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FINDLEY LET OFF WITH SMALL FINE

Colored Man Who Fired Five Bullets at Clyde Dillard Gets a Light Sentence.

Joe Findley, colored, was given a fine of \$25 and costs in county court last Wednesday morning. Findley gave himself up to the police the evening of September 4 after he had fired five bullets from an automatic pistol at Clyde Dillard also colored. Four of these bullets penetrated Dillard's lower limbs, the fifth cutting a hole in his shirt.

The testimony showed that Dillard had provoked the assault, and that Findley had done almost everything in power to avoid trouble with the man he shot; that he did not shoot until the other man came toward him, with one hand in his hip pocket, and that when he did shoot, he aimed at his assailant's legs, in order to avoid doing him serious injury. Judge Tash, in reviewing the evidence, said that Findley, who was charged with assault to commit great bodily injury, was guilty of what in some states would be rated as fourth degree assault, and he therefore assessed a fine.

The court room was crowded with colored people, a number of whom were called as witnesses. The hearing lasted for two hours and at least a dozen people took the stand.

Clyde Dillard was the first witness called. He said that he had lived in Alliance for three months past, and had worked for Sam Shelton and Lowry & Henry. A day or two previous to the shooting, he had heard that Findley contemplated bringing suit against Harry Hall, another colored man, for alienating his wife's affections. He had remarked that it couldn't be done. About 8 o'clock in the evening he saw Findley in front of the Shelton restaurant. Findley immediately asked him what business he had in mixing up in his private affairs. "He wouldn't give me no chance to explain or apologize," Dillard said, "and we started arguing. He wanted to fight me. I told him that if he ever put up his fists he'd find who held second place. When he wouldn't let me apologize I got mad and didn't care what I said." The witness said they had gone into the restaurant, still arguing, and had been ordered out. The argument continued outside, and finally Findley drew a gun and shot him. "I called his names until he pushed me in the face and drew his gun—then I walked away," Dillard said. The witness showed the approximate places where the bullets had entered. He said after the shooting that he entered the restaurant and that Sam Shelton told him to get out.

Chief of Police Reed testified that he had known Findley for five or six years and that he had borne an exceptionally good reputation. About 7 o'clock on the night of the fray, Findley had come to his house and told him that he had had trouble with Hall over Findley's wife. He said that Hall had stepped back and put his hand to his hip as though he were going to shoot him. When the chief came down town, he saw Hall and Findley, called Hall to one side and talked with him, and then persuaded the two men to shake hands and be friends. He walked down the street a block, heard the shots, and then chased Findley, who made his escape to the railroad yards. The chief followed. Later Stafford came after him and said Findley was at the station to give himself up. At the station he was told by Findley that

he had shot Dillard because the latter was cursing and abusing him and insisted on fighting. Findley told Reed that he didn't want to kill Dillard and that he shot low to avoid doing him serious injury.

George Stafford related how he and Frank Merritt were in an automobile at the time of the shooting. They had taken Dillard to the hospital and then had gone to look for Findley. Passing by the police station, they saw Findley inside. He had gone for Chief Reed, leaving Merritt with Findley.

The defense, conducted by Attorney H. E. Gantz, placed the defendant on the stand after a motion to dismiss had been denied by the court. Findley said that he had been employed as a car cleaner for six years in Alliance. According to his story, he had remonstrated with Dillard for butting into his private affairs. Dillard got mad, "cussed at the top of his voice," and wanted to fight. They went inside, and were later ordered out by Sam Shelton. When they came out, he went over in front of the Maneval cafe, and he was talking with someone else, when he saw Dillard coming toward him, hand on his hip pocket, and he fired in self-defense. "I thought he intended to kill me or hurt me bad," he said. He had fired at Dillard's legs, so as not to kill him. Three shots were fired as Dillard came toward him, and two as he walked away. He was a stranger to an automatic and didn't know how to make it stop. He said he had asked permission of Sheriff Miller to carry a gun, but was refused, the sheriff advising him to take a club to Hall if the latter came over to his house to raise trouble.

Sam Shelton said that they came into his restaurant about 8 o'clock. Dillard was using rough language, and kept talking louder and louder, and finally he ordered them to quit. The noise increased and he threatened to call the police. Then they went out. Shelton said Findley had used no rough language and seemed to be trying to avoid trouble.

Ralph Jones stated that he had been present at the inception of the row and had told Dillard to go on about his business. He was right before Dillard when the shooting took place. "When the shooting began, you left?" queried an attorney. "No, sir," the witness came back indignantly. "I was the last man to go."

George Docer and Frank Lackey, employed in the sheet metal department of the Newberry Hardware company, were badly bruised Tuesday afternoon, when the Ford in which they were riding overturned, throwing them out. The accident was due to a rear wheel coming off the car. The men had been working on a farm fifteen miles north of Alliance, and the trouble occurred on the return trip. Aside from bruises, the men were not seriously injured.

"Oh, you couldn't leave," Mr. Baye suggested.

Joe Johnson furnished further corroboration of the circumstances of the shooting. When the fusillade began, Johnson retired behind a convenient pile of bricks. Jural Shelton testified that Dillard had a knife in his hand before the shooting.

James Wims, who gave his occupation as "a reverend," testified as to the abusive language. Lillo O'Neal said he had told Findley of Dillard's comment on his threat to sue Hall.

The attorneys put up a spirited argument, after which the court announced his decision. Findley paid his fine.

ALLIANCE HIGH SCHOOL FOOTBALL SCHEDULE

Alliance high school is figuring on a very successful football season this fall. The Alliance schedule contains games with most of the important teams in the western part of the state. Principal Frank C. Prince, of the high school, who will have charge of the team, was fullback on the Eighty-ninth division team. The following schedule has been reported:

- Oct. 1—North Platte at North Platte.
- Oct. 8—Scottsbluff at Scottsbluff.
- Oct. 15—Hot Springs, S. D., at Alliance.
- Oct. 22—Bayard at Bayard.
- Oct. 29—Sidney at Alliance.
- Nov. 5—Bayard at Alliance.
- Nov. 12—Crawford or Morrill at Alliance.
- Nov. 19—Sidney at Sidney.
- Nov. 25—Scottsbluff at Alliance.

TWO INJURED WHEN AUTOMOBILE OVERTURNS

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