

The Alliance Herald

BUREAU PRINTING CO. OWNERS

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EVELYN PRIESS McELHANEY PLEADS SELF-DEFENSE.

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for twenty years and has taken the evidence in forty-six murder cases prior to this one. He is the oldest court reporter in the state in point of continuous service.

Huge Crowd at Court House.

The murder trial has attracted huge crowds to Alliance, despite the announcement by Judge Westover that spectators would be admitted only to the capacity of the courtroom. Long before court convened on Wednesday morning, a mob was thronging through the corridors of the court house, filling the stairways and crowding and elbowing in an attempt to get near enough to the door to get a seat. The first of these, men and women alike, were on hand as early as 7 a. m., the women being in the majority. Many of these brought their lunch baskets, expecting to remain in their seats during the noon recess.

Judge Westover ordered the courtroom cleared at noon, however, and those of the spectators who had brought lunch baskets took positions as near as possible to the door to eat. At the afternoon session, an even greater number were present, and hundreds of these, even after the courtroom was filled and the door locked, stayed in the court house in the hope of securing a seat when some spectator should retire. Most of these spectators remained through the dull afternoon during which dozens of jurors were asked the same questions, their interest apparently undiminished.

Thursday the crowds were greater than ever, and employes on the second floor of the court house found it impossible to force their way through the mob of people who were pressing up the stairs toward the courtroom.

door. Oscar Brush, brother-in-law of the defendant, was asked by Sheriff Miller to stand at the bottom of the stairs and prevent a mob from rushing in. He is, he found it impossible to hold back the crowd. Within a few minutes he was rushed off his feet and one of the women, in their eagerness to get into the courtroom, talked over him.

Spectators No Demonstrative.

Once inside the courtroom, however, the crowd has preserved the best of order. There has so far been but one occasion on which the spectators let their visibilities get the better of them. This occurred during the examination of Tom Gray. Attorney Mitchell, during cross-examination, was attempting to show that the murdered man was a gambler and a bootlegger, and Gray replied that he "had no use for it—bootleg whisky is pretty bad." The crowd started to laugh, but a few raps from the judge's gavel put a stop to it, and they did not again offend.

Mrs. McElhane's father, John Priess, and her four sisters and five brothers have been in constant attendance during the hearing, and have occupied seats in the foremost row of spectators. Mrs. Priess, the mother of the defendant, has been too ill to attend.

Trial of the McElhane case started at 9:15 o'clock Wednesday morning. The defendant appeared in court beautifully dressed in a blue serge dress, with white starched collar. She listened to the reading of the complaint with entire composure, and entered a plea of not guilty in a firm voice. Attorney W. A. Prince made a very brief statement of the case at trial for the benefit of the jurors, and the struggle over the selection of a jury was on.

The entire day was consumed in selecting the jury. By noon the twenty-four men on the regular panel had been exhausted, and less than half of the jury had been impaneled. At the afternoon session, fifty talesmen, who had been summoned from the outlying precincts of Box Butte county, were in the courtroom. Every man whose name was drawn was subjected to the most careful questioning by attorneys for both prosecution and defense. Judge Westover announced that the defense would be allowed

twelve peremptory challenges, and the state ten. Each side exercised nearly all of the challenges before a satisfactory jury was lined up.

Within a few minutes of 5 o'clock, following the waving of the state's ninth challenge, after a conference with the defendant, her husband and brother-in-law, Oscar Brush, Attorney William Mitchell for the defense leaned back in his chair and said to Attorney Prince, "Well, I guess you've got a jury."

The men who will weigh the evidence and decide the guilt or innocence of the accused are: E. W. Banks, Jake Kraft, Henry Brehm, John Jelenek, H. O. Strong, J. E. Richmond, Charles Tacket, A. Nispath, Ernest Ponwitz, Joseph Duhon, F. S. Blain and Ed. F. Zochol. All of the jurors, save E. W. Banks, are married men with families. Mr. Banks is a bachelor and a ranchman.

During the examination, Mr. Prince was careful to inquire as to whether the prospective juror was married or single, and whether he had any conscientious scruples against returning a verdict against a woman. Mr. Mitchell, on the other hand, made certain features of the law of self-defense, if proved, was proper grounds for acquittal. Over thirty men were examined before a jury was secured.

Following the selection of a jury, Judge Westover informed them that they must eat and sleep together during the rest of the trial until they had arrived at a verdict or agreed to disagree. He commiserated with them upon the requirements of the law, but promised them the best accommodations that Box Butte county could afford. The jurors were cautioned against allowing any outsider to discuss the case with them, or against discussing it among themselves until the evidence was all in.

Trial Began Thursday.

The taking of evidence began Thursday morning. Court convened at 9 a. m., and County Attorney Basye made the opening statement for the prosecution. He summarized the evidence to be presented to prove that the murder of Earl Anderson was premeditated, accomplished in cold blood and without extenuating circumstances.

Attorney William Mitchell made the (Continued on Page 5)

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of choice selections of Philippine rice cloth, artistically finished with hemstitching, open work and embroidery. Bought to sell for the price the importer was asking sixty days ago. These nightgowns and chemises make an ideal gift.

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