

MINORITY REPORT BLAMES GOVERNOR

McNery Says McKelvie Guilty of Inexcusable Negligence in Beryl Kirk Case

The state bar association this week filed with the supreme court its findings in its investigation of the furlough granted Beryl Kirk, convicted of murder and sentenced from Omaha. Two opinions were filed, the minority opinion whitewashing everyone connected with the affair after a few mild words of censure directed at no one in particular.

The facts in the case are that Kirk was found guilty and on July 3, 1918, was sentenced to twenty years for murder. He appealed and was beaten in the supreme court on May 2, 1919. Before he had been in the penitentiary two months his wife began to work for his release, and Acting Governor Bushee signed a furlough on September 8, which became operative on December 2. Kirk thereupon left the state, and has not since been seen.

Bernard McNery, a member of the bar association committee doing the investigating, submitted a minority report, which in part is given below:

"The utter lack of any other explanatory evidence irresistibly forces the conviction that an indifference with regard to the punishment of crime, amounting almost to criminal negligence, characterized the executive department of the state; or that political influence in its most insidious and untraceable operations has been powerful enough to overcome gubernatorial resistance.

"While the generally known facts are sufficient to persuade an investigation of both the above alternatives, my own judgment inclines to the first. The governor's testimony and conduct before the commission evinced a disposition to regard his duties as governor secondary to other pursuits, which he has allowed to absorb his attention and time.

"A phrase of the governor, in his testimony, could not but offend the minds of those who are conducting the investigation. 'I had dismissed the matter from my mind.' Surely the shooting down of an officer of the law by a gang of robbers and murderers is not such an ordinary incident in the life of Nebraska, that a governor charged with the enforcement of law, may dismiss it from his mind to give his undivided attention to the preparation and delivery of public addresses, or the enjoyment of a vacation. The widow of the murdered officer cannot so readily dismiss the memory of her husband's murder, nor can the people of Omaha, haunted by unpunished and unpunishable crime, so easily relieve themselves of the terror that walks in the darkness, that makes their houses and stores defenseless, and takes the lives of their guardians of peace and order and safety.

"The conduct of Senator Bushee in issuing the furlough was utterly unjustifiable from a legal standpoint. The reasons which still seem sufficient to him, are too trivial to deserve consideration. Mr. Bushee, however, is not by profession and occupation conversant with jurisprudence.

"Under the circumstances, I find that the responsibility for the escape of the convict must rest with the governor himself. The evidence clearly discloses an indifference on the part of the governor which permits an undue laxity in the punishment of crime and threatens to make the administration of the criminal laws of the state a failure.

"The governor's own testimony before the commission reveals a lack of consideration for the exalted duties of his office in this regard. Neither the desire for a vacation nor interest in other matter should be regarded as sufficient to justify failure on his part in the execution of the laws and the infliction of the penalties duly adjudged by the courts against convicted criminals.

"He should not absent himself from the state without making provision for the secure keeping of convicts until his return; and on his return, he should satisfy himself, by personal investigation, of the justice and propriety of granted, but unused, furloughs or pardons.

"From a consideration of all the testimony I cannot escape the con-

clusion that the principal fact to be deplored in connection with the escape of Kirk is the inexcusable negligence of the chief magistrate."

—Daily arrivals of Spring Suits and Coats. Highland-Holloway Co.

FIRST BAPTIST CHURCH

We are very anxious that as many fathers and sons be present at the banquet Tuesday evening, February 24, as possible. A splendid program is being arranged and vital things are to be discussed after the banquet. Doctor Morris of the medical fraternity is to be one of the speakers on that occasion.

Next Sunday morning the pastor will speak on the subject: "The Life of Prayer," one of the great subjects of the day. In the evening the subject "The Rising River will be an account of the progress of the wonderful movements of the time. Special music and a delightful service for everybody. Bring your friends with you to the "Friendly Church" on the corner of Seventh street and Laramie avenue.

Young people's societies at 6:30 p. m. Everybody welcome. J. ORRIN GOULD, Minister.

—For Sale—Nine room house. Best part of town. Modern. Price right and good terms. See Nebraska Land Company.

TRY IT ONCE

IF you belong TO a church AND haven't been going OR if you don't belong TO any church BUT did go once WHEN they had A church supper AND you got some food FOR the inner man; WHY not surprise yourself AND the pastor AS well as your family AND the congregation AND everybody else THIS coming Sabbath morning NOT by saying YOU'RE going to church BUT by actually SHOWING UP at ONE of them ABOUT 11:00 o'clock AND just for a change TRY a little food for THE spiritual man. IT can't hurt you THE least little bit AND the probabilities are IT'LL do you A whole lot of good JUST to hear THE sermon and meet THE people who'll BE waiting there to GIVE you the GLAD hand and a ROYAL welcome. BESIDES you'll feel BETTER and be better because YOU went to church.

PHONE COMPANY ARGUING FOR A FRANCHISE

(Continued from Page 1.)

erect a two-story building, 50x140 feet in size, of brick construction, in the event the franchise was granted. Mr. May said that he could count the buildings the company owned in Nebraska on the fingers of one hand, and declared that it was a great deal cheaper to rent than to build. He said it was unreasonable to require one business firm to own its own building, when 20 per cent of the rest did not own theirs. The company had intended to build here, he said, until the owners of their present quarters had enlarged them. He estimated that it would cost the company about \$50,000 to erect such a building, which, with interest and upkeep, would mean that their building would cost them \$500 a month, whereas they are renting for less than a fifth of that sum. The company would like to own its own home, he said, but high building costs made it out of the question. * * * These statements were questioned by Councilman Harris, but Mr. May did not recede from his position.

