

# The Alliance Herald

Official Paper of Box Butte County

TWICE A WEEK—TUESDAY AND FRIDAY

Official Paper of the City of Alliance

VOLUME XXVIII.

BOX BUTTE COUNTY, NEBRASKA, FRIDAY, DECEMBER 17, 1920.

NO. 6

## EVELYN PREISS McELHANEY TAKES THE WITNESS STAND AND PLEADS SELF-DEFENSE

### WOMAN CHARGED WITH MURDER OF EARL ANDERSON TELLS OF EVENTS LEADING TO THE KILLING

### CROWDED COURTROOM LISTENS TO MESS OF SPICY TESTIMONY

Mrs. McElhaney Declares That the Man She Killed Was a Degenerate and That She Was in Mortal Fear of Him— Prosecution Finishes Case Thursday—Defense Will Probably Call Other Witnesses— May Not go to Jury Until Late Saturday.

Evelyn Preiss McElhaney, twenty-one, pretty proprietress of the Wilson Rooming House of this city, charged with the murder of Earl B. Anderson, barber, took the stand in her own behalf and told a story of her troubles with Earl Anderson, which culminated in his murder on the morning of Tuesday, December 7. According to her testimony, Anderson was a moral degenerate, and she feared from threats that he had made, that he intended to take her life. She declared that just before the fatal shot was fired, Anderson had attacked her, and had drawn a gun, which she took away from him, in the excitement pressing the trigger.

The defense had its first inning today, the prosecution having produced its witnesses Thursday. A large amount of yesterday's testimony was squarely contradictory to that of the defendant. Yesterday a number of witnesses testified that Anderson had no gun and had made no move or threat of any kind at the time the shot was fired.

Mrs. McElhaney maintained the same composure throughout the morning as has characterized her during the trial. During the examination by her counsel, she answered all questions coolly, but during the examination by Attorney Prince for the prosecution, the witness got rattled, contradicted herself several times and in each instance proceeded to exhibit signs of a temper. She had a slight soreness of the throat, and coughed frequently. She was dressed in the same blue serge dress with white starched collar, with her magnificent hair in evidence, but not so beautifully coiffed as on other days. Her husband sat beside her, but with downcast eyes during the more spicy parts of the testimony.

Her testimony was that she and Mr. McElhaney were married some five years ago, in Hot Springs, S. D., when she was a little past sixteen years of age. She had stopped her education at the seventh grade. There were eleven children in the family, and all of them work. She had worked out some until her marriage. Her husband was called to war, and Evelyn worked for Mrs. Gale at the Wilson rooms for a month, buying the place three years ago. She had largely permanent renters at first, but later took transients.

#### Anderson Had Beaten Her.

She became acquainted with Tom Lovett six months ago, when he was a roomer. Lovett introduced Anderson to her, and he came up there several times. Three weeks ago he began increasing the frequency of his visits, and then began to misuse her. The defendant said he struck her, "beated" her and misused her, and when she ordered him away, he came back. Once, when she rented a room to a stranger, he called her a vile name and struck her, with his fist and broke her ear drum.

On December 6, Anderson came up at 4 o'clock, tried to get in, kicked in the door, picked up the pieces and struck her with them. He said then he would kill her before daylight, she said. He left, and later called her up and asked her to go to the country with him, but she refused.

Between 8 and 9 o'clock, Fred Melick came up with Anderson. The latter was intoxicated. They sat there talking and Evelyn asked Melick to get some sandwiches. She went to make coffee while he was gone and when she came back to the room where Anderson was, the lights had been extinguished. He told her to come in, but she refused.

Then Anderson acted in an obscene manner and made some threats against her, she declared. He took a hammer and struck her with it. When Melick returned, he said: "Let's not have any trouble." Lovett and Miss Virdie came in, and when the latter asked why she was crying, she did not reply. At that time, she says, Anderson mumbled something about "he was going to kill her," and left. Anderson later called up twice, asking for Melick. The second time Melick started to go, and Evelyn tried to detain him,

she said. She also begged the Virdie woman not to go.

Anderson came up a third time, and tried to get Lovett to bring her to room No. 6, where he was. Instead she went downstairs with Miss Virdie. Later they went to the alley back of Joe Smith's, where Anderson and Melick were, she said.

