

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, FRIDAY, JANUARY 21, 1921

NO. 15

OSCAR O'BANNON FINDS DEATH AT END OF JOY RIDE

INSTANTLY KILLED IN AUTOMOBILE COLLISION

CAR TURNED COMPLETELY OVER

Neck and Collarbone Broken When Auto He Was Driving Turned Over After Striking Roy Aspen's Car

Oscar O'Bannon is dead, his neck and collarbone having been broken when the heavy Stearns-Knight touring car he was driving turned completely over following a collision with the Chevrolet of Roy Aspen about 11 p. m. Wednesday. He is believed to have died instantly.

Other occupants of the O'Bannon car were: Tom Beal, well-known farmer living near Alliance, who was badly cut and bruised about the head and eyes; Whitney H. Terrell of Wibaux, Mont., whose right shoulder was dislocated, and Wade Grassman, nineteen years of age, and Richard Knies, twenty-two. The two youths were not injured beyond a few bruises and a bad shaking up.

Roy Aspen, driver of the car which was run into by O'Bannon, was badly cut about the face and head, and sustained severe bruises on his arms and legs. He was attended by Dr. George J. Hand.

The accident took place at the intersection of Tenth street and the Chadron road. O'Bannon was driving south on the Chadron road at a furious rate of speed, estimated at fully forty miles an hour. Aspen was going east on Tenth street, on his way home. He did not see the headlights of the O'Bannon car until they were sixty feet away, and he had already started to turn north onto the road down which the other car was coming. He had no time to prepare himself, but crowded over to the east side of the road. The other car struck the one he was driving at the rear left fender and wheel, tearing them from the car and turning it completely around, throwing him out. His injuries were sustained by being thrown through the side curtains. The curtains on both cars were up, and the drivers could see the road but imperfectly.

The O'Bannon car plunged forward, the shock of the collision causing it to turn completely over. Some of the witnesses think it turned over twice. Young Knies was thrown clear of the car, a distance of some fifteen feet. Knies had a most fortunate escape, for despite the distance he was thrown, he did not even lose his glasses. He was dazed by the shock, but recovered after a minute or two and went over to the wrecked car. He lifted the top, which had been crushed, and young Grassman came out. They could hear Tom Beal moaning, they said, but Oscar O'Bannon did not reply when they called to him. Thinking he might be stunned, the two of them ran into the city for assistance.

The boys located Jay Walker and DeLoss Barber at the First State bank, and after getting hold of Dr. L. W. Bowman, they returned to the scene of the accident. Dr. Bowman pronounced Mr. O'Bannon dead, and found that Tom Beal was seriously injured. They returned to Alliance, leaving young Knies and Roy Aspen, who had recovered consciousness, to watch the wreck.

A bottle of Scotch whisky, practically empty, bearing a London trademark, was found near the car. Young Knies suggested to Aspen that he throw it away before they were discovered, but Aspen turned it over to Dr. Bowman. A second bottle was found by County Attorney Basye, who arrived at the scene of the accident a few minutes later, as did Dr. C. E. Slagle. Tom Beal was removed to his home, where Dr. Slagle attended him, and the body of Oscar O'Bannon was taken to the Miller undertaking rooms.

County Attorney Basye immediately took steps to investigate the matter, sending Sheriff J. W. Miller with subpoenas for Wade Grassman and Richard Knies. The sheriff made a fortunate capture by locating W. H. Terrell in a downtown drug store. These men were questioned, and the following are the circumstances attending the accident, as they told them.

O'Bannon, accompanied by Whitney H. Terrell of Wibaux, Mont., had been together during the evening, and both had been drinking. They had stopped at the O'Bannon home earlier in the evening and had finished half a quart of whisky. They then took supper at a downtown restaurant, after which they put in the rest of the evening, until the accident, riding in and around the city in the O'Bannon car, calling

THE WEATHER

Fair tonight and probably Saturday. Slightly colder tonight extreme east portion. Rising temperature Saturday.

friends from the street and taking them for short rides to offer them a drink.

