

# 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 10, 1920.

NO. 4

## DATE NOT SET FOR M'ELHANEY PRELIMINARY

### DISTRICT COURT IS CAUSE OF POSTPONEMENT

Effort Will Be Made by County Attorney Basye to Hold the Trial During Present Term.

The date of the preliminary trial of Evelyn Preiss McElhaney, charged with the murder of Earl B. Anderson, a local barber, shortly after 1 o'clock Tuesday morning, has not yet been set. Tentative arrangements were made to hold the hearing this afternoon, but due to the press of business in district court, counsel could not find time for it. An effort will be made to have the arraignment some time Saturday.

The hearing will be held before County Judge Tash, and while it is not expected that there will be sensational developments in the case, it is possible that the woman may attempt to implicate others in the crime. The defense will probably be self-defense, but an attempt may be made to throw the crime onto someone else.

A charge of murder was filed against Mrs. McElhaney on Tuesday afternoon. The complaint is signed by County Attorney Basye, and declares that the deed was done with "deliberate, premeditated malice." This makes the offense first degree murder. The matter of the degree of murder is always up to the jury to decide.

Mrs. McElhaney has maintained her good spirits ever since she was placed under arrest. She has laughed and joked with attendants at the jail, and until the time she was removed to the county jail, did not lack for visitors. She has refused to discuss any aspect of the case, on the advice of her attorneys, Mitchell and Gantz, but other topics of conversation apparently have not been lacking.

At the city jail, the woman was shown every consideration. She was permitted to have the door of her cell open, and was allowed to take her meals at a local restaurant. On such occasions it is said, the officers did not annoy her by forcing their presence upon her. On at least one occasion, she was permitted to dine with her husband, and on the trips from the jail to the restaurant the officer usually walked some distance behind her. At the county jail, things are somewhat different. About nine-tenths of these privileges have been withdrawn. Public sentiment was considerably aroused over the matter, and the woman would have been removed to the county jail sooner, had it not been for the fear that she would be able to communicate with Urban Zediker.

### Physicians Locate Bullet.

Drs. Slagle and Weyens Thursday evening used the X-ray to locate the missing bullet, which was found almost immediately. It had lodged in Anderson's back, taking an almost straight course through the body. Dr. Slagle, following the failure to find the bullet at the former autopsy, placed his office equipment at the disposal of the authorities. The bullet was a steel-jacketed .32 caliber, and of the same kind that were found in Mrs. McElhaney's room. She is said to have purchased the revolver and bullets at a local hardware store the day before the murder, although she has denied doing so.

The funeral had been scheduled for yesterday, but was delayed until the bullet could be found, and until further steps could be taken to locate relatives. There were rumors that Anderson had a wife and child, but it has been impossible to verify the reports.

A telegram arrived Thursday evening from Lincoln, addressed to County Attorney Basye, advising him that Earl Baine Anderson told a man named Larson at Lincoln two years ago that his father was formerly district attorney at Minneapolis. Attorney Basye has wired Minneapolis asking that a search be made for his relatives.

### Sister Not Located.

Robert Graham, chairman of the local Red Cross, has received the following telegram from Kathleen Rossie, executive secretary of the Red Cross home service bureau at Omaha: "Newspapers state Alliance authorities unable to locate relatives Earl B. Anderson. We assisted him file claim for compensation for disability incurred in service. His sister, Miss Nettie Anderson, lives 95 Howell Mill, Atlanta, Ga."

County Attorney Basye shortly before noon received a telegram from the police authorities at Atlanta, Ga., to the effect that Nettie Anderson, sister of the murdered man, could not be located.

The following addresses were found

his papers Wednesday afternoon. Letter from R. H. Hallett, assessor in charge of compensation claims, Washington, number C-207448, address to Anderson at 1004 North 24th street, Omaha; he received compensation at rate of thirty dollars per month under above file number addressed to 620 South 16th street, Omaha; he received letters at 2562 Cummings street, Omaha, while being furnished funds for vocational training at Moler barber college, Omaha; he probably conducted A. and M. pool hall and barber shop at 2552 Cuming street, Omaha; has letter from C. C. Cannam, 1511 Harney street, Omaha; was stockholder in Isis Oil and Gas company of Omaha and probably vice president of that concern; has letters from Ada Knight, Wellington Hotel and 608 West Fourth street, Des Moines, Iowa and Harry F. Slack, route one, Deep River, Iowa; and D. Barrett, 1431 East 9th street, Des Moines, Iowa and Floyd Yost, 224 B East, Hutchinson, Kansas. Also party with last name Gilpatrick, 3151 Farnam, phone Harney 5266, Omaha.

