

The Alliance Herald

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CONSIDERATION FOR NOTE SAID TO BE WHOLELY

ALLIANCE MAN CLAIMED OBLIGATION ILLEGAL

Besides That, V. E. Byrne Testified That He Didn't Get the Same Stuff He Bought

For the first time in the history of Box Butte county, and very likely the whole state of Nebraska, there has been entered a plea in county court that a note was given in payment for whisky, contrary to the statutes made and provided, and that judgment not be given or execution on a chattel mortgage issued for this reason. The point came up in the suit of Frank W. Miller and Frank A. Clark vs. Volta E. Byrne, better known by his sobriquet of "Muggins."

The testimony showed that the case had its inception on October 11, 1920, when the defendant, V. E. Byrne, made and delivered a note for \$450 to one W. V. Howard, a resident of Denver. The note was due and payable January 1, 1921, and was secured by a chattel mortgage given on an Oakland touring car, the property of the defendant.

Byrne's note was later sold, signed and transferred to the plaintiffs. Their petition set out the following alleged facts: Miller had a Ford car in Denver. Howard lived in that city. The car was sold to Howard and the note and chattel mortgage given in payment. When the note became due, Byrne refused to pay it or to give up possession of the car to be sold under the chattel mortgage. The plaintiffs filed an action in replevin to gain possession of the automobile.

Mr. Byrne's answer set forth as a defense that the only consideration for the said note and mortgage was a contract for the sale of strong and spirituous liquor, which same was contrary to the state statutes. The answer also charged that the note was transferred to Howard after it was due and without consideration.

On the stand, Mr. Byrne explained the matter in this way. On October 11, he said, he had been approached by Howard, who desired to sell him a quantity of good whisky, some eighteen gallons. He did not have the money, he said, but Howard was willing to grant him time to pay it. Three months' time was agreed upon, and a note was made out and signed in the office of R. E. Reddish. On the same day, Byrne said, he met Howard at a point two miles south of the viaduct, where he was delivered eighteen gallons of something. It had the color, but was not the whisky he had purchased. He discovered that he had been gipped, goldbricked, and flimflammed, and that the stuff he received was neither drinkable nor salable. Mrs. Byrne corroborated her husband's testimony concerning the signing of the note, and stated that she was present at the time.

A deposition from Howard was read which stated that the note had been given him to cover a loan made to Byrne. Howard declared that he had at first offered Byrne a check, and that when it had been refused, had the check cashed and gave him the currency.

County Attorney Basye was an interested spectator at the trial. Knowing of the sort of evidence that would be brought out, he took with him a shorthand expert to the courtroom, and the testimony was taken down. Apparently the idea was to later file a complaint against the defendant for violation of the liquor laws, but if so, luck was against him. The defendant's petition set out that the note was given in exchange for spirituous liquors, but the testimony in court was to the effect that the stuff that was delivered wouldn't answer to the description.

In summing up the case, Judge Tash announced that the only point to be passed upon was whether the plaintiffs had a lien under the mortgage. He held that Miller had purchased the note for a valid consideration before the note had matured and that Byrne's defense was invalid, and that while it could be pleaded against Howard, it could not be done against an innocent purchaser.

W. R. Metz represented the plaintiffs and P. E. Romig the defendant at the hearing. The latter filed notice of appeal, and the bond was set at \$200.

Alliance Post of the American Legion to Meet Friday Evening

A special dinner and meeting for the members of Alliance post No. 7, American Legion, has been called for Friday evening at 6:30 at the Fern Garden of the Alliance hotel. There are a number of matters to come up for discussion, among them plans for increasing the post's funds, as well as participation in the bazaar to be given by the young people of the Episcopal church and the Legion at the roof garden April 4, 5 and 6. There will be the usual dinner and the accompanying army songs.