About 10:30, the two men, accompanied by Tom Beal, met Wade Grassman, nineteen years of age, and Richard Knies, twenty-two, and invited them for a ride. The invitation was accepted. The five men went down to the Alliance hotel, where Mr. O'Bannon ran his car up over the curbing, to invite another man to accompany them. Then they turned around and drove the car upon the walk in front of the Annex. Here Chief of Police Jeffers and Night Watch Stilwell intercepted them. Chief Jeffers stepped to the car and spoke with O'Bannon, who said that everything was all right, and immediately drove down the street at a rapid rate.

Grassman, Beal and Knies were sitting in the back seat of the automobile, and O'Bannon and Terrell occupied the front seats. There was whisky in the car, and the bottle was passed around two or three times. O'Bannon at one time stopping the car for this purpose. They had driven out past the fair grounds, after leaving the Alliance hotel, and from there went out to Mr. O'Bannon's farm, occupied by Fred Vogel, but no one was at home. They then turned around and were on their way back to the city when the accident happened.

EKLUND WINS CHAMPIONSHIP MAT MATCH

DOWNES ALLIANCE GRAPPLER AFTER LONG BATTLE

One Hour and Forty-six Minutes Required to Pin Mortenson's Shoulders to Mat

Clarence Eklund of Sheridan, Wyo., light heavyweight champion wrestler of the world, successfully defended his title Tuesday evening at the roof garden before the largest crowd that ever assembled for an indoor athletic event in Alliance. Paid admissions amounted to well over a thousand dollars, and spectators were present from most of the cities and towns in western Nebraska, many of whom were sufficiently interested to place bets on one or the other of the men.

The match was conducted under Police Gazette rules, which provide that if there is no fall after an hour and a half of wrestling, one fall shall decide. Eklund was the winner of the only fall of the evening, which came after one hour and forty-six minutes of strenuous wrestling. The grapplers were fairly evenly matched as to weight, but the Sheridan man had the advantage of a longer experience with the game. The Alliance man, known as the "Terrible Dane," rushed his opponent fully half the time and put up a good battle. Mortenson's favorite was the toe hold.

The match was won when Eklund got an arm scissors hold which the Alliance man was unable to break, although he had got away from several others during the evening.

The Alliance man was clearly the favorite during the engagement and many of the local fans placed bets upon him to win. The fans are now clamoring for a return match, and it is possible that one will be arranged. Eklund, being the champion, made his own terms, a guarantee of \$500 being posted before he would accept the challenge. Two Alliance business men put up the guarantee.

Mortenson came to Alliance a few months ago, and has been training for the past few weeks with George Barnes of Houston, Tex., who recently wrestled the champion an hour and twenty minutes. Mortenson is a clean wrestler, with considerable science and prodigious strength, and has done more to bring the mat game back into favor in Alliance than any other man.

Following the match, Eklund complimented Mortenson highly and said, among other things, that he was stronger in the arms than any other man he had ever gone to the mat with. Mortenson proved a good loser, and speaks very highly of the man who defeated him.

Russell E. Jones, eighteen-year-old deserter from Fort Robinson, was taken here Monday night. A Crawford officer arrived on No. 44 Tuesday morning and returned with the prisoner on No. 43 the same day.

Mrs. J. M. Baskins returned from Denver Monday where she has been visiting the last three weeks.

PETITION BEING PASSED ASKING FOR GRAND JURY

PRACTICALLY NO ONE REFUSES TO PUT DOWN NAME

District Judge Westover Will Be Asked to Lend His Aid to Curbing Lawlessness

A petition was being circulated in the business district of Alliance yesterday and today, requesting District Judge W. H. Westover to call a grand jury session as soon as possible. The petition set forth that there has been a considerable amount of lawbreaking in this city, and that the signers believe that it is the best way to usher in an era of law enforcement. The petition was signed by practically every man to whom it was presented, and there is little doubt but that a majority of the citizens of Alliance are in favor of the move.

A grand jury has been talked of spasmodically for the past six months, ever since bootlegging, gambling and disregard of law in other ways has become a public outrage. The McElhaney murder trial aroused public sentiment to fever heat, and the morning following the tragic death of Oscar C. Bannon, the petition was presented.

