

# The Alliance Herald

Official Paper of Box Butte County

TWICE A WEEK—TUESDAY AND FRIDAY

Official Paper of the City of Alliance

VOLUME XXVIII.

ALLIANCE, BOX BUTTE COUNTY, NEBRASKA, TUESDAY, DECEMBER 21, 1920.

NO. 7

## JURY BRINGS IN SECOND DEGREE MURDER VERDICT

### EVELYN PRIESS McELHANEY TO GO TO PENITENTIARY

### SENTENCE TEN YEARS TO LIFE

#### Half the Jury Favors First Degree Conviction on First Two Ballots—Judge Westover Will Pronounce Sentence

The jury in the case of Evelyn Priess McElhaney, charged with shooting Earl B. Anderson, Alliance barber, in the alley in the rear of the Joe Smith pool hall early Tuesday morning, December 7, brought in a verdict of second degree murder. The case was given to the jury about 4 p. m. Saturday afternoon, and they were out about three and one-half hours.

The state did not ask the death penalty, but did urge a conviction for first degree murder. It is reported that on the first two ballots, the jury was evenly divided, six voting for a first degree and six for a second degree conviction. On the third ballot, the vote stood ten for second and two for first degree. On the fourth ballot, taken just before the jury went out to supper, the vote was unanimous.

Mrs. McElhaney came into court about 8 o'clock and awaited the reading of the verdict. All during the trial she had preserved an impassive countenance, and she kept her self-control to the last. Even when the result was known, she did not lose her composure, but talked with her husband and attorney.

Evidently she lost confidence in the result after the plea of Attorney Prince for the prosecution. Her jailer reported that when she returned to her cell at the time the jury retired, she broke down and sobbed for a few minutes on her husband's shoulder.

#### Ten Years to Life Penalty

The penalty for second degree murder is at the discretion of Judge Westover, who may sentence her to anything from ten years imprisonment to a life term. She is allowed three days in which to file an appeal, and sentence may be passed at any time after three days. Her attorney, William Mitchell, has announced that an appeal will be taken. District Judge Westover, following the reading of the verdict, adjourned court until January 4. It is understood that sentence will not be passed upon her until after the holidays.

#### Justice Speedily Rendered

For the first time in the history of Box Butte county, a woman has been convicted of the crime of murder. In this case, justice has been most summary. Just eleven days from the day Earl Anderson was shot, a jury of Box Butte county farmers and ranchmen answered the appeal of Prosecutor Prince to "help clean up Alliance."

The verdict in the case seems to have met with popular approval. There has never been a murder trial in which popular interest was so great, especially on the part of the women. It is believed that if women had been chosen for the jury, an even more harsh verdict would have been rendered. Saturday evening, dozens of women called up the various offices in the court house to find the result of the trial, and most of the inquiries came from women, who expressed their approval in no uncertain terms.

It is thought that with this conviction and others which have been made recently, it will be easier for the police force to clean up the city and keep it clean. It has been the general belief that an organized "gang" has been operating in Alliance, and that this gang is in a fair way to be broken up. The police are making a strenuous effort to rid Alliance of undesirables of every kind, and while public sentiment has been more or less lax, the last murder has brought about a distinct change in the feeling.

#### Arguments by Attorneys

With the exception of an hour in which the state examined witnesses in rebuttal, Saturday was devoted to argument by the attorneys. County Attorney Lee Basye made the opening statement for the prosecution, reviewing in a brief, but forcible manner, the overwhelming evidence that the state had piled up against the defendant. He paid especial attention to the testimony of A. H. Grubbs of Whitman, the only disinterested eye-witness to the murder. Mr. Basye made a plea for a first degree conviction.

Attorney William Mitchell, counsel for the defendant, made an heroic plea

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General fair tonight and Wednesday, rising temperature Wednesday, strong northwest winds.

in her behalf. For over an hour and a half he wrestled with the jury, rising to heights of oratory innumerable times. At several times during his address, one or more relatives of the defendant were overcome with grief and left the court room. A sister fainted and had to be carried from the room.

