

# The Alliance Herald

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## REPORT SAYS THE M'ELHANEY CASE TO BE REOPENED

SAYS SHE IS SERVING TIME FOR CRIME OF ANOTHER

Took the Blame for Crime Because of Infatuation for Murderer, But Her Ardor Cools

Evelyn Preiss McElhaney, convicted in 1921, of the murder of Earl A. Anderson, after a trial that stirred the city and Box Butte county to a great extent than any other murder case in the history of the county, has made her last stand for freedom, according to news reports. Lincoln and Omaha newspapers the past day or two have carried reports of statements made by Mrs. McElhaney, in which she declares that she was not guilty of the murder for which she was convicted, but that "to save another, I told authorities I shot Anderson; but I didn't shoot him." The guilty party, she charges, used her gun and after the shot was fired, handed it to her.

The alleged motive for her action in assuming the blame, the newspaper reports state, is that she desired to shield the person who committed the crime, and believed that a plea of self-defense would save her. The understanding was, according to reports, that the real criminal and her friends would take steps to save her from serving her sentence.

"I've been here for thirteen months now," she is quoted by one of the reporters as saying, "and my infatuation has cooled. Others have cleared their own skirts and left me to pay." The reporter says that her black eyes flashed, her lips were set, and she tossed her black bobbed hair over her rotund face as she made this statement.

Mrs. McElhaney is also quoted as saying that she expected the case would be reopened by County Attorney Basye and W. A. Prince of Grand Island, who was retained as assistant prosecutor. This is entirely erroneous, according to the county attorney, who says that under court procedure, the case is closed so far as the district or supreme court is concerned. The time limit for an appeal to the supreme court from the judgment of the district court is three months, and although thirteen months have elapsed since Mrs. McElhaney began serving her sentence, no effort has been made to have the judgment set aside or to secure a new trial.

### Had Made a Confession.

Ever since the conviction, there has been a belief in Alliance that at some time this claim of innocence would be made public. There were rumors, shortly after Mrs. McElhaney was taken to the penitentiary that she had left a "confession" which implicated a certain man. It was understood that the new story she told was being investigated by County Attorney Basye, and later it was understood that Mr. Basye had decided to do nothing with the case because the alleged facts were not supported.

The alleged confession has not been made public, but it is understood that she declared in this document that the shot which killed Anderson was fired by another and that the reason for telling the story on the witness stand which convicted her was that she had been persuaded to do this by parties who were interested in protecting the person and she is reported to have said that she was assured of her freedom from the charge but that when she learned that she was the victim which resulted in a thirty year sentence for her and freedom for the guilty party she revolted.

District court was scheduled to open in Alliance on Monday of this week, and Mrs. McElhaney's talk with the reporters was evidently staged with this in mind. The court session was postponed one week, however, by a recent order of District Judge W. H. Westover, and this may have played hob with the arrangements. It is understood that the premature publication of the story by the daily newspaper may result in some of the witnesses and the man who is charged with the murder making a rapid move and getting under cover.

### Makes Longer Statement.

The Omaha Daily News this morning carried a lengthy interview with Mrs. McElhaney, in which she elaborates no previous statement saying that even though she has sacrificed herself to save the real murderer, he had not even come to see her at the penitentiary once in the thirteen months. The News says:

"That she admitted killing Earl Blaine Anderson, former Omaha, at Alliance the night of December 6, 1920, in order to protect the real murderer and that she has served thirteen months of a thirty-year penitentiary sentence for the same reason, was stated here today by Mrs. Evelyn Preiss McElhaney.

"I was promised my freedom if I would admit that I shot Earl Anderson that night," said Mrs. McElhaney.



EVELYN PREISS M'ELHANEY

Who was convicted in Alliance thirteen months ago of the murder of Earl B. Anderson, barber, on December 7, 1920, and who, after serving so much of her thirty-year sentence, has announced that she is not guilty of the crime, alleging that she was not guilty, but assumed the blame to protect a well known man with whom she was infatuated, on the promise that he and his friends would secure her release.

"I was told that if I pleaded self defense I would be acquitted.

"Also I was told that no jury would convict a pretty girl under the circumstances.