It is possible that Judge Westover will not be in shape to call a grand jury session immediately. The law provides that a grand jury shall be impaneled in each judicial district during the first term of every year, unless the judge shall, in writing issue a stop order. The first term for 1921 has just been concluded, and not less than three weeks ago, Judge Westover issued a stop order.

There is always some opposition to the calling of a grand jury. Those who have been guilty of law violations are seldom in favor of such a procedure, and there are others who believe that the results do not justify the expense. The last Box Butte county grand jury more than paid its way, however, for it cost the taxpayers of Box Butte county only \$2,000, and the fines assessed amounted to at least \$3,000. In addition, to this, the city was pretty well cleaned up, a number of gamblers and bootleggers taking to the tall timber a couple of days before the jury was in session. Very few of these have ever returned.

A grand jury is a particularly potent method of dealing with offenders, for it sits behind closed doors, and the man with a guilty conscience gets worried when he is unable to find what is taking place. A grand jury can call any citizen as a witness, and the usual rules of evidence do not apply.

Under the law, a session of the grand jury can be called for any regular term of court by the district judge. The next regular term of court in Box Butte county is set for June. This will be the time for such a session, unless Judge Westover is able to arrange his calendar that he will be able to call a special session sooner. The law does not provide for a grand jury at a special term of court, but it is believed that this may be done if the circumstances warrant.

ANGORA BANDIT TAKEN WHEN HE GETS OFF TRAIN

Man Who Robbed Store Wednesday Evening Is Now Safe Behind the Iron Bars

A young man giving his name as Jack Camery was arrested about 11:30 a. m., Thursday, following a thrilling chase by Officer Stilwell. Camery had just got off the Denver train and was followed at a discreet distance by W. M. Thompson of Angora, who asked bystanders where he could get hold of a policeman. Stilwell was a few feet away, and Thompson informed him that the man had broken into the Angora Mercantile company store on Wednesday night and had made way with \$11 in cash, a sheepskin overcoat, mittens, overshoes and other articles.

When Camery, who was south of the station, saw Stilwell and Thomson approaching, he broke into a run. The officer gave chase. Over by the Newberry warehouse, the cop fired his pistol, which served only to increase the speed of the fugitive. The chase continued out to the old slaughterhouse, when Officer Stilwell decided that he would shoot in earnest. The fugitive caught the note of ire in the command to halt, and immediately put up his hands.

SPUD EXCHANGE WANTS FREIGHT RATES EQUALIZED

HANDICAPPED IN COMPETITION WITH MINNESOTA

Matter Has Been Taken Up With Interstate Commerce Commission and the Railroads

The Nebraska Potato Growers' Co-operative exchange, with headquarters at Alliance, is making an effort to have interstate freight rates equalized with Minnesota. Officers of the exchange have taken the matter up with the interstate commerce commission and the general freight agent of the Burlington. They received word from the latter Wednesday morning that he would investigate the matter with a view to supporting their contentions.

Competition is beginning to be fairly keen with Minnesota since the potato exchange began operations. At the opening of the season, Nebraska had the advantage, because the Minnesota spuds were quoted at higher prices. Grading in that state is more strict, however, and in Nebraska the rules have varied somewhat, depending upon the inspector who did the work. Nebraska potatoes have been steadily making a name for themselves, and the exchange has found a ready market for all they could secure, and of late the competition has grown so keen that the Minnesota growers are selling at prices no better than those received by Nebraska shippers. This is due, in good part, to the efforts of the Nebraska exchange to stiffen up the grading requirements, as well as to the fact that Nebraska spuds are as good as any grown in the United States.

With prices on Minnesota and Nebraska potatoes at the same level, and with spuds from the two states recognized as about equal quality, the matter of discriminatory freight rates assumes considerable proportions. At present, Minnesota has the advantage in shipments to Iowa, Illinois, Missouri, Kansas and southern and southwestern states, all of which is just as logical markets for Nebraska as for Minnesota. In a few instances, the distance from Minnesota shipping points is less, but on the whole, Nebraska is just as close as the other state.