Mr. Mitchell told of the hard living conditions of the defendant's youth. She was born poor, one of eleven children, her father a laborer, and she was compelled to help earn her bread. He dwelt on the amicable relations of Mrs. McElhaney and her husband, and told of Anderson's alleged shameful abuse of her.

The attorney dwelt at some length on the testimony of Mr. Grubbs, and claimed there was a discrepancy in his story, inasmuch as the shell was not anywhere near where he stated Mrs. McElhaney was when she fired the fatal shot.

He closed with a claim that the defendant was to become a mother, and that if she were convicted the state would claim two lives instead of one. He referred to the happy Christmas season and pleaded with the jury to give her her freedom.

#### Prince Makes Final Plea

Attorney W. A. Prince of Grand Island, employed by the county commissioners to assist the county attorney in the prosecution of the case, made the final argument for the state. From 1:30 to 3 o'clock he held the crowded court room spellbound with his masterly summing up of the case. He characterized the theory of the defense as flimsy, and proceeded, by one means and another, to tear it to pieces.

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## BIG SNOWSTORM HITS ALLIANCE

### Winter Season Officially Opens After Mildest Fall in Memory of the Old Settlers

Unless all indications fail, as they have done two or three times before during this exceptional fall, the winter season was officially ushered in Monday with a heavy fall of snow, which began early in the morning and continued, with slight interruptions all during the day and night. The fall of snow was fairly heavy, and was accompanied with lowering temperatures but very little wind Monday night or Tuesday morning. The weather forecast called for brisk winds today.

This has been the mildest fall within the memory of old-time ranchers and stockmen. Last year the cold weather started in October, and by the end of that month the larger sandhill lakes were frozen over, to remain that way until the spring thaw. This year most of these lakes were still open, up to a week or so ago. There has been no snow yet in any quantity worthy of designation as a storm.

This has been a great fall for the amateur golfists, who have been able to play practically every Sunday. Last Sunday there was perhaps the greatest number out of any day since the Country club was organized. Broncho lake was frozen over, and there were a number of skaters, but the golfers got along without overcoats or gloves until pretty late in the afternoon.

The stockmen, too, have found the fall pleasant, and profitable as well. Up until now it has not been necessary to feed any stock, and prices on hay are "way down." The farmers are greatly cheered by the snowfall, the moisture being needed for the big crops of fall wheat, thousands of acres having been planted in this part of the state. There was an unusually large acreage of wheat planted this fall in the Goodstreak district, southwest of Alliance.

According to railroad officials, the storm extends over most of Wyoming, Montana, South Dakota and the state of Nebraska. All passenger trains in and out of Alliance are running double-headers and the Burlington railroad is taking every precaution to avoid the experience of last spring, when a passenger train was stalled for forty-seven hours near Alliance in a snowdrift.

Miss May Graham, who has been visiting in Alliance, is leaving for Washington, D. C., the last of the month to resume her position in the Loan and Currency department of the United States Treasury.

Mr. Buckley, of Newberry Hardware Co., went to Denver on a business trip last week.

## C. E. HERSHMAN DIES SUDDENLY FROM APOPLEXY

### WELL KNOWN SURGEON PASSED AWAY MONDAY AFTERNOON

#### Was Examining Patient with X-Ray and First Reports Indicated He Had Been Electrocut

Dr. C. E. Hershman, thirty-four years of age, one of the most widely known physicians and surgeons in western Nebraska, died suddenly at his offices in the Guardian State bank building at 3:30 o'clock Monday afternoon. Dr. Hershman had been examining a patient with his X-ray machine, and this fact was responsible for rumors that he had been electrocuted, although physicians who were called state that this was almost an impossibility, due to the fact that the machine did not carry sufficient current to cause death.

Dr. Hershman had been examining a patient, Mr. Ralls of Antioch, with the machine a short time previous to his death. His assistant, Miss Nellie Tyree, was developing an X-ray plate in the dark room adjoining the room occupied by the doctor and his patient, and heard the machine fall to the floor. She hurried out, and found Dr. Hershman lying on his back, struggling for breath. The machine was lying nearby on the floor.