#### Describes the Shooting.

The witness described the shooting. Anderson had jumped on her, struck and kicked her, she said, and Melick took him off. He said he was going to kill her. He attacked her again, putting a gun on her stomach. She struggled with him, took the gun from him. He pulled something from his side pocket, she said, and she thought it was a razor. She didn't know what to do, got frightened and pulled the trigger.

The witness said that she had many bruises due to Anderson's assault, some of which she showed the jury. She showed the jury a bruise on her arm, and one on her leg. These bruises had been painted over with iodine.

Attorney Mitchell drew from the witness further revelations concerning alleged degenerate acts of Anderson. Attorney Prince suggested that the attorney had persuaded the subject sufficiently far, although he had no objection to pursuing it farther. Mr. Mitchell retorted that if he had no objections, he could keep still. The defendant declares that she is now pregnant. Two or three times Mr. Prince objected to the questioning as leading, being sustained by the court in practically every instance.

The witness entered a specific denial to the testimony of several of the state's witnesses. She denied that she had said: "Me for the hoosegow"; that she had denied killing Anderson to Officer Stilwell; that A. L. Grubbs was anywhere in the neighborhood. Later she said that Grubbs told her if she would pass the gun to him she would get out of it. She denied Lauer was present. She denied that she said: "If he isn't dead, I'll give him another one." What she did say, she declared, was: "If Anderson was living, and tried to make me do what he did do, I'll kill him."

#### Said Anderson Had Her Gun.

She denied that she carried a gun. She said Anderson was carrying the gun. She thought the gun produced in court was hers, and that Anderson had taken it. She said that she bought the gun to protect the rooming house, as people could easily come up from the street. The first gun she had was stolen, she said.

In the cross-examination, Attorney Prince attempted to break down her testimony, and in several instances succeeded. He tried to show that the Wilson rooming house has a bad character. Mrs. McElhaney said that, so far as her knowledge went, Miss Virdie was not of immoral character. She denied that she had never lived with her husband, and that he objected to the character of her rooming house.

The defendant denied that Anderson had been in the army and had money. She denied that she had received money from him. When pressed as to receiving \$60 in currency from him, she denied it emphatically for a time,

and later said that he had borrowed it and was only returning it.

Mrs. McElhaney said that she had known Fred Melick for several months, but that she did not know he had a wife and daughter. Several times she declared she could not understand Mr. Prince's questions.

During the cross-examination, Mr. Prince got her to retell the story of the evening's events. She told of asking Melick where Anderson and Melick were, and did not remember who spoke first when she got there. She said she did not have sense enough to go home. The defendant was plainly playing for time on several occasions. Once she asked for a drink of water, and at other times had the questions repeated several times.

In the alley, she said, she didn't think Anderson was angry, but denied that they were laughing. She and Melick were sober, Anderson was drunk, but not staggering, she said. In regard to several points in the testimony of state's witnesses, the defendant declared she "didn't remember." In regard to checks drawn on Anderson, she recognized one of them, but denied she had made it out. She said she asked Lovett for money and he got it of Anderson.

#### Dr. Hershman Testifies.

Dr. C. E. Hershman was the first witness called during the afternoon, following the conclusion of Mrs. McElhaney's testimony. He said he had been called upon to treat the defendant professionally two weeks prior to the killing. Her ear was injured, the membrane being ruptured. He said she told him the cause—that her brother had scuffled with her and struck her.

Mrs. J. C. Harvey, owner of a cafe, said she saw the three in the alley the night of the killing. She heard someone say: "Go away and let me alone, I tell you go away and let me alone."

F. W. Melick, the man who was with Mrs. McElhaney at the time the shooting occurred, was next called. He said he had known the defendant two years. He had gone to Evelyn's about 9:30 p. m. "Mike" was there, but left shortly afterward. He went to Harvey's for some sandwiches, and when he returned, Anderson had Evelyn down on a bed. He held her by the throat, holding a hammer in the other hand, and said: "I'll mash your d-d head." Mr. Melick was still testifying at the time The Herald went to press.