### Husband to Stand by Her.

L. A. McElhaney, prominent oil and business man of Edgemont, S. D., has arrived in Alliance, and has stated to reporters that he will stand by his wife and will exert every effort to free her of the charge. The couple were married five years ago, but have not been living together. According to the belief of the authorities, the wife's difficulties have brought about a reconciliation. Mr. McElhaney has been a regular caller at the jail, and on each trip has brought magazines, flowers or other things for his wife.

Mr. McElhaney would make no statement about the case other than to say that he would exert every effort to free his wife. He operates a tailor shop at Edgemont, S. D. He owns 160 acres of land near Edgemont on a part of which a rich oil well was brought in last week.

### Spilled the Beans.

The prosecuting attorney has disclosed nothing concerning the witness he has or his ideas concerning the motive for the crime. It is known, however, that there were several witnesses to the crime, but whether these can be depended on to testify is a question. The evidence so far secured makes it appear that Anderson was murdered in cold blood by the

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## ARGUE DAMAGE CASE BEFORE SUPREME COURT

Argument was had Wednesday morning in supreme court on the appeal of the estate of John H. Krause and others from a judgment of \$75,000 obtained in Douglas county by Peter Long. The original amount sued for was \$992,000.

Krause was one of two brothers who operated a large cattle ranch in southern Sheridan county, upon whose property were found some of the richest potash lakes in that section of the state. The Krauses, well-to-do farmers, were lifted into the millionaire class by reason of their contracts with potash companies that gave them 20 per cent of the value of the mineral sales extracted. At one time they were getting \$1,000 a day from one company alone. Later they joined a company that built a plant of its own at Antioch, but which is not now being operated. John H. Krause was killed a year ago in an accident in a doctor's office in Alliance.

Peter Long and his wife insist that part of the wealth secured by the Krauses from the potash lakes belonged to them. They were the original owners of one large piece of land upon which potash lakes were later worked, and they claimed that Krause knew of the existence of the potash and its value when he induced them to sell for a small sum, a fact of which they were ignorant.

The argument ranged largely about the legal proposition of whether recovery can be had under such circumstances, the attorney for Long citing a number of cases in which the suppression of knowledge was held to render the suppressor liable in damages, while the other side had a number of citations to support their proposition that no recovery could be had.—State Journal.

Dr. George J. Hand, prominent Box Butte county physician and surgeon, has been appointed by District Judge Westover as a member of the county insanity board to succeed Dr. H. H. Bellwood, who recently moved to California. Dr. Hand also holds the post of city physician for the city of Alliance. He has practiced in Alliance for many years.

Dr. F. M. Knight, president of the Alliance National bank, was called to Decorah, Iowa, Wednesday noon by a telegram stating that his aged mother nearing the ninety year mark and is very feeble.

## PAVING COST NOT SO HIGH AS REPORTED

### VARIATIONS IN DISTRICTS DUE TO FREIGHT RATES

Assessment Sheets Show That Highest Cost, Including Extras, Less Than \$6.50 Per Yard

Since the publication of the special assessments for the paving, the council and engineers have been subject to considerable criticism due to the property owners not having been informed concerning the final cost of the paving. It has been asserted that the cost ran as high as \$9 per square yard.

The Herald has consulted the assessment sheet and finds that the highest cost, including all extras, was about \$6.45 per square yard in district number 5, while the corresponding cost in district number 3 is about \$3.32 per square yard and district number 2, \$5.24. The contract prices were respectively \$5.50, \$4.59 and \$4.48, making the cost of extras, 90 cents, \$1.03 and 76 cents per yard respectively.

The explanation of the large increase in the cost between districts numbers 3, 4, 5, 6 and 7 over district number 2, is the increase in freight rates which took effect August 26th. This item increased the cost 25 cents per yard on brick alone and smaller amounts on gravel and cement. The amounts given as total cost per square yard may be reduced by nearly 8 per cent if paid in 50 days after the assessment was made. This leaves the net cost of the paving for district number 5 about \$5.93, number 3 about \$5.15 and district number 2, \$4.82 per square yard.