Another committee recommendation was that the company agree to operate such police and fire alarm systems free of charge as the council might install. Mr. May said that the company had no objection to op-

erating a system like the one now in use, but that he did not believe the company should be bound to operate any kind of a system for the next twenty years. Some of these systems are extremely complicated. In Omaha, for instance, the company derived a revenue of \$11,000 a year from this source seven years ago.

The committee had recommended also that a schedule of rates be included in the franchise, to be operative in the event the rate-making power was ever taken away from the state railway commission. The rates suggested were \$1.50 for residence phones, and \$2.50 for business, which, although an advance of 50 per cent over the rates in the former franchise, were wholly inadequate, according to Mr. May. The Omaha man declared that he did not see how any council or any other body of men were competent to set rates for twenty years in advance. It was possible that with new improvements, this schedule would be high. Councilman Highland said that might be true, but that it was equally difficult for the council to frame a franchise that would be equitable in every way for a twenty-year term.

In conclusion, Mr. May offered to submit figures showing the expenses and revenues of the company for the past three or four years. He said that at no time had there been more than a reasonable profit, and declared that the company was satisfied with 6 per cent. He said that the company had grown with the city up to the present, and wanted to continue to grow with them, but that there would be no great amount of money spent in Alliance until the council gave them the right to do business here. Tentative arrangements were made for another meeting, to be held within a few days, at which time it is probable that the franchise question will be threshed out. Members of the council made it perfectly plain that they didn't want to drive the company out of business in Alliance, but that they expected to grant no concessions that were not absolutely essential.

NOTICE TO AUTO OWNERS

Automobile owners will take notice that, beginning immediately, the automobile license laws will be strictly enforced. Both county and state officers will co-operate in this, and owners of cars without a 1920 license are liable to arrest.

Forty days have been allowed for securing the new licenses, which are now obtainable without delay at the office of the county treasurer.

After the publication of this warning, violators of the law will be arrested.

J. W. MILLER, Sheriff.
O. W. REED, Deputy. 21

Corsets Corsets



—for women who require the larger sizes



There are certain types of figures for which a lace-front corset is exceptionally well adapted. Here is a great opportunity for saving. If you are able to use one of these lace-front corsets we invite you to come in.

SIZES 25 TO 31 ONLY

\$4.50@2.50	\$7.50@5.50
\$5.50@3.50	\$8.00@6.00
\$6.00@4.00	\$8.50@6.50
\$6.50@4.50	\$9.50@7.50
\$7.00@5.00	\$10.00@8.00

WHITE AND PINK

—Main Floor—

Flannel Kimonos

A soft cotton material in a wonderful array of colors. Specially priced for the remainder of this month—

\$300

—Main Floor—

All Wool Blankets

LARGE SIZES

In block, plaid patterns of pink and white, blue and white, and white with pink borders, and the edges are carefully finished with soisett binding.

TWO BLANKETS WOVEN AS ONE

\$22.50@13.95	\$16.50@10.45	\$18.50@11.45
---------------	---------------	---------------

—Main Floor—

Remember the Place
The Horace Bogue Store
Incorporated

113 WEST THIRD ST.

ALLIANCE, NEB.

Special Sale Every Saturday For Cash Only

We are now established in our new quarters at 119 Box Butte avenue, and will have Special Grocery Sales every Saturday. We make these reductions big and attractive. We want your trade and intend to do our utmost to deserve it. Our merchandise is all High Quality and Prompt Service coupled with Courteous and Appreciative Treatment constitute our efforts to please you... Look at these values and then call at the store or call Phone 753.

Best Grade Flour, 24½ pounds	\$1.60	White House Coffee, per pound	55c
Crystal White Soap, 4 bars for	25c	Gooch's Pancake Flour, per package	38c
Flake White Soap, 4 bars for	25c	Pork & Beans, large 3 pound can	18c
Pearl White Soap, 4 bars for	25c	Carnation Milk, large can	16c
Swift's White Soap, 4 bars for	25c	Tomatoes, large can	20c
Swift's Borax, 6 boxes for	25c	Tomatoes, small can	15c
Safe Home Matches, per box	5c	Catsup, per gallon	48c
Handy Box Matches, per box	5c	Pumpkin, per gallon	38c
Macaroni, Spaghetti and Noodles, per package	10c	Apples, per gallon	58c
		Crackers, large size package	95c

Fresh and Cured Meats of all Kinds

We rate our Meat Department second to none in the city. We have recently installed a Peerless Refrigerator that keeps our meats Clean and Cold—an absolute Guarantee against spoiled meats. We have secured the services of a competent meat cutter and are confident we can satisfy you with our service. At all times we keep a complete supply of choice Fresh and Cured Meats—Bacon, Ham and Sausage to suit the most particular housewife. We respectfully ask that you favor us with an order. Just Phone 753 and we will do the rest.

Round Steak lb. 25c

Shoulder Steak lb. 20c

Every Saturday we will have our North Window Display of Saturday Specials. Do yourself the justice to examine our offering—you can save money every time. We give an appreciable reduction in articles that you use every day. It will be well worth your time. We will deliver to all parts of the city.

TOM STALOS

GROCERY AND MEAT MARKET

PHONE 753

119 BOX BUTTE

The Best TIRE REPAIRING

"What Am"

"We Know Our Stuff"

"Nuff Sed"

Alliance Tire Works

FIFTH BLDG.

GEO. E. MINTZER, Prop.