The potato exchange expects to so increase its business that it will be able to supply points in these states, and in order for the competition to be real and fair, the rates must be equalized. They expect to carry the fight to the interstate commerce commission, and exert every effort to get an early decision, provided the railroads do not make the concessions desired.

The exchange has been hampered considerably in its work of handling the spud crop, not alone because it does not have all the growers in the state on its list of members, but because there has been no active manager on the ground. Several times during the first of the year, orders have had to be turned down because there was no one on hand to urge the growers to load shipments. This difficulty will be overcome by having a representative of the exchange at every loading station in the state. These representatives will be furnished with wire reports from the principal markets of the country, and growers will have a better opportunity than ever to realize all possible profits from their shipments. Several men have already been hired and are now at the principal shipping points in western Nebraska.

Shortly after the first of the year, the potato market over the country took an upward turn, and demand has been fairly strong, with prices ruling considerably higher than just before the holidays. Demand for seed potatoes has been especially strong, and some fancy prices have been procured for the growers through the exchange. The past two or three days, the demand for table varieties has revived somewhat, and it is probable that before long, the market will be in a fairly normal shape. More potatoes are being shipped than for over two months, and while prices are not as high as they were earlier in the season, they are still high enough to bring a fair profit to the growers.

Machinist Helper Kinnear and wife were called to LaCrosse, Wisconsin, by the serious illness of the grandmother Dave Kinnear of Edgemont came to Alliance and went with his brother to Wisconsin.

Miss Margaret Hamilton returned last week from Denver where she spent two weeks with relatives.

Miss Mable Grassman went to Plattsmouth Thursday night.

GEORGE W. DUNCAN ELECTED CHAIRMAN OF COUNTY BOARD

The Box Butte county commissioners closed a session last Tuesday which had lasted some eight days. It was the first meeting of the new board, and the new member, George W. Carrell of Hemingford was present. The board organized by electing George W. Duncan as chairman.

Among appointments for 1921 were the following: R. E. Knight was re-appointed highway commissioner; Dr. C. E. Slagle, county physician; M. Hutton, justice of the peace for Dorsey precinct; T. D. Roberts, justice of the peace for the 87th district of Box Butte county. The Alliance Herald and the Alliance Times were both designated as official newspapers, and the various county officers requested to make a division of official printing between the two.

January 13 was spent in inspecting the poor farm. The commissioners are greatly troubled over the condition of Peter Haag, who has been an inmate for the past six years. His mind is somewhat clouded, and complaint has been entered by Superintendent Burkholder. No action has yet been taken. Mr. Haag was at one time taken before the insanity commission, but has never been at the state hospital, and his condition at present is such that he cannot be removed. He suffers from the delusion that there are batteries in everything he eats, smokes, wears or touches, and is giving the superintendent considerable trouble.

ALLIANCE LOSES FIGHT FOR 1922 FIREMEN'S MEET

DELEGATES AWARD NEXT CONVENTION TO NORFOLK

Many Delegates Favor This City and Plum Will Undoubtedly Be Secured for 1923

A telegram received by The Herald yesterday brought the news that Alliance was not awarded the 1922 convention of the Nebraska state volunteer firemen's association, although the Alliance department has put up a good scrap for the honor, and had sent a large delegation to York, where the convention has been in session since the first of the week. Norfolk was chosen by the firemen as the place for the next annual convention, but the Alliance men received assurances that this city would undoubtedly be given the preference for the 1922 meet.

The delegates for Norfolk, Fremont, Columbus and smaller towns along the way arrived in a special train Tuesday evening. Norfolk brought with them a band of forty pieces and Fremont a seven-piece saxophone orchestra. The Fremont organization is known as the Pathfinders and all came in Indian costume. Ord is represented with a band and the Gothenburg joy band is entertaining the public at all times and in all places.

Five hundred and fifty delegates, representing more than a hundred towns in Nebraska, were present at the York meeting on the first day, and the attendance was expected to reach nearly seven hundred. The Hotel McCloud was headquarters.

Reports from the officers indicated a very satisfactory growth, twenty towns having joined since the last state meeting.

Lloyd C. Thomas is state publicity chairman for the association.