Further investigation showed that in about sixty days additional paving contracts could be let at about \$5.00 per square yard. Assuming a 30 foot roadway for all streets, the final assessment is as follows:

Location	Assessment	Assessment for Side Street	Total Assessment
Front Street	\$500	\$750	\$1250
Corner lot	500	375	875
24 50 ft.	500	275	775
34 50 ft.	500	275	775
	\$1500	\$1400	\$2900

J. P. Rossiter, of the oil firm of French & Rossiter, stopped over in Alliance for a few hours between trains the first of the week, accompanied by his wife. They were on their way to Scottsbluff, their former home. Mr. Rossiter, who has been continually on the job for several months and who is in a large measure responsible for the bringing in of the new Edgemont field, is planning on taking a vacation for a couple of months.

Lloyd C. Thomas of Alliance, former editor of The Herald, has just received notice that he has been appointed to a place on the editorial field staff of the leading oil magazine of the United States—Petroleum Age, of Chicago. This magazine, which has a world-wide circulation will publish a number of illustrated articles by Lloyd in its future issues. The Omaha World-Herald, leading Nebraska daily, is also publishing at regular intervals on its market page a column of "Nebraska Oil Notes," edited by him.

## INCOME TAX PAYMENTS ARE DUE DECEMBER 15

The commissioner of internal revenue, Washington, D. C., writes to Collector Loomis under date of December 1, as follows:

"December 15 is the last day for the payment of the fourth installment of the income and excess profits taxes due this year. To avoid penalty, the tax must be in the offices of collectors of internal revenue or branch offices by midnight of that date.

"Inquiries reaching the commissioner of internal revenue indicate a belief that taxpayers have ten days grace on this installment. Such a provision was contained in the 1917 revenue act, but was removed by the revenue act of 1918.

"Payment of the fourth installment may be made in cash or by money order or check. The bureau of internal revenue urges that whenever possible payment be made by check or money order. This method helps the taxpayer by saving him a trip to the collector's office and avoids congestion at the cashier's window. Check or money order should be made payable to 'collector of internal revenue.' "Bills will be sent to taxpayers, but failure to receive a bill does not relieve the taxpayer of his obligation to pay on time."

## JURY FINDS D. ZEDIKER NOT GUILTY

### STATE LOSES WAGON STEALING CASE AGAINST HIM

Jury Not Convinced by Testimony Offered by Witnesses for Prosecution

A jury in district court Wednesday afternoon brought in a verdict of not guilty in the case of the State vs. Dwight Zediker, charged with stealing a farm wagon from the Farmers' Union store of this city on March 1.

The testimony showed that on the evening before that date, Dwight Zediker was loading out an emigrant car for Crawford. He had been busy loading the car during Sunday and until 2 a. m. on Monday, March 1. In the evening he had a conversation with Claude McDonald, then night yardmaster, telling him that he had about finished loading and wanting to know how soon he would get out.

At 3 a. m., W. H. LaMon, switchman on the switchengine, got the car, with Zediker, and took it to the weighing scales. At the time the switching crew arrived, Zediker had still a wagon to put in the car, and after this was loaded, Zediker, his wife and brother-in-law, John Hanson, got in the car and remained with it until it was placed in the train. Then the three got out and went to the depot. Mrs. Zediker went to the Manhattan restaurant, and the men to the freight house to bill out the car.

At 4 a. m., Zediker had another talk with McDonald, and was told that the train would leave in an hour or two. From this point on the testimony was squarely contradictory. Zediker said that he and his wife went to their rooms and to bed, and the brother-in-law went to the car and went to sleep on a cot. He got to sleep before 5 o'clock and said he did not wake up until the train had nearly reached Crawford. At Crawford he saw a new wagon in the car. It was not there when he went to sleep, and he did not know how it got there. The wagon was extra large, army built, but someone succeeded in putting it in the car without waking him.

Claude McDonald testified that Zediker came to the yard office about 6 a. m. and asked for help in loading a wagon. McDonald paid no particular attention to him. Thirty minutes later, he declared while walking through the yards, he came to the Zediker car and saw Dwight Zediker and a stranger loading a new wagon into the car. He said he had known Zediker ten years and could not be mistaken in the man.