Dr. Minor Morris who was called arrived on the scene within a few minutes, before death ensued. Later other physicians came, who, after an examination of the apparatus, declared that it could not have been responsible for the death. This opinion is corroborated by electricians, who declare that the fuses were not even blown out, which would have been the case had a current stronger than 110 volts passed over the wires.

The body was removed to the Darling undertaking parlors, where two severe burns were found on one of the arms. The theory is that Dr. Hershman suffered an apoplectic stroke, and in falling to the floor, his arm came in contact with uncovered wires, which caused the burns. Mr. Ralls, the patient, declared that as the doctor fell, the room was filled with a bluish light.

Dr. Hershman came to Alliance nine years ago, first as Burlington physician, but later establishing himself in private practice. He was an Odd Fellow, Mason and Shriner, and president of the Guardian State bank. He is survived by his wife, formerly Miss Dorothy Hoag of this city, and two young sons, "Buddy" and Bobby. A brother, Fred Hershman, is a member of the Alliance Drug company.

## POSTOFFICE LOBBY WILL BE ENLARGED

This week there is being published a request for bids on alterations in the Alliance postoffice which, when completed, will result in enlarging the lobby to the extent of sixty-four square feet, and permitting the installation of over five hundred additional boxes.

The plans, as approved by the supervising architect, provide for removing the north tier of boxes, and in its place constructing an alcove eight feet square, which will have boxes on all three sides. The alterations will take the space from the workroom and add it to the lobby.

At present there are 1,200 boxes in the lobby, but this number has not been sufficient to supply the demand. There is now a long waiting list. The five hundred additional boxes will take care of the demand in good shape.

Bids will be opened the tenth of January, and sixty days will be allowed for the work after the proposal is accepted by the supervising architect. The work should be finished by the first of April.

## URBAN ZEDIKER DRAWS FROM ONE TO SEVEN YEARS

Urban R. Zediker, Alliance man who was convicted in district court last week on a charge of grand larceny, the theft of diamonds valued at \$200 from the home of A. G. Isaacson, was sentenced at 4 p. m. Saturday afternoon by District Judge W. H. Westover to a penitentiary term of from one to seven years, and to pay the costs of the prosecution.

Zediker will not be taken to the penitentiary until after the holidays, members of his family requesting that he be held in the county jail here until the first of the year, it is reported.

## L. E. AYLSWORTH DISCUSSES CITY MANAGER PLAN

### UNIVERSITY PROFESSOR TALKS TO CHAMBER OF COMMERCE

#### Man Who Drew Up Legislation Explains Workings of the System to Alliance Business Men

Prof. L. E. Aylsworth of the department of political science of the University of Nebraska addressed an audience of fifty or more business men of Alliance at the noon luncheon of the chamber of commerce Monday on the city manager plan of municipal government. Professor Aylsworth drew up the law covering this form of government in 1916 for Representative Adam McMullen of Wymore, and inasmuch as it is right in line with his work in the university, was able to give authoritative information concerning the operation of the plan and the way in which it has worked out in other cities. He stopped over in Alliance on his return to Lincoln from a trip to Sheridan, Wyo., where he addressed an audience of six hundred before the Open Forum of that city last Sunday afternoon.

Always interesting, Professor Aylsworth was at his best in the discussion. He explained at the outset, that the University of Nebraska, while not called upon so often as might be, was always ready to answer calls for speakers or for information from the cities within its territory.

Mr. Aylsworth declared that he favored newer ideas in government and politics, but that he was not an out-and-out advocate of the city manager plan. In no sense did he consider it a cure-all for the ills of municipal government. No form of government will bring the political millennium. Good government rests responsibility with the citizens, and any given city will, in the long run, get about as good government as it deserves. He regarded the city manager plan as an improvement in the machinery of government, and while machinery is not everything, he believed that some of the newer forms of government tend to give greater efficiency.