OPENING OF FERN GARDEN TO BE HELD SATURDAY EVE

The Fern Garden, companion to the Palm Room, will be held at the Alliance hotel Saturday evening, and practically all of Alliance is making plans to be present for the initial dance.

The Fern Garden is located in the north part of the hotel, and has been newly decorated. A fine maple floor, which will be the best dance floor in the city, has been laid, and an orchestra, directed by "Billy" Ackerman of Bridgeport, has been engaged.

The present plan is to give nightly dances, from 8 o'clock until midnight, and the orchestra will be on duty all of the time. A small cover charge will be made, which will apply to every guest, and there will be an opportunity to purchase dinners. Tables will be placed at the sides of the room, but the room is 25x70 and there will be ample dancing space. Regular Palm Room service will be given on the dinners.

W. L. Carroll, who was operated on for appendicitis December 18, is making a slow recovery.

MAYOR RODGERS CAPITULATES TO MANAGER PLAN

WILL MAKE NO FURTHER FIGHT AGAINST NEW SYSTEM

IS IN FAVOR OF MAJORITY RULE

Writes Attorney Metz Saying All That Will Be Required Will Be An Opinion Saying That Election Was Legal

Mayor A. D. Rodgers will not take a stand against the city manager form of government, at least not to the extent of holding up the calling of the primary, judging from late indications. The mayor has apparently been done a great injustice. He has been represented as standing out alone against the new form of government adopted at the special election January 4, and it has been intimated—in fact he has been quoted—that he would not permit the calling of the primary election, the first step in putting the new plan into effect, until the courts had passed upon the legality of the special election.

Monday of this week—a full day before the two Alliance newspapers called upon the mayor to come through—the mayor wrote a letter to City Attorney Metz. At least, the letter is dated January 17. In this letter, the mayor declares that if the city attorney will give him an opinion that the election was legal, despite the fact that the notice was not published the full thirty days required by the ordinance calling the special election, the mayor will reconvene the canvassing board and enter upon the minutes of the council a certificate that the election had carried.

The mayor's letter follows:

"ALLIANCE, Neb., Jan. 18, 1921.—W. R. Metz, City Attorney, Dear Sir: You were asked by Mr. Harry Johnson at the canvassing of the election returns of the recent election, if in your judgment the election was legal. Your answer was, as I recall it, that it was not a matter of hours, but days and maybe weeks to determine as to its legality.

"The city Times says that you have certified that it is legal, or have made a statement to that effect. If you (Continued on Page 8)

OFFICERS FIND WHITE MULE IN RAID ON LIVERY STABLE

County and city police officers combined made a raid on the Brandell livery barn yesterday morning, and in one of the buildings on the ground located two suitcases, containing two gallons and one pint of white mule. Chief Jeffers the night before had seen some men unloading suitcases from an automobile, and got suspicious.

George Brandell and John Showlander were placed under arrest and taken to the county jail. T. J. Smith, Burlington special agent, remained at the barn and shortly afterward Cecil Mabie arrived to claim the automobile. He was placed under arrest, but asked permission to leave to see about his clothes. Later Sheriff Miller and Chief Jeffers apprehended him near the city library, at a time when he was making tracks for elsewhere at a rapid rate.

In county court he was held for district court under \$250 bonds, on a charge of illegal transportation of liquor, and the automobile was held in lieu of bail.

Showlander and Brandell were released, the first because he was only an employe, and the latter because Mabie testified that he had leased the building of Brandell and that the latter knew nothing of the whisky.

Mabie is a horsebuyer, and gave his residence as Denver or Grand Island. He claimed that he did not own the booze, but that another fellow had "given it to him."

TOM BEAL IS REPORTED TO BE MAKING RECOVERY

Tom Beal, who was badly injured about the head in the accident in which Oscar O'Bannon lost his life, is reported by his physician, Dr. C. E. Slagle, to be recovering. He was terribly bruised about the head with deep cuts near his eyes, and it was feared his sight was endangered. There was a report Thursday afternoon that he was at the point of death, but this was later found to be wrong.

Mrs. Conway, aunt of Mrs. Gorman, is in Alliance for a few days. Mr. and Mrs. A. J. Gannon of Hemingford were shopping in Alliance