George Neuswanger, then manager of the Farmers' Union store, testified that at Crawford the wagon was found in the car. He positively identified it as the one which had been taken from a vacant lot near the store between Saturday night and Monday morning.

Zediker said that he did not get up until about 8 a. m., that he left for Crawford about noon, and had no idea how the wagon got in the car.

Parties contemplating attending the McElhaney preliminary trial are warned by Judge Tash that there is about one chance in a thousand that they can get in the court room, as the relatives and close friends will more than fill the space.

## IT IS NO CRIME TO STEAL WHISKY

Charles R. Weirman, former Burlington switchman at Alliance, who was caught on June 11 in a box car in the local Burlington yards by Special Agents Todd and Smith, and who was tried in district court Thursday on a charge of burglary, was discharged yesterday afternoon by the jury on an instructed verdict.

The defendant declared that he had been looking for whisky. Other railroad men testified that he had nothing of value in his possession when caught. Judge Westover declared that whisky, being an "outlaw," has no value and instructed the jury to return a verdict of not guilty, which was done.

## 'THE JOLLIES OF 1920' AT THE IMPERIAL TONIGHT

The Elks minstrel, "The Jollies of 1920," is the attraction at the Imperial tonight, and it is probable that if you haven't already got your seat reserved, you'll have hard time squeezing in. The reservation of seats began Wednesday morning, and by Thursday noon most of the seats had been spoken for. There won't be a

## THE WEATHER

Forecast for Alliance and vicinity: Fair tonight and probably Saturday; warmer tonight.

single empty seat in the house, when the curtain goes up. If you're lucky, however, you may manage to get one yet this evening. The Elks may be yet this evening. This will be the only chance to see the "Jollies of 1920," as the performance will not be repeated. The production company managers will leave Alliance Saturday. "Should a Woman Tell?" from the story by Finis Fox, is scheduled for Saturday. The story centers about Meta Maxon, an everyday little fisher girl from a town on the Massachusetts coast, who, by reason of circumstances is brought into the life of Boston society. Ingenuous, entirely without knowledge of the ways—and means—of this set, she succumbs to the advances of a young chap, the nephew of the kindly woman who befriended her. Later in Meta's life comes true love; and it is then that her terrific problem confronts her. On the eve of her marriage the girl is undecided whether or not to tell her prospective husband of the incident of years ago, the stain upon her past. How she met her problem and solved it is a fascinating, powerful story of the soul-struggle of a woman.

Sunday comes Douglas MacLean and Doris May, two well known stars, in a rollicking photoplay, "Mary's Ankle." The story is about a Doc Hampton, young and impecunious, who meets a girl on Tag Day and falls in love with her. In order to claim an inheritance from his rich uncle, Doc has fake wedding announcements sent out. His bluff is called, the uncle informing him that he will be on hand to inspect the bride and take them on a honeymoon to Honolulu. In the emergency, fate throws the Tag Day girl across Doc's path. He persuades her to pose as his bride, and later, of course, she makes good the deception by falling in love with her pretended husband.

A mass meeting of all interested in the Board of Public Welfare movement will be held at the court house Monday evening, December 13th. All organizations are requested to send representatives as the constitution presented at the last meeting will be voted upon at this time.

## PRELIMINARY DEBATE AT THE HIGH SCHOOL

The preliminary debate, held for the purpose of selecting the three debaters and an alternate who shall constitute the debating team of the Alliance high school for the current school year, will be held at the high school auditorium Wednesday, December 15, at 8 p. m. The question for debate is: "Resolved: That the literacy test to restrict immigration should be repealed."

The young people to debate are as follows: Affirmative—Ruth Stanton, Margaret Schill, Chester Yount, Harold Clark. Negative—Charles Cross, Tom Miller, Edward Morrow, Rowland Threlkeld, Mary Wollis.

Interest is much keener in debate in this district this year than ever before. For the first time the full number of schools have entered and are as follows: Sidney, Scottsbluff, Chadron, Ogallala, Bayard, Minatare, Gering and Alliance.

The public is cordially invited to attend. No admission fee will be charged.

J. A. Armour, secretary of the Griffith Oil company, controlled by Alliance capital, reports that he has secured a lease on eighty acres of well-located oil land near the new well at Edgemont which was brought in last week by French & Rossiter. The tract secured by Mr. Armour is pronounced by geologists to be very favorably located and it should prove a valuable addition to the holdings of the Griffith company.

