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CITY MANAGER PLAN MAY NOT GO INTO EFFECT

POSSIBILITY THAT THE SPECIAL ELECTION WAS ILLEGAL

Notice of Election May Have Been Insufficient—Matter Will Probably Go to Courts

Despite the fact that a majority of the citizens of Alliance, voting at a special election January 4, endorsed the city manager plan of municipal government, it now appears that the plan will not go into effect until the courts have ruled upon the matter of the legality of the election. A few days after the result was known, rumors began to be heard in the city that the election was illegal, the grounds for that opinion being that the notice of election was not published for a sufficiently long time. The notice was published in an Alliance newspaper for only twenty-one days prior to the election, and those who claim the election illegal say that it should have been published thirty days.

If it can be established that the notice was given insufficient publication, this undoubtedly will be considered proper grounds by any reviewing court to set aside the election. In 1912, the same question came up in connection with the voting of bonds for the Box Butte county court house. A number of Hemingford residents who were opposed to erecting a new court house in Alliance took the matter into court on the ground that the notice of election had not been published the proper number of times, and the court decided the election was illegal. A second election, called immediately thereafter, carried the bonds again.

It is quite probable that a second election in Alliance on the city manager plan would result in an even more decisive victory for the new system. No one connected with the plan believes that the error in the publication of the notice of election was intentional, but nevertheless there is a feeling that the people have not been allowed to have what they said they wanted. Whether anybody is to blame or not, there is little question that if another election could be held at once, the majority for the plan would be increased.

Unfortunately, the time before the regular spring election is so short that another election cannot be held soon enough to permit the plan to go into effect this year. It is possible that the same petition would be valid, although there are some who think a new petition would have to be circulated. The council, under the law, must call a special election not less than sixty or more than ninety days after such a petition is filed. It would be impossible to hold another election in time to allow for holding a primary election on the third Tuesday preceding the regular April election. Unless the January 4 election is proved to be valid, there will be no city manager in Alliance for at least two years, and the will of the majority of the voters will be thwarted.

There are two sides to the question, however. It is possible that the courts may hold that the present election is legal. The law is not particularly plain on the subject of notices of election. The law providing for the adoption of the city manager plan states that the general election laws of the state will govern in city manager elections, unless otherwise provided. The general election laws of the state do not provide for any published notice in municipal elections. There is a provision in the statutes, however, that "special elections may be provided for by city ordinance." This provision does not say that councils may by ordinance provide for notice of election in special elections, but those who claim the January 4 election was illegal say that there is no provision forbidding it.

The ordinance passed by the city council providing for a special election provides, however, that "notice of such special election shall be published at least thirty days." This is held to be sufficient evidence of illegality of the election. When the council met last Tuesday night the members simply canvassed and recorded the vote, but did not write into the record anything to the effect that the manager plan had carried.

The next move, according to Mayor Rodgers, is up to the friends of the plan. No primary election will be called, in accordance with the provisions of the law.

COMPETITION AND RAGWEED

Take a garden, say fifty by fifty. It doesn't look very big until you get it about half spaded. Then you find you have underestimated the size. What you have is a farm. Finally, if you are persistent in your effort, you get it spaded, raked and planted.

"Ah," you say, "the dirty work is done, I shall now sit myself down and wait for the fresh vegetables to appear upon my table." But not so fast, not so fast, you'll find that the beans and peas and lettuce are tender youngsters, you'll have to nurse 'em and sit up nights with 'em, so to speak. You neglect the farm for a day or two as you're bound to do sometimes during the growing season and you come back to find that the weeds have jumped up over night like the whiskers on a tramp's chin and are squeezing the life out of your cherished vegetable. Then by fighting the ragweed stubbornly for a week you gain a temporary victory at the cost of a stiff back, sunburned neck and blistered hands.

And now, Watson, we will make our deductions. Advertising is like the garden. It looks easy until it's started. And when it's started the minute it is dropped for a month or a year the ragweed of competition plays havoc with the work already accomplished.