"After I had been convicted and sentenced to thirty years in the penitentiary, I was told to accept the punishment and not to appeal my case and that I would be freed.

"I did as I was asked because I wanted to help the real murderer, a man well known in Alliance and western Nebraska.

"I am telling the truth now because I realize I was double-crossed and railroaded to prison to protect him and some other men who might have been involved in case I told the truth.

"The man I have protected has not even been to the penitentiary to ask for me. Evidently nobody cares what becomes of me, so I am going to fight for my freedom. I don't care who suffers by it.

"I did not kill Earl Anderson. A man killed him and when the time comes I will name the man.

"I was present when Anderson was shot, but I did not shoot him. He was killed with a gun I bought the week before, but I bought it for someone else.

"After Anderson was shot the man who killed him handed me the gun and urged me to admit the shooting and plead self-defense. He told me I could 'get by' with such a plea, while he could not.

"I believed him, and here I am."

"Mrs. McElhaney is just 22. She was not quite 21 when she was convicted of the murder of Earl Blaine Anderson, barber, gambler and ex-service man, who formerly lived in Omaha.

### Evidence Showed Quarrel.

"Evidence introduced at the trial of Mrs. McElhaney was that Anderson had quarreled with her prior to the shooting, when Mrs. McElhaney, Anderson, Mydia Virile, Tom Leavitt of Alliance and Fred Melick, Hemingford, Neb., banker and rancher, were present in Mrs. McElhaney's rooms.

"Later on it was testified that they left the rooms and went down on the street. Anderson was shot about 1 a. m. in an alley back of a pool hall. He died within thirty minutes without regaining consciousness.

"At her trial Mrs. McElhaney pleaded self-defense and charged that Anderson had threatened her."

According to The News, Oscar H. Brush, brother-in-law; John Priess, brother, and Joseph Priess, father of Mrs. McElhaney, have been working persistently since the girl's conviction to obtain evidence of her innocence. It is understood that they will present affidavits to District Judge Westover next week in which four witnesses will swear that they saw a man shoot Anderson and that at the time of the shooting Mrs. McElhaney was some distance from the two men. The man named in the affidavits is understood to be the same man named by Mrs. McElhaney as the real murderer of Anderson. If the affidavits justify it, Judge Westover is expected to direct that the entire case be reopened and that the acts of everyone concerned with the case be thoroughly probed.

### Relatives Working on Case.

The Omaha World-Herald states that Mrs. McElhaney said her brother-in-law, O. S. Brush, wealthy rancher of Logan, Neb., has been quietly working on the case since her sentence—when she secretly told her family the truth, she explained—and has two eye-witnesses located who actually saw the shooting that the young rooming house keeper says she took the blame for.

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## BASYE ISSUES A STATEMENT ON M'ELHANEY CASE

THOROUGH INVESTIGATION OF HER ALLEGED "CONFESSION"

No Evidence to Support Her Story—Board of Pardons Her Only Hope for Freedom

In a statement to The Herald, County Attorney Basye declares that Mrs. Evelyn Preiss McElhaney told District Judge W. H. Westover a different version of the story of the Earl Anderson murder than she had given at the trial, and later dictated a "confession" to his stenographer. At the time he investigated the story, he says, but could find no evidence to corroborate her revised version. No action was taken in the matter at that time, and he is planning none at present.

According to Mr. Basye, he has been given to understand that friends of Mrs. McElhaney are planning to take steps to have her case reopened at the coming term of district court, which meets next Monday. He points out that the district court no longer has jurisdiction and that the time for appeal to the supreme court has gone by. The sole relief open to Mrs. McElhaney is at the hands of the state pardon board, he says.

Mr. Basye's statement follows:

ALLIANCE, Neb., Feb. 9.—To the Editor of The Herald: "In reply to your request for a statement from me concerning the 'confession' of Evelyn Preiss McElhaney, you are advised that on the morning of the 7th of January, 1921, Judge Westover informed me that Mrs. McElhaney had made a statement to him wherein she told a somewhat different story than she testified to at her trial.

"Judge Westover said he told Mrs. McElhaney to make her statement to the county attorney, who would investigate her story.

"I was busy in district court and did not have an opportunity during that day to see Mrs. McElhaney but told the sheriff if Mrs. McElhaney had any statement she wanted to make that she could go to my office and dictate the same to my stenographer.