#### Councilmen Chosen at Large

The city manager law, upon the adoption of which Alliance will vote January 4, provides for a council of five men, nominated and elected at a non-partisan primary, at which ten candidates or more will be nominated. Of these, the five who receive the highest vote at the general election will be declared elected. These councilmen are chosen at large—not from wards. Every voter will have an opportunity to vote for all five. One of the evils of the ward system, the speaker declared, was the tendency to log-rolling and vote-trading, in order to benefit some particular ward at the expense of the city.

At the present there are some 400 cities in the country which have adopted the city commission form of government, and 190 which have the city manager plan. Professor Aylsworth explained the difference between the two forms of government. Under the commission form, the commissioners are both administrators and legislators. Under the city manager plan, the council is purely legislative, all administrative functions being in the hands of the manager.

The plan, under the law, provides for a council, which will serve for four-year terms, except at the first election, when two will be chosen for four years, and three for two years. The council has authority to levy taxes, issue bonds, pass ordinances, fix the amount of taxes and salaries, and approve all new offices.

The city manager is chosen by the city council, preferably for an indefinite period, during good behavior, as it were. His salary is fixed by the council. He may be selected from anywhere in the United States, the only restriction being that the council may not choose one of its members. The city manager appoints all employees of the city, prepares the budget, carries out the will of the council and the voters.

#### Manager May be Permanent

The council is under popular control. If a councilman proves unsatisfactory, he may be recalled, a special election for the purpose of voting on any council being mandatory upon the filing of a petition containing the names of 25 per cent of the city's voters, at which the councilman will stand for re-election.

The law also provides both initiative and referendum. On petition of 10 per cent of the voters, any ordinance passed by the council will stand suspended, and on petition of 25 per cent of the voters, the council must

pass any desired ordinance, or submit it to a special election.

Advocates of the plan claim for it that it comes nearer than any other form to uniting popular control with efficiency in government. It provides a short ballot. Not more than three men are elected at any one time, and it is possible for every voter to be informed about every man for whom he votes. Lincoln voters, under the old system, at each city election, had to vote for over twenty men, and voters could not know all these sufficiently well to make intelligent selection. Another point in its favor is that it concentrates authority, and makes the city government responsible to the whole people. The council is responsible for the general policy, and the city manager responsible for the administration of city affairs. The city council can be recalled in entirety, if the voters so desire. The city manager cannot be recalled, but he can be discharged at any time by the council, provided the latter does not enter into a contract with him for any specified length of time. If efficient, there is no reason why he should not have a permanent position.

#### Mostly Small Cities Having Plan

Of the 190 cities which have adopted the city manager plan, Professor Aylsworth said, 125 have less than 10,000 population; and fifty of them are in the class of Alliance, from four to seven thousand population. They are in thirty different states, although Virginia, Michigan, Texas and California have the most. He gave reports by city managers of various cities, showing what had been accomplished by the plan. In Webster City, Ia., the claim is made that ward politics have been eliminated; that vote getters are no longer promised jobs for swinging elections. The councilmen are all representative business men who never allowed their

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## A MOONSHINER HAS HARD LUCK

### Special Agent T. J. Smith Gets Hold of Suitcase With Two Gallons of Hooch

Special Agent T. J. Smith of the Burlington is being courted by the more courageous of his friends the past two days, following the knowledge that he had in his possession at least two gallons of homemade hooch of the best quality, which is none too good. Mr. Smith found them in a suitcase, which has a more or less peculiar history in these days of drouth. It was a Wyoming man who came to know grief last Saturday night. He was en route from Casper to Alliance, and was either a bootlegger or a maker of moonshine. He lugged aboard the train a suitcase containing three one-gallon jars of the beverage, handling the thing as tenderly as a mother handles a child. But accidents will happen, even to the most cautious of bootleggers. In some manner, one of the glass jars became broken, and through the stale atmosphere of the smoker there stole a wonderfully pleasant odor. Men laid aside their pipes and cigars and lolled back in a dreaming sort of way. Sharp-nosed women in the car ahead began to sniff the air suspiciously. The colored porter began to hang around and smile ingratiatingly.