You can't sit by and let your advertising take care of itself. Keep everlastingly at it. The point you make today bolsters up the point you made yesterday and the day before. The point you make tomorrow strengthens the points you will make the next day and the day after that.

Advertise regularly, persistently, continually, and your harvest will be better than you may expect. Don't let the weeds of competition choke out the efforts you have made in the past by discontinuing the cultivation of your business garden now.—The Draft.

HOW IRRIGATION INCREASES THE VALUE OF LANDS

ONLY THING NEEDED TO BRING UP BOX BUTTE AVERAGE

Alliance Men Interested in the Kelly Well System, Which Has Been Successful at Grand Island

The annual report of J. A. Keegan, county assessor, for the year 1920 shows that the county has 642 farms occupied by owners and 181 occupied by tenants; there are 639,220 acres in farm with 176,607 under cultivation. Of this large amount of farm land only 1,786 acres are under irrigation, the balance being farmed by what is commonly and erroneously called "dry farming."

It is a well known and established fact that irrigation, even in the most humid climates, produces better and heavier crops than nature will produce through ordinary rainfall. This is proven quite conclusively in Florida, where the annual rainfall is from 60 to 70 inches on the average, and where irrigation is practiced quite extensively.

The annual rainfall of western Nebraska averages from 21 to 27 inches, sufficient to raise good crops of the ordinary small grains, potatoes and corn, especially when planted in the fertile soils of the big plains, such as Box Butte county.

Not very far south and west of Box Butte county, is located the great North Platte valley, which only a few years ago, within the memory of many residents, produced crops very much like those produced on the table lands. During recent years hundreds of thousands of acres of the valley and first bench or table lands have been placed under irrigation, with the result that these lands are now raising immense crops of sugar beets, alfalfa and potatoes. These lands now average in value from \$250 to \$300 per acre, in Box Butte county the land averages in value from \$40 to \$100 per acre, with better soil than the average valley soil.

Box Butte county farmers who have an idea of what successful irrigation might do to their lands and for them, have been watching with much interest the Kelly well system, evolved by Grand Island people who have been making a great success of this unique well system for use in irrigation, and they have been wondering what could be done with the Kelly wells on a large scale of irrigation. F. A. Bald, the Alliance land man, has been making a particular study of these wells and of their possibilities in this county. He and others who have been studying the plan with him are much interested and highly gratified to learn of the

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M'DONALD HAD PLANS PREPARED FOR A GETAWAY

BUT HE TALKED TOO MUCH TO FELLOW PRISONERS

Saw Blades Found in Coat Lapels and in the Sole of His Shoe—Sentenced to Penitentiary

James W. McDonald, who pleaded guilty in county court some days ago to breaking into and entering the Schwaderer home, near Alliance, on Christmas night, and taking therefrom some clothing, was yesterday sentenced by District Judge Westover to from one to ten years in the state penitentiary, and will be taken to that institution tonight by Sheriff Miller. McDonald was to have been sentenced earlier in the week, but asked Judge Westover for two or three days in which to settle up his affairs. It now develops that he had other ideas beside writing long letters to relatives.

Mr. McDonald suffers from a common fault. He talks too much. And his talking proved his undoing. He told Urban Zediker, as well as Henry Webber, fellow prisoners, that he had things all framed for a getaway. He even told them where he had hidden his saws. After Webber had received his sentence from Judge Westover, he spilled the beans, and Mr. McDonald was brought down to the sheriff's office and thoroughly searched by Sheriff Miller and Deputy Miskimen. They used the severe skin-test method, peeling Mr. McDonald's clothes off of him and placing them in a pile, after which they went through the pile.

Their search was rewarded. Saw blades were found concealed in the coat lapels and in the sole of one of his shoes. The prisoner is said to have declared that he also had saw blades hidden in the mattress of his cell, but the mattress was not searched, all the cells having been refitted with new mattresses shortly before the search.

Webber Paroled to Wife.