## MAYOR RODGERS HAS NO THOUGHT OF QUITTING

During the past three or four days, rumors have been current upon the streets that Mayor Rodgers had resigned. Yesterday there was a new rumor to that effect every ten minutes and each time a different cause was assigned.

Mayor Rodgers says there's nothing to it. He hasn't even thought of quitting the city's helm. He hasn't even hinted at it. He hasn't any desire to do it. "You can make it just as strong as you want to," he told a Herald reporter. "I'm still on the job, and so far as I know, will stay here until the end of the term."

Mrs. J. W. DeMoss has been on the sick list but is now convalescing.

## URBAN ZEDIKER FOUND GUILTY OF PIN THEFT

### DISTRICT COURT JURY BRINGS IN VERDICT THURSDAY

Second of Two Brothers to be Tried This Term of Court—Convicted of Grand Larceny

Urban R. Zediker, the second of two sons of W. G. Zediker to be placed on trial at the present term of district court, was found guilty by a jury Thursday afternoon on the count of grand larceny. Zediker was unable to explain to the satisfaction of the jury the manner in which he became possessed of a diamond stickpin, valued at \$700, the property of A. G. Isaacson, which he had pawned to Tom Gray. There was insufficient evidence to hold him on a charge of breaking and entering. The penalty for the offense of which he was convicted is from one to seven years in the penitentiary, but sentence will probably not be pronounced by Judge Westover until near the end of the term.

Zediker, who was defended by Eugene Burton and Robert Reddish, sought to set up an alibi. Witnesses were called to show that on the day the theft was alleged to have taken place, July 30, Zediker was not in the neighborhood of the Isaacson home. Various men testified as to his whereabouts from 5:30 in the evening to 1 a. m. the day following. The most damaging testimony came from Oscar Reed, former chief of police, who told of discovering a diamond stickpin, afterward identified by A. G. Isaacson as his property, in the possession of Tom Gray, who said that he had secured it from Zediker. The defense attempted to refute this story by bringing in a mysterious railroad man who first had pawned the diamond to Zediker.

According to the latter's story on the witness stand, he came into possession of the diamond this way. He had been in a crap game, he said, three or four nights before the evening in question. He had been fortunate, and early in the evening retired from the game, being over \$200 to the good. The reason he left early, he said, was because he had won about all the money there was in sight, and he feared that other players would attempt to borrow his winnings. He came down town, and was followed by this mysterious stranger, who first tried to borrow money from him, and later, when this was unsuccessful, offered the diamond stickpin as security. He had finally let the stranger have \$75, he said, with the diamond pin as security. Later that evening, he went back to the game, and found there were new players. His luck deserted him, and he lost most of his winnings. The fact that they broke him, he said, explained the pawn of the pin to Tom Gray. Tom offered him only \$60 on it, and advised him to see Earl Anderson. Anderson lowered the bid, and offered but \$50. He finally let Gray have it, and promised to redeem it at the end of the week if the mysterious railroad hadn't showed up and claimed it by that time.

Oscar Reed told of discovering the pin in the possession of Tom Gray. Mr. Gray on the stand repeated the story he had told at the preliminary, stating that he had received it from Urban Zediker, as a pledge for \$60 loaned on it.

W. G. Zediker, as the first step in the alibi, testified that his son had come into Cook's pool hall about 6 o'clock, had played pool there with S. R. Burkholder and others, had afterward given an exhibition of fancy shooting with the cue, had then eaten lunch. C. C. Smith, S. R. Burkholder and Jay Duncan corroborated this testimony.

Wayne Zediker stated that on the evening of July 30, about 7 o'clock, he saw Urban on the Alliance National corner.

Steve Cannon's testimony was that on that evening he went to the Joe Smith pool hall about 8:15, remaining there or an hour. When he left Zediker was still there, playing billiards with Earl Anderson. Anderson, Gray and Zediker then went to Gray's rooms, and did not leave there until about 1 o'clock. Zediker said he then went home. This alibi covered a good portion of the time during which the pin could have been taken from the Isaacson home.

Zediker testified that he had not been north of Third street that night. He stated that he did not even know where Isaacson lived. Jack Hawes, traveling man, was called by the prosecution, and testified that on the morning of the 29th, he came in on the Casper train. He carried two

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