The Wyoming man was about the last to discover that an accident had happened. The odor at last became so strong that he grew alarmed. He was afraid to open the suitcase, and didn't dare to leave the smoker for fear someone else would. At last, when his fears and suspicions had become a certainty, he arose and beat a precipitate retreat, and when the train reached Bridgeport, he decamped, leaving at least a hundred dollars' worth of booze. The car conductor took the suitcase in charge temporarily, and it was turned over to Special Agent Smith on its arrival in Alliance.

The annual meeting of the stockholders of the Alliance Packing company will be held at the armory at 10 a. m. January 3, 1921, for the purpose of electing directors and transacting any other business. It is expected that among the things of interest that will come up at the meeting will be the question of the removal of the plant to Scottsbluff. It is known that one of the promoters is in favor of the move and that he has some strong supporters among the stockholders. It is problematical whether such a course can be taken, but it is due to be discussed, anyway, a number of stockholders in Box Butte county having become worried over such a prospect.

Another summer has worn past for the man who works at nothing and bores himself.

## NORTH PLATTE MAN SELECTED FOR SECRETARY

### GEO. M. CAREY EMPLOYED BY CHAMBER OF COMMERCE

### TAKE OFFICE FIRST OF JANUARY

#### New Man a Graduate of Cornell, and Has Proven Successful in This Line of Work Strong on Co-operation

George M. Carey of North Platte was elected secretary of the Alliance chamber of commerce at a meeting of the board of directors held in the office of J. W. Guthrie Monday evening. A number of applicants were considered for the place, but Mr. Carey, who was present, made a tremendous hit with the directors and was selected without a dissenting vote.

For the past four months, Mr. Carey has been secretary of the North Platte chamber of commerce, but his secretarial experience extends over a period of several years. He has been connected in the past with the Sioux City, Ia., organization, where he had charge of certain activities.

Mr. Carey is a live wire sort of a fellow, and seems to be fairly oozing pep and ginger. He is a young man of the same general style of beauty as Rufus Jones. The new secretary was originally a New Yorker, being a graduate of Cornell university, but he has lived in the west long enough to remove any particular taint of the e-f-f-e-e east. He is a football enthusiast, having held a place as an official of the western conference. At Cornell he received a letter in football and track, and so can qualify as an athlete.

Beginning the first of the year, Mr. Carey will assume the secretaryship here. He has had an opportunity to look over the city, has expressed himself as well pleased with the people and prospects here for a live commercial organization, and has already formulated a plan and outlined a definite program for the Alliance organization, which will be announced later. He has some mighty good ideas on co-operation, and among the first tasks he will tackle will be that of getting the neighboring ranchers and farmers in closer touch with the Alliance organization and its members.

Mr. Carey is an Elk and Phi Kappa Psi. He is married and will bring his wife and two small sons to this city as soon as arrangements can be completed for a place to live. He left this afternoon for North Platte, where he will close his affairs, and plans to be back in Alliance the middle of next week, ready to tackle his job.

## NAVY RETURNS TO THE FOUR-YEAR ENLISTMENT

According to advices received by the local navy recruiting office in the postoffice building, first enlistments will no longer be received for periods of less than four years, except minors between the ages of seventeen and eighteen, who may, as heretofore, be enlisted for the period of minority, or until they reach twenty-one years of age, with the consent of their parents or guardian. Heretofore, three-year enlistments have been permitted, but the navy has evidently been recruited up to nearly the desired peace time strength. Reenlistments may still be made for periods of two, three and four years, and extensions are authorized as heretofore.

## MISSING MAIL SACK IS FOUND AT HEMINGFORD

A Burlington fireman Sunday discovered the mail sack which, by its mysterious disappearance a week or two ago, gave rise to rumors that train No. 41 had been held up and robbed. The padlock and other metal parts of the sack, and some eighty burned letters were discovered a short distance east of the Burlington depot. Advices reaching here do not give details of the finding, but apparently there is no belief that the sack had been stolen, but that it was thrown in an "out-of-the-way" place, probably near some bonfire. There was but one registered package in the sack, and this was of trifling value.

Special Agent T. J. Smith and a postoffice inspector went to Hemingford Monday and secured the letters.

Chemists are now exploiting a new liquid fuel. But this one is made from petroleum and lignite and one does not drink it.