Henry Webber was released on parole to his wife by Judge Westover. Webber, who was formerly in the employ of the Newberry Hardware company of this city, and at one time was injured in an explosion there, had apparently developed the habit of issuing no fund checks. About a month ago he issued one to Coursey & Miller in the amount of \$10, but half a dozen other, totaling \$70, were out against him. He was arrested at Bingham and with his wife and daughter accompanying him, came into county court last Tuesday.

In county court, Webber made a plea for mercy before Judge Tash. He refused to take the judge's advice and employ counsel, but said that he was guilty. Judge Tash then announced that in the past he had been rather lenient with this sort of offenders, but that he had turned over a new leaf with the beginning of the new year. Under the law, writing a no-fund check is a felony, and the county court will not hereafter assist in compounding a felony. Neither will it act as a collection agency. Nor will it condone any offenses against the law. Mr. Webber, very much surprised and grieved, was thereupon bound over to the district court.

In paroling the prisoner to his wife, Judge Westover made it plain that if there were any repetition of the offense, Webber will, without further ado, be called into court and sentenced to the penitentiary.

NOTICE

To the People of Alliance and Vicinity

The Imperial theatre is the first theatre known of making a reduction in the price of admission from coast to coast.

Not that the service is costing less but we want to help the people during these hard times which needs amusements more than ever.

Amusement is the cure for the blues, a grouch, dissatisfaction and all other ailments that can't be cured other ways.

On all matinees we have cut 50 per cent on special; 40 per cent on all others, taking effect Saturday, January 15.

Matinee prices on "Madame X", the picture that is playing Omaha at \$1.00 per seat—children 13c, adults 22c and war tax. Night prices on same picture, children 22c, adults 50c and tax.

On all other productions the reduction is 40 per cent; Matinee 13c and 22c; nights 18c and 31c.

We need your co-operation to maintain these prices and will appreciate you attending our matinees.

Thanking you for your co-operation,
Yours For Lower Prices,
H. A. DUBUQUE.

RESENTMENT AROUSED BY STORY IN BEE

FRIENDS OF CITY CLERK KENNEDY ON WAR PATH

Correspondent to State Paper Insults Publication of Notice Was Purposely Delayed

Mrs. Grace Kennedy, city clerk, together with a number of her friends, is highly incensed over an article which appeared in the Omaha Bee of Thursday which openly charges that because of her opposition to the city manager plan, she deliberately failed to have the notice of election published the required number of times. Mrs. Kennedy, fortunately, is able to refute these charges and in an interview given a Herald reporter, told the exact circumstances connected with the affair.

Mrs. Kennedy admits that she neglected to send the copy for the neglected notice to the printer, but declares that she had simply forgotten it. The notice had been prepared a month previous, and was a part of an ordinance providing for a special election. The ordinance was printed, and the notice cut out and laid aside to be sent to the printer at the proper time, some three weeks later. Then came a rush of business—the regular monthly statements for the light and water departments, as well as considerable amount of additional business in connection with paving assessments. During the week in question, Mrs. Kennedy worked practically every night at her office until 10 o'clock. Under the circumstances, it is not unlikely that she could have forgotten the matter.

Upon discovering the fact that she had failed to have the notice published, Mrs. Kennedy promptly called Mayor Rodgers and City Attorney Metz into consultation. Councilman Harris was later called in. Attorney Metz gave it as his opinion that there was a danger that the election had been invalidated, and, rather than run the risk, suggested that it be called off. Councilman Harris was opposed to it. The whole question being one of technicalities, and there being as great a possibility that the election would be legal as that it would be illegal, it was finally decided to go ahead. Attorney Metz suggested, it is known, that there was still time to vote on the commission form of government and that this might be done, but his suggestion was not seconded.

"If I had intended to invalidate the election," Mrs. Kennedy said, "would I have called in these men and laid the case before them as I did? Had I wanted to do wrong, I'd have said nothing about it. I made a mistake, of course—all of us are guilty of forgetting things at some time—but the insinuation that this was done because I didn't favor the city manager plan getting things at some time—but the is without any foundation."