The rumor that A. L. Grubbs, one of the principal witnesses for the state died suddenly, was denied emphatically this afternoon by the individual himself who called The Herald to straighten out the story. It seems that he fell in a faint at King's corner, and was taken to the Western hotel where he recovered.

#### Testimony Fairly Spicy.

The court room was filled with women and girls, as well as men, who maintained a strict silence while Mrs. McElhaney gave a mess of testimony concerning alleged filthy and obscene acts of Anderson. She hesitated several times, but was urged to go ahead by her attorney.

The crowds at the court house were not so large as they have been on other days, the spectators evidently realizing that their chance of getting in was pretty slim. The court room is cleared during the noon recesses. Two young men hid in the gentlemen's toilet during the noon hour to keep from losing their chance for a seat, and were found by Deputy Sheriff Miskimen, who let them in, saying that he thought they had earned it.

#### Trial Has Been Expedited.

Due to the public sentiment, trial of the case has been expedited in every possible way. Anderson was shot shortly after 1 o'clock on the morning of Tuesday, December 7, at the entrance to the alley in the rear of the Joe Smith pool hall. Mrs. McElhaney was taken into custody within a few minutes after the shooting, having admitted to the police that she had done the killing. District court was in session, and it was two or three days before the preliminary hearing could be arranged, but this was held last Saturday afternoon, and the case set for trial at the present term of court.

Attorney W. A. Prince of Grand Island, who won considerable prominence as prosecuting attorney in the famous Cole-Grammer cases, was engaged by the county commissioners as assistant to County Attorney Lee Basye. He was present for the preliminary hearing, and returned to Alliance early Monday morning, since which time he has been engaged in assisting in securing evidence, and in the work of prosecution in the court room. Attorney William A. Mitchell is defending Mrs. McElhaney.

Judge W. H. Westover, who is sitting in the case, has served this district continuously for a period of twenty-five years. Jerry Scott, his veteran court reporter, has served continuously with Judge Westover

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## COUPLE ALMOST MARRIED UNDER WRONG NAMES

### JUDGE TASH FINDS TWO BRIDE-GROOMS WHO LOOK ALIKE

### Ceremony Halted While Court Corrects His Error—Rattled By Too Much Business

County Judge Tash doesn't often "pull a boner," but when he does, it's a humdinger. And, unlike some people, when the joke is on him, he laughs just as heartily as he does when it's on the other fellow. His judicial dignity hasn't grown so thick but that he can, on proper occasion, lay it aside. Wednesday afternoon it happened, and everyone who has come in contact with him since that time has laughed with him over his story of the way in which he got balled up in performing a marriage ceremony.

There were, of course, extenuating circumstances. A man who has performed six hundred odd marriage ceremonies without a bobble doesn't easily slip up on that kind of a job. But the truth will out—Judge Tash got rattled. It's easy enough to understand how it happened.

This has been a dull week in the judge's office. District court has been in session, and aside from visiting with old friends who drop in occasionally, or oftener than that, nothing has happened. For nearly a week there hadn't even been a marriage license issued to remind him that he had an official routine. Judge Tash had been enjoying an unofficial vacation, and doing it thoroughly. But Wednesday in the short space of two hours, there were no less than five marriages—and the judge got rattled.

Just before noon, Aurist B. Long of Shoshone, Wyo., dropped into the office, and asked that a license be issued to him to wed Mrs. Claudine Garner of Fort Scott, Kas. Mr. Long explained that his bride was coming in on No. 43, and that he had come from Shoshone to meet her. He asked as a special favor that Mr. Tash be on hand to marry them when the train came to all of which the judge agreed. Mr. Long paid for the license and ceremony in advance and left for the station to watch for No. 43, and the judge got the license and certificate laid out on his desk so that he could glance at it, just before performing the ceremony, and get the names correct for the ordinal.

Promptly at 1:30 the marriage rush began. Charley Mraec of Marple and Miss Marie C. Duhon of Marsland came in to be married. George Carroll and Bob Johnstone were in the court room, and obligingly consented to act as witnesses, not expecting that they had a two-hour job ahead of them. The couple were married, and hardly had the judge ordered the groom to kiss the bride than in walked Clifford J. Hubbell, a brakeman from Broken Bow, and Miss Dorothy E. Carr. The necessary papers were made out, and the couple properly joined together in matrimony.