OPEN YOUR HOMES TO THE TEACHERS

March 31 and April 1 and 2, Alliance will entertain several hundred teachers in attendance at the annual meeting of the northwest section of the Nebraska state teachers' association. It is considerable an honor to have the first meeting of the section in this city, and up to the citizens to find accommodations for its guests.

It will be impossible to find places for all of the delegates unless Alliance residents open their homes during these three days. It will be a pleasant association, and profitable as well. The chamber of commerce has been enlisted in the work of finding quarters for the visitors. If you have a spare room, or can fit up one temporarily, you will be doing the committee in charge a service. All who can accommodate one or more teachers for the three days are asked to telephone the chamber of commerce (Phone 74) some time Wednesday morning, at which time any information desired will be given. The need is urgent, and Alliance people are asked to do their share in making the convention a success.

There may be lingering doubts in the minds of some Alliance citizens as to whether spring is really here, but J. S. Corp, who cares for the court house, is going ahead just as though he were sure of it. A couple of weeks ago he started getting the lawn in shape, and this week the trees have been sprayed. For years the court house lawn has been the only one in the city that came through the season in as good shape as it started, and it has already taken on a trim appearance. It won't be long until the dandelion war is begun.

BEGIN WORK ON COUNTRY CLUB IN A FEW DAYS

TO BREAK GROUND FOR BASEMENT THIS WEEK

Forty Acres Additional Were Purchased Last Week, Assuring Water Frontage

Work on the building of a club house for the Alliance Country club on the club's acreage at Broncho Lake will be started some time this week, when the excavation for the basement will be started. Local contractors are now figuring on the work of construction, and the building committee plans to push the work rapidly to completion. The building will be 35x60 feet, one story, with a veranda on three sides. The basement will be 84x47 feet in size, extending out beneath the porches.

The plans for the club house show that the building will be admirably adapted to the use for which it is intended. Building costs have dropped some thirty per cent during the past few months, and the committee will be able to erect a finer structure with the money at their disposal than they had expected.

According to present plans, the club house will contain a general assembly room, to be used for dancing and other entertainments, a big dining hall and three rooms will be added as quarters for the caretaker and his wife. The floors will be hardwood throughout, there will be several big French doors and a fireplace. The basement will be fitted up in splendid shape. The club house will have its own water, sewage and electric light plant, and there will be two sets of shower baths, with locker equipment for both men and women.

During the past month, five men have been employed on the nine-hole golf course, putting the greens in shape. Six of the greens will be thirty feet in diameter, two forty feet and one, at the ninth hole, fifty feet. The location of the ninth hole has been changed somewhat, being moved in several feet from the water's edge. Two tennis courts will be constructed after the golf course has been put in proper shape.

One feature of the improvement-planned concerns the lake frontage. The club has purchased forty acres additional, giving it a south frontage on the lake. A pier will be built down into the water on the north side of the lake and a boat house built. Several members of the club have already made arrangements to purchase motor boats, canoes or sailing craft. Some of them have ordered motors and will build their own boats. There will also be made provision for those who want to swim, the lake being from six to twelve feet deep.

The membership campaign is now drawing to a close, and some of those who have planned to join, but haven't got around to do so may find themselves out in the cold some of these fine days. The membership has been limited to one hundred, the cost being \$150, payable in three installments, and the list is being filled. The club will be the chief means of recreation in Alliance for years to come, and once the club house is built, membership will be at a premium.

\$700,000 SUIT FILED AGAINST POTASH GROUP

CLAIMS FUNDS WERE WRONGFULLY CONVERTED

Says Attempt to Merge Western With American Was Done Over Protest of Minority

A suit to recover \$700,000 alleged to have been wrongfully converted from the funds of the American Potash company of Nebraska was filed in the United States district court Friday morning by George W. Harris, a resident of Colorado, who brings the action in behalf of himself and the other stockholders, says the Lincoln Star.

