by the commissioners and the matter was taken into court and to the supreme court, which finally conceded the road, but the question of damages has not yet been adjudicated. There has been some personal encounters growing out of these difficulties, one of which occurred last Thursday between Frank Fritch and Ulrich Lionberger, in which the latter struck the former with a piece of board and Fritch drew a revolver, and Lionberger ran. The land on one side of the road is owned by Ulrich Lionberger, and after the road order had passed the road by order of the board, Mr. Lionberger had closed the gap on his side, by piling in hedge brush, while the other side remained open, the hedge which had been the dividing line between the two pieces of land, still stands and forms the center of the road.

On Saturday, Frank Fritch, and son, Joseph Fritch, the latter a young man, about 22 years of age, went to Humboldt, and on their return, late in the afternoon, quarrel ensued, in which William Hunzeker, a man 29 years of age, was killed, and the older Fritch was seriously injured about the head.

The particulars of the tragedy are as follows, as gathered from the testimony given at the coroner's inquest, which was held Monday forenoon at the place where the murder took place and at the home of Ulrich Lionberger.

Ulrich Lionberger and William Hunzeker are brothers-in-law, and the latter was visiting at the former's home last Saturday, and when they saw the two Fritchs coming up the road on their way from Humboldt, they hurriedly proceeded toward the entrance to the new road and hid behind a corn shock until the Fritchs arrived they got out of the buggy and began tearing away the hedge brush from the entrance, when Lionberger and Hunzeker came out from their hiding, and Lionberger told Fritch that that was his private property and he would protect it. At this point Fritch put his hand up to his breast pocket as if to draw a revolver, when young Hunzeker told him to "pull your pop and shoot if you dare," and the old man shot, and quickly followed the first shot by a second. After the bullet had been fired, Hunzeker started toward Fritch with a hedge club about five or six feet long in his hand, and the latter backed away for a few feet and then turned and ran; Hunzeker followed and struck him two blows with the club, one across the right arm and the other on the back of the head, the last blow knocking the old man down, and Hunzeker jumped on him; after about a minute Hunzeker gasped and rolled off of Fritch—a corpse.

Lionberger jumped on Fritch and held him down until Mr. Lionberger and W. F. Albin arrived, when he was assisted into his buggy by his arm and taken home. At the first shot, the horse became frightened and young Fritch started after them, and when he got back Hunzeker was dead.

The body was taken to the home of his brother, John Hunzeker, and Dr. Wilson, the coroner and the sheriff were summoned. The doctor washed the corpse and stopped the flow of blood, and the coroner ordered a post mortem examination to be made, while the sheriff went to the home of Fritch, placed him under arrest, and took him to Pawnee City, where he was found to be quite severely hurt about the head.

The injury to the back of the head was serious, the skull being fractured, and Sunday and Monday he was reported to be in a critical condition, but he was much better in the afternoon of Monday and was able to give his testimony before the coroner's jury, and on Tuesday afternoon he was able to leave for his home.

The post mortem was held on Sunday afternoon and disclosed the fact that the bullet entered the body about an inch to the left of the sternum, between the third and fourth ribs, passed through the inner border of the upper lobe of the left lung, perforating the left auricle of the heart; then the ball seemed to have taken a slightly upward and inward course and probably lodged along the spine and was not found.

Joe Fritch, the son of the man who did the shooting, testified that the shooting and killing were done at about the same time, but that the horses ran away—the first stop and the second after them; when asked if his father had said anything about shooting before he reached the gap, he said he had but he had said he would go down on the Lionberger side, of the road and if anybody attempted to stop him he would shoot him.

Mr. Lionberger also said that he went to the gap intending to protect his property, and if necessary he would fight for it.

There is little doubt but that Mr. Fritch could have gone down the west side of the gap, and avoided trouble, had he been so minded.

The coroner's jury was composed of the following: PAWNEE CITY gentlemen: L. W. Leonard, J. E. Coombs, Lee Adams, J. W. Frankendorf, J. Miller, A. H. Forney.

Mr. Fritch's testimony before the coroner's jury was to the effect, that he did not shoot until after he had been attacked by Mr. Hunzeker with the hedge club and claimed he shot in self-defense.

From the scene of the tragedy they adjourned to Pawnee City, where the evidence of Frank Fritch and Dr. Anderson—who attended in the post mortem examination—was taken. After weighing the evidence the jury brought in the following verdict: "Killed by Frank Fritch without malicious intent, while detaining his person."

So near as the Argus can learn, the status of the road case was in this condition: Three years ago next May the case began and was fought through the district court; the record was taken and the commissioners, the remonstrators carried the case to supreme court, and that tribunal finally rendered a decision sustaining the district court; Mr. Lionberger, the principal remonstrator, received no notice of the action of the court until the stipulation for a re-hearing had expired, and neither had his attorney the attention of the court, pending the argument for re-hearing was accorded them and on the 7th day of last November, the court decided against a re-hearing, and some days afterward Mr. Lionberger received the court's mandate. Under the statute Mr. Lionberger had sixty days after the date to make the land and claims that were the extension of the sixty days, the land was his property on the 5th of November in the case; on the 5th of the same month, the county commissioners ordered the road over the district; James Fritch, Sr., to open the road, and on that day, he and his son in the presence of two of the commissioners and Attorney Cook and Davis, did the work by cutting away the hedge and making the gap.

That Mr. Fritch fairly believed he had a perfect right to go over the road, there can be little doubt; the case had been decided in court as to the opening of the road, had the county commissioners had opened it, and that he was fighting to maintain at least what he thought was his right, there is no question.

The funeral of the dead man was held at the home of his brother, on Monday afternoon, under the auspices of the Humboldt Knights and Ladies of Glee, of which the deceased was a member. He was 29 years of age, unmarried and made his home with his parents, Harry Hunzeker and wife.

Wives take refuge in the small intestine, where they can easily multiply. White's Cream Vermifuge will destroy these parasites. The vermin of the people tells plainly how well it has worked. Price 25 cents. S. G. Wright.

Hunzeker-Lionberger feud over road leads to death



Clipped By:
NebraskaKid
Fri, Jan 5, 2024