The three men who were present at the little conference are each emphatic in declaring that they are certain that Mrs. Kennedy had no intention of making the election illegal, and that it was a simple case of forgetting. Councilman Harris characterized the insinuation as "preposterous," and the other men were fully as plain-spoken in expressing their opinion.

Following is the article from the Omaha Bee, carried under an Alliance date line and presumably written by some one in this city, which has aroused such a storm of resentment, not only among the friends of Mrs. Kennedy, but among the strongest advocates of the city manager plan:

"The question of the legality of the recent special election, in which a majority of 53 voters out of a total of 700 voted in favor of the city manager plan, to succeed the present mayor and council system, is under heated discussion between the opposing factions. The point arose when it became known that Mrs. Grace Kennedy, city clerk, had neglected to have the legal notice of the election published 30 days prior to the election on January 4. Mrs. Kennedy's sympathies were known to be with the present administration, which bitterly opposed the city manager plan from the start.

"Although the notice was prepared and presented to her by the city attorney in plenty of time, she stated that she laid it away in her desk and forgot to order its publication until twenty days before election. City Attorney W. R. Metz, who was an ardent supporter of the city manager plan, is of the opinion that the election was not invalid, because it was held under the general election laws of the state, which require only 20 days' notice before election. Others hold to the assertion that thirty days' notice is required and the matter will likely be carried to the supreme court for a

decision. "It was stated that both Mrs. Kennedy and Mayor Rodgers knew of the situation before election and Mayor Rodgers took no steps to stop the election, although he had been informed that it would be invalid. Bitter criticism has been directed against Mrs. Kennedy and Mayor Rodgers and a number of business men in favor of the city manager plan have stated their belief that the failure to have the notice of election published as instructed by the city attorney was something more than negligence on the part of the city clerk. Others have openly stated that the whole affair looks rather shady and are determined to thresh the matter out in the courts if necessary.

"Unless the election is proved valid the mayor and council plan will be in force for another two years at least, since the law provides that the city manager plan must be voted on a certain length of time prior to the regular city election in April and not more than once in two years. The time now is too short to hold another special election before the regular city election, April 2."

At the annual meeting of the stockholders of the Wyoming-Northeastern Oil company, held in Alliance on Monday evening at the office of the president, F. A. Bald, the following board of directors was elected: P. J. Michael and A. M. Miller, Hemingford; C. M. Looney, Lloyd C. Thomas, F. A. Bald and R. M. Baker, Alliance; W. N. Thompson and Cash Dove, Aurora; Charles F. Gruenig, Omaha. Officers elected for the following year were: F. A. Bald, president; C. M. Looney, vice president; Lloyd C. Thomas, secretary; R. M. Baker, assistant secretary; P. J. Michael, treasurer.

Frances Whaley left Monday night for Camp Jackson, Florida, where he will train as an electrician.

AVIATION FIELD AND AERO SCHOOL AT SCOTTSBLUFF

ORA PHILLIPS OF HEMINGFORD HAS AMBITIONS

Will Join With Pilot Brooks and Charles Schafer in Training Would-be Aviators

Two things which Scottsbluff has lacked as portions of her metropolitan progress now promise to be forthcoming, and from the same agency. These metropolitan adjuncts are an aviation field and a school in which aviation is thoroughly taught, says the Star-Herald.

As the result of the visit to this city of O. E. Phillips and "Bill" Brooks of Hemingford, owner and pilot respectively of the plane in which many of the citizens of this city have been scouting hither and thither through the sky above this thriving burg, an arrangement has been completed between the two gentlemen named and Charles Schafer of this city for the opening of an aviation school.

This school will teach in a most thorough manner the science of aviation, together with a complete gas course, and finish off the student with full course flying experience. An ordinary student should be able to complete the course within five months by diligent application, and when he has so completed his work he will be graduated and receive a pilot's license.

Arrangements are now under way for the securing of a landing field convenient to the city, within a few minutes walk of Broadway. There a hangar is to be erected capable of holding one airplane, and also large enough to be fitted with a classroom. Two dismantled motors are to be used for demonstration purposes for the students, who when they have arrived at a certain point in their instruction will be required to gather these parts, put them together and make the "bloomin' thing go."