"In the afternoon of January 7th, Mrs. McElhaney was taken to my office and there dictated her own story which she said was a true statement of the facts concerning her case.

"I then made a thorough investigation of the matter and from my investigation I could not find any evidence to corroborate the story of Mrs. McElhaney, and for that reason no further action was taken.

"It has been suggested to me that friends of Mrs. McElhaney are going to take steps at the coming session of the district court to re-open her case.

"I do not know just what kind of an action her friends have in mind insofar as her case is concerned, but her time for appeal has gone by and her only action would be to apply to the board of pardons for such relief as she deems herself entitled to.

"I hold no prejudice against Mrs. McElhaney from the fact that I prosecuted her and if her friends have any evidence which warrants consideration I would be pleased to investigate the same, but until Mrs. McElhaney or her friends can show me evidence to substantiate her contentions I am unable to take any further action concerning this matter. Very truly yours,

LEE BASYE,  
County Attorney."

## Debaters Chosen to Represent Alliance Wednesday Evening

The preliminary debate to choose the team to represent Alliance high school in the district contests was held Wednesday night, Verne Laing, Rowland Threlkeld and Chester Yount being chosen as the team and Harold Clark as alternate. All of the nine contestants put up a very good argument and from such material a very good team was chosen which should again bring the banner to the Alliance high school.

Alliance has won the district debating championship for the last five years and has won the championship nine out of eleven times since western Nebraska debating was started. The other two times it was won by Sidney. The first debate will be with Chadron and it will probably be held here, as last year the Chadron-Alliance debate was held at Chadron.

### BIRTHS

February 10—To Mr. and Mrs. Nelson Colerick, a girl.

Tuesday, January 30—To Mr. and Mrs. J. E. Plymaje, of Blackroot precinct, a girl.

February 6—To Mr. and Mrs. Carl Hashman, of Rock Creek precinct, a girl.

H. A. DuBuque was called to Lead, S. D., on business Thursday.

## LEGION OFFICERS ARE MEETING IN ALLIANCE TODAY

WESTERN NEBRASKA POST OFFICERS IN CONFERENCE.

All-Day Session at the Court House With Banquet at Alliance Hotel the Closing Feature.

American Legion post commanders and adjutants from various points in western Nebraska are meeting today at the court house in Alliance. The session is in the nature of a conference with state officers of the Legion, State Commander William Ritchie, Jr., and State Adjutant Frank B. O'Connell, who are now on a tour of the state, being present to consult and advise the post officers as to their activities for the coming year.

The plan is, it is understood, to issue special instructions relative to the state census of ex-soldiers, which the Legion over the country will undertake within the next week or ten days, and to give information on national and state activities of the Legion. All over Nebraska, legion posts have taken advantage of the new boxing law and have secured the necessary licenses to permit them to stage bouts, and the officers will go fully into the rules and requirements of the boxing commission. Alliance post has a boxing license and has planned to get into the game as soon as arrangements can be made.

The conference is in the form of a round table discussion, some twenty post officers from this part of the state being in attendance. The morning session was filled with short talks by the state officers and discussions by the various post officials. The conference will continue throughout the afternoon and will close with a dinner at the Alliance hotel this evening.

William O'Connell of Kearney, head of the vocational training committee at that place, and working under direction of the federal veterans' bureau is also attending the conference, as well as J. Ed C. Fisher, chairman of the state fund for the relief of ex-soldiers.

### Spoke at Lions Club.

The visiting state officials were guests of the local post officials at a dinner held at the hotel last night, following which the Lions club, in session at the time, invited them to hear the lecture by Harold Cook. Later State Commander Ritchie, State Adjutant O'Connell and Mr. McConnell were called upon for remarks.

Mr. Ritchie pointed out that the Legion has a definite work in combating propaganda after the war, and told of some significant utterances that had been circulated over the country in a magazine edited by the old publisher of The Fatherland, which declared that "vengeance would be ours." He discussed the preamble to the Legion's constitution and told of the ideals of the organization.

Among those present at the session when it convened at 10 o'clock this morning were:

William Ritchie, Jr., State Commander, Omaha.

Frank B. O'Connell, state adjutant, Lincoln.