The judge was beginning to watch the door for Mr. Long and his bride, but Fred G. Schuler of Dalton and Miss Margaret E. Goodman of Broadwater beat them to the altar. This couple were likewise married by the judge. The strain was beginning to tell on the judge. His eyes sought the door, and in entered Mr. Long. At least, the judge took him for Mr. Long. He had the same dark eyes, his hair was brushed back in a huge pompadour. In reality it was Paul J. Farley of Alliance, who was accompanied by Miss Metta S. Davis of Antioch. Judge Tash greeted him as an old friend.

He waited until the bride had removed her wraps, and then he conducted the two to the corner of the room where hundreds of couples have exchanged vows. Having placed them to his satisfaction, he let his eye fall upon the marriage license and made certain that he had the names down pat. "You may stand up," he began.

The couple looked a little surprised and somewhat dazed, but although the judge noticed it, he didn't think about it. Most couples look dazed just before they take the leap for life. The continued:

"Aurist, do you take this woman, Claudine, whom you hold by the right hand, to be your lawful wedded wife? Do you promise to cherish and protect her, in sickness and in health, so long as you both shall live? Do you promise to give up all others, and cleave alone unto her, until death do you part?"

There was no response. The bridegroom was dumb. But not for long. His perplexed look gave way to one of stern resolve.

"No," he fairly shouted, "I don't want to marry any Claudine. And my

name isn't Aurist, or Oscar, or Otto—it's Paul. And her name isn't Claudine, or Imogene, or Blondine—or anything like that—it's Metta."

"Wh-y-y," stammered the judge, "aren't you the man who was here before dinner and got a license?"

"I am not," shouted the bridegroom. "I never was here before."

The judge wilted. He sank into a chair, and motioned to Bob Johnstone. "Make out the papers, and I'll sign them," he said, "so we'll get started right. I'm all in."

While the judge was pronouncing the words that made Paul and Metta one and inseparable, in came Mr. Long and his lady. And the judge declares, after gazing at the two of them at the same time, that he wasn't to blame. The two men looked enough alike to be brothers—nay, they looked enough alike to be twins. Mr. Long was a trifle heavier, but what's a few pounds to a judge who is rattled?

The last couple were properly married, with only the usual hitch in the ceremony. After which the judge collected the fee from Mr. Farley. "I ought to charge you a fee and a half," he said, when the groom wanted to know the extent of the damage, "you got a ceremony an da half." Mr. Farley demurred. "I didn't order it," he began, but the judge waved his hand weakly. "Take her and be happy," he said, with real emotion. "I won't add any more to your troubles today."

When the last married couple had left the room, the judge took stock of the results of the afternoon's work. He had \$25 in cash, one cigar, and the memory of three bride skisses. It wasn't such a badday.

## CITY POLICE ANNOUNCE A BIG CLEANUP

### UNDESIRABLES TO BE TOLD TO MOVE ON

### Cops Plan to Make Alliance an Uncomfortable Place for All Lawless Characters

Chief of Police C. W. Jeffers, at the Tuesday evening meeting of the city council, turned in a detailed report of the activities of the police department during the month, in connection with ridding the city of "undesirables." In the first fourteen days of December, no less than ten, including both men and women, were told to "hit the trail," and did so. Night Officer Stilwell has been co-operating with the chief, and between the two of them they have managed to purify the atmosphere in certain portions of the city.

The police chief's report concluded with the significant words: "There are several others who must go," and Mr. Jeffers told a Herald reporter that the police department means business. "There has always been a war declared on floaters," the chief said, "and of course we invite the vags to move on at every opportunity. There were a whole lot of that class who left town but weren't mentioned in the report."

"The fellows were after," he continued, "is the class who don't do their loafing in the streets or the passenger station. They're the birds who hang around looking for a crap game, bring undesirable women into town, or peddle whisky. These fellows are harder to get the goods on. The ordinary vag doesn't kick up any fuss when we tell him to move on. These other fellows are a different class, altogether."