Mr. Schafer had a vast amount of practical experience with air craft during the war and is also one of the best gas engine experts of the country. Mr. Brooks was inspector for the government during the entire war, receiving the airplanes from the manufacturers at the different fields scattered through the country. This experience has made him thorough master of the various makes of air craft, and also of the practical points which go to fit a pilot in the details which he must know thoroughly to make a real aviator.

Mrs. Aaron Poole fell Tuesday and sustained some injuries which confine her to her bed for a few days. Although she is in great pain her condition is not serious.

COUNCIL TALKS NEEDED PUBLIC IMPROVEMENTS

DISCUSSES WAY TO CURE THE SEPTIC TANK EVIL

Pipe Line to Norton Farm, South of Alliance, Under Discussion—Sewer Extension Proposed

The city council suddenly got enthusiastic over the matter of public improvements at its meeting Tuesday night, and among the things suggested was the completion of the sanitary sewer and the abating of the septic tank nuisance by constructing a pipe line to carry the water some three and a half miles into the country, to a farm owned by W. W. Norton. The sentiment of the council apparently favored both propositions.

Mayor Rodgers brought up the matter of the completion of the sanitary sewer. He mentioned the fact that a number of men had been laid off, and that most of them were anxious to work. He believed that the sewer could be constructed by home labor at a considerable saving over contract prices. The clerk was instructed to advertise for bids for construction work in sanitary sewer district Nos. 11 and 12, which includes Mission and Yellowstone from Fifth to Eighth.

The mayor then mentioned the septic tank nuisance and told of a conference with officials of the Alliance home builders' association. W. W. Norton, he said, had made the city a proposition to receive the water from this tank at his farm, three and a half miles south of Alliance, but in order to dispose of it in this way it would be necessary to construct a pipe line. The commissioners would permit the line to be laid between the fence and the ditch along the road, which would mean there would be no right-of-way to buy. An estimate of the probable cost will be prepared, interested citizens will file a petition, and the voters will probably be given an opportunity to endorse or reject the proposition at the regular city election in April.

Welfare Ordinance.

The proposed welfare ordinance was delayed until such time as City Attorney Metz and Councilman Johnson would be able to make suggested changes. They will then meet with the civic committee having the matter in charge, and an ordinance will be presented to the council for action. As the ordinance now stands, it is suitable for a city of half a million inhabitants, and it is believed that a sterner document can be framed that will serve Alliance's purposes.

Attorney Eugene Burton presented the case of a client, Mr. Lohr, who had begun the construction of a dwelling on West Third street. This dwelling came within the fire limits. The ordinance prescribing the fire limits is particularly stringent, and forbids even stucco construction. Mr. Lohr has already spent several thousand dollars on his residence, and unless the council relented, stood in a fair way to lose considerable money. After considerable discussion, the council decided that stucco construction would be all right, provided residents in that neighborhood entered no objection. The ordinance was not amended or repealed.

Bond Issue Sold.

Representatives of the Bankers' Trust company and the Benwell-Phillips-Estey company, both of Denver, were present and submitted bids for a two hundred thousand serial paving

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FAMOUS CLOTHING HOUSE MAKING BIG REDUCTIONS

The Famous Clothing house, in this issue of The Herald, takes practically four pages to list the reductions offered in their biggest January clearance sale. The reductions, Mr. Frankie says, are greater than ever before offered, and are figured, not on the high prices prevailing a year or so ago, but on bargain prices at which many of the goods were bought.

Not only is this as large a sale as has ever been pulled off in Alliance, but this is as large an advertisement as has ever appeared in any newspaper in the city. When merchants use space in this way to make a bid for business, it behooves every reader to look over the bargains carefully, note the savings offered, and if possible, satisfy their needs from the offerings listed. In these days of high prices, advertisements of this sort are the best kind of news, and a perusal of the four pages will be profitable as well as interesting.