J. Ed C. Fisher, chairman state aid fund committee, Lincoln.

William McConnell, head vocational training committee, Kearney.

C. L. Dunning, adjutant, Broken Bow.

P. M. Silsley, adjutant, Bayard.

Dr. Roach, commander, Sidney.

Clarence Perry, adjutant, Sidney.

J. L. Laughlin, adjutant, Bayard.

H. D. Wells, commander, Hemingford.

A. M. Kuhn, adjutant, Hemingford.

Dr. G. T. Johnson, commander, Bridgeport.

T. C. Palmer, Bridgeport.

## "Nig," the Railroad Tramp Dog, Was a Recent Visitor Here

"Nig," the railroad tramp dog, was a visitor in Alliance a few days ago. The history of Nig is rather interesting. He first gained the attention and friendship of the trainmen by his ability to board a train and his evident desire to see the world. Since then Nig has traveled all over the Alliance division and has taken trips to St. Joseph, Kansas City, Denver and other places.

Nig has a license from Ravenna, Neb., which has bought by the trainmen and a large brass collar which was bought in the same way. Last summer Nig had his leg broken and the railroad men took him to a veterinarian and had the leg done up in splints, then paid for his board until he was able to travel again. The dog was recently taken in by authorities in Denver and when the Alliance division trainmen heard of it they wired to turn him loose and that he would come home. Within the next few days Nig turned up in Alliance.

## THE WEATHER

Forecast for Nebraska: Probably snow with cold wave tonight. Low temperature, about zero Saturday. Cloudy with colder southeast portion. Strong northerly winds.

## Denver Concert Is Heard in Alliance Over Radiophone

Ben Keach, proprietor of the Auto Electric service has probably the first successful wireless telephone in this part of the state. Thursday evening a Herald representative heard an excellent concert sent out by the Reynolds Radio company from one of the Denver theaters. The music came in clear and distinct, sounding as though from a distance and without any of the objectionable noise that usually accompanies the reproduction of a phonograph. The different instruments, the piano, saxophone, banjo and trombone could be easily distinguished. Mr. Keach also received phone talking from the Pacific coast stations and from ships on their way from Honolulu and Alaska to Seattle and San Francisco. Reports from ships of when and where they would dock, chief salesmen calling down traveling men for spending too much for expenses, haggling over real estate deals and such things can be heard at almost any time in the evening.

Mr. Keach is planning to install a loud talker so that the concerts can be heard all over the room and without the receivers. With this the music will come in with as much volume as at the sending station. This new equipment will probably be installed within the next few days.

## OFFICERS MAKE A SUDDEN TRIP TO HEMINGFORD

MYSTERIOUS MESSAGE CAUSES SPECULATION.

Telephone Reports Say that Either Newspaper Fire or Dog Poisoner Under Investigation.

Sheriff J. W. Miller and County Attorney Basye were called to Hemingford shortly before noon today by a Hemingford man who delivered a rather mysterious message. The officers left immediately, unaware of the work cut out for them. Considerable speculation was rife about the court house as to the occasion for the call, and two reports, which conflict somewhat, were secured over the telephone.

One of these reports was to the effect that there was a mysterious fire at the Hemingford Ledger office last night, which started at the rear of the building, doing slight damage. From all appearances the blaze was incendiary and for a time it was believed that an attempt had been made to do the Hemingford newspaper plant grave injury. Later theories were to the effect that the blaze had been caused by small boys stopping up the exhaust pipe of the Ledger's gasoline engine with waste and paper. The informant stated that the officers were investigating.

A few minutes previous to the receipt of this information, a telephone call to the Ledger office resulted in the information that although the sheriff and county attorney were in the city, that newspaper had no idea of what the visit was for. The suggestion was made that it might be possible that some hint as to the identity of Hemingford's dog poisoner had been discovered. A canine killer in the village has been pretty busy the past week or so, and a purse of \$200 has been hung up by the business men.

Neither of these explanations is quite sufficient cause for the mystery surrounding the call. The officers had not returned to Alliance at the hour of going to press, and aside from the possible light thrown on the mystery by these two telephone conversations, there is no explanation that explains. The first report was that the sheriff and "coroner" had been asked to go to Hemingford immediately, and that details could not be given over the phone. Both telephone reports may be erroneous.