A lot of the undesirables, according to the chief, live right in Alliance. Some of them have been here for months, or even years. A few of them have relatives here, and in between times sponge off of them. "There's got to be some means devised to get rid of them besides filing a vag charge," Chief Jeffers said. "Some of them we couldn't convict on a vag charge if we tried. We had one of these fellows up in the office the other day, and read the riot act to him. We told him that he ought to be at work—he knows how, or did at one time—and not be sponging off his mother. He listened to us as nice as could be, and promised to reform, but inside of twenty-four hours we saw him trailing with the same old gang."

The chief says that if there is an earnest desire to get the city cleaned up, the police department can be depended upon to help do it. "But we have got to have the backing of the entire council and the citizens," he said. "Otherwise we're just wasting our time. If the council and the people will stick with us, we can make quite a change in the complexion of this city in mighty short order."

A bake sale will be held at Hirst's by the Baptist ladies from 11 a. m. to 2 p. m., Saturday.

## F. A. MAY ENTERS A PROTEST UPON OCCUPATION TAX

### TELLS COUNCIL PHONE USERS MUST PAY THE BILL

### Omaha Man Against Discussed Telephone Problems With City Officials Tuesday

For about the 'teenth time in the past year or two, F. A. May of Omaha, commercial manager for the Nebraska Telephone company, appeared before the city council Tuesday evening and addressed the members of that body concerning the telephone franchise. This time he had another matter, the \$600 occupation tax which the council passed at a recent meeting. This received the greater part of his attention, the council having put a stop to argument on the franchise question by deciding, a month ago, that they would submit the matter of its adoption or rejection to the city's voters at the same time that the city manager plan will be voted upon, January 4, next.

Mr. May didn't make a very long address, not having come to the city primed to deliver one. He was called here to attend a meeting of district officials, and having discovered that the council was meeting, gravitated in that direction by force of habit. He made it plain, however, that he thought the council was making a mistake by socking such a big tax on the company. He pointed out that the company wouldn't really pay the bill. The railway commission, which has the rate-making authority, permits it to make a certain profit above operating expenses. If, by reason of an excessive occupation tax, the Alliance exchange doesn't return the proper amount on the investment, an application for an increase in rates here will be submitted to the commission, and there isn't much doubt that it will be allowed.

As an evidence that the occupation tax imposed by the Alliance council is out of all reason, Mr. May submitted figures showing that in no other city in which it has an exchange is the Nebraska Telephone company asked to pay such a fee for the privilege of doing business. Mr. May did not seek to quarrel over the matter, but merely pointed out the inevitable result of such an action in increased rates to patrons.

Mr. May also expressed his surprise that the council should have suddenly decided to submit the franchise to the voters. He explained that the negotiations over this ordinance had extended over a period of some months, and that while he had thought the council's demands excessive along some lines, that the officials of the company had worked out a document that was apparently satisfactory to both parties. Then, without warning, when the company had no inkling that the document apparently approved by both of them would no go through, the council had passed the buck. He did not exactly say what he thought the company had been shabbily treated, but the tenor of his remarks sang that sort of a refrain.

The council meeting was a trifle late in getting under way, the hands pointing to the hour of nine before the session was called to order, but for the next hour and a half there was mighty little time wasted. No ordinances were passed, although a committee presented a welfare ordinance, drawn following a series of meetings conducted by Theodore Hansen in this city, and approved by a number of organizations. The ordinance is quite complete, covering most lines of welfare work. The council decided to delay action for thirty days, in order that it might have opportunity to discuss its provisions as well as to further ascertain public sentiment. The proposed ordinance was taken up at the last weekly luncheon of the chamber of commerce, but the members refused to make any recommendation upon it until they had a better idea of its provisions. Members of the council were present at this meeting, and the action taken can probably be traced to the sentiments expressed at that meeting.

A delegation from the Alliance volunteer fire department was present and requested an allowance of \$350 toward the payment of the expenses of delegates to the state convention, to be held at York in January. The council granted the request. The usual grist of bills was audited and allowed, and at 10:30 adjournment was taken.

Prof. L. E. Aylesworth of the University of Nebraska will speak on the city manager plan of municipal government at the Monday luncheon of the chamber of commerce.