The suit, brought through an Omaha legal firm, is by far the biggest in the Lincoln division of the federal court in years, and is directed against the following defendants:

William E. Sharp, Frank J. Sharp, Charles Stuart, William H. Ferguson, Arthur T. Raymond, S. A. Foster, A. H. Taibot, Hermert E. Sidles, Thomas A. McWilliams, American Potash company of Delaware, bankrupt; Samuel C. Waugh, trustee in bankruptcy; American Potash company of Nebraska, First Trust company, Lincoln.

An attempt to consolidate the Western Potash work and the American Potash company of Delaware in exchange of capital stock in the American Potash company of Nebraska, was made for the purpose of transferring the property and funds of the Nebraska plant to the eastern concern and place the same beyond the reach of the American Potash company of Nebraska and its stockholders, Harris alleges in his petition.

The amount sued for by Harris represents, according to his bill, the profit realized by the American Potash company, of Nebraska on the sale of potash and other mineral salts during the years of 1918, 1919 and 1920. The gross sales during the three year period aggregated \$1,800,000, Harris claims.

The Colorado stockholder avers that the \$700,000 was used by the directors for the construction of a potash reduction plant and other improvements upon the real estate of the Western Potash works at Antioch and for paying the current indebtedness of the Western Potash, without the consent and over the protest of the stockholders of the American Potash company. This action, Harris says, was contrary to the articles of incorporation and in violation of the trust as directors.

"The defendants, under the name of the Western Potash Works, knowing that the funds so received were the property of the American Potash company, of Nebraska and knowing of the wrongful use of the funds, received the said funds and wrongfully converted the same to their own use," the petition recites.

In the latter part of 1919, Harris sets forth, the defendants organized the American Potash company, of Delaware with a capitalization of \$3,000,000. They then proposed that the properties of the Western Potash Works should be turned over to the American Potash company of Delaware in exchange for 20,000 shares of capital stock in the American Potash company of Delaware. The pretended purpose of the offer was in effect a consolidation of the Western Potash Works with the American Potash company of Nebraska, the Colorado man claims.

Harris and other minority stockholders of the American Potash company of Nebraska, refused to accept the offer and notified the directors that they objected to the consolidation until a complete accounting between the Western Potash Works and the American Potash company of Nebraska could be had and the funds of the American Potash company of Nebraska converted by the Western Potash Works returned to it by the defendants, who were co-partners as the Western Potash Works. Despite this protest of the stockholders, Harris asserts, the directors carried out their program. The defendants control 2,268 1/2 of the 2,500 shares of stock in the American Potash company, of Nebraska, Harris says.

The American Potash company of Delaware, was adjudged bankrupt on December 28, 1920, and S. C. Waugh elected trustee.

Harris tells the court that a complete accounting is necessary to determine the exact amount due the stockholders.

Volunteer Firemen to Elect Officers on Wednesday Night

The Alliance volunteer firemen will hold a meeting at their club rooms in the city hall next Wednesday evening, at which time officers for the ensuing year will be elected. The meeting will be called to order at 8 o'clock.

BOGUS SOLDIER DIDN'T GET BY WITH RED CROSS

TOLD PATHETIC TALE OF A TUBERCULAR WIFE

Warning Telegram Received From Sterling Few Minutes Before He Made His Plea

When a man in soldier's uniform approaches you with a hard luck story and asks for financial assistance, whether it be a small loan to enable him to rejoin his dying grandmother or to buy a railway ticket to take his tubercular wife to the healing Arizona atmosphere, don't be too fast in dragging out your pocketbook or writing a check. There are thousands of deserving cases that need assistance, but unfortunately it is true that there are a number of cheap grafters who have borrowed a uniform because there are enough patriotic men and women who haven't forgotten there was a war to make it profitable. The next time you are approached by one of these people, don't take the risk of determining whether the man is honest by gazing into his eyes. Send him to the Red Cross home service bureau over at the court house, or communicate with D. D. Bradbury or Dean J. J. Dixon of the American Legion.

It has developed that a number of these unfortunate ex-soldiers who are in need of money