## Alliance-Crawford Girls' Game Has Been Called Off

The game which was to be played between the Alliance high girls and the Crawford girls has been called off due to an inability to agree on rules. The Crawford girls wish to use boys rules or a combination of boys and girls rules and the Alliance school authorities are opposed to this as they believe that boys rules are too rough for a girls game. This has been the bone of contention between the various girls teams for some time for while the regular girls rules are of course official a great many teams prefer the other rules and many disputes arise because of this.

## AGATE FOSSIL BED IS CLASSED WITH WORLD WONDERS

WESTERN NEBRASKA HOME OF SCIENTIFIC DISCOVERIES.

Harold Cook Talks to Rotarians on the Means to Draw Tourists to and Through the State.

One of the most interesting addresses that has been given before the Alliance Rotary club was made at the Wednesday dinner at the Palm Room of the Alliance hotel by Harold Cook, son of Captain John Cook of the ranch near Agate. This ranch is one of the two places on the continent where immense fossil beds have been discovered, the other being at the so-called tar-pools in California. Mr. Cook gave a lengthy address, illustrated by slides of his own making and from the library of the University of Nebraska department of geology. The club members invited a number of friends as guests for the occasion.

Thursday evening Mr. Cook repeated his talk before the Alliance Lions club.

Mr. Cook made a strong appeal to the Rotarians to do their best to stir up sentiment in favor of attracting tourist travel through this part of the country. He pointed out that the Black Hills drew twenty-six thousand tourists last year, and that only a small proportion of these came by way of Alliance or Box Butte county. He gave it as his belief that if the natural wonders of western Nebraska were capitalized and developed, it would be possible not only to secure our share of the tourist traffic that is headed for other places, such as the Yellowstone and other parks, but that there were sufficient inducements here to draw tourists to see what we had to offer.

In no spirit of boasting, but simply telling the facts, Mr. Cook told of the discovery of the fossil beds on his father's ranch and the results of several years work among them. Literally thousands of complete skeletons of prehistoric animals have been taken from here and sent to all parts of the world. The scientists have found these finds of immense value in determining the origin of various species of animals. Among the slides were pictures of some of the skeletons and the "restorations" from them, showing how the animals looked in the days, hundreds of thousands of years ago, when they roamed this country.

### Plan a Public Museum.

Recent plans of Captain Cook and his son provide for the erection of a museum at the ranch. The idea has been that it could be constructed of cement, in form a replica of the old Fort Laramie, a hollow square, with the two wings at the end equipped to display the specimens that have been unearthed. The father has already suggested the plan to a number of his friends and acquaintances in the east, and it has been received with enthusiasm. The project has not yet progressed to the point of figuring out ways and means, but it is believed that eastern universities and men who have become interested in the results of the excavations may be prevailed upon to raise a fund, the interest from which will not only provide for further discoveries, but will allow the museum to be completed in sections.

"There is a great amount of interest, not only on the part of scholars, but the general public, in the Agate fossils," Mr. Cook said. "Last year alone, over 3,500 people came to the ranch. We are not equipped to care for this many people, although we do our best to show them what we have discovered and if they are interested to explain the value of our finds. We are unable to show but a small portion of the fossils that we have. I have a small laboratory, a mere workshop, where some of them are displayed. There have been many who have remarked on the danger of loss of these relics of a prehistoric age. A fire would do incalculable damage."

Mr. Cook is a member of the state park board, but there is no hope for anything from that source. "The law which established the park commission gave us every authority," he said, "but no money. Our hands are completely tied." The park board has set apart one state reserve, near Chadron, and in time this will be developed until it will be a real drawing card for tourists, provided western Nebraska awakes to the importance of roads.

### Roads Badly Needed.

Several times during his address, Mr. Cook referred to the need for more roads. He did not particularly favor expensive thoroughfares, he said, but believed that inexpensive roads, following railroad tracks, could be constructed, and these, with branches out to various points of interest, would not necessarily cost a great deal. He told of conversations with tourists, in which he was told that people driving from the Black Hills to this country said that they knew they were in Nebraska as soon as the state line was crossed, because of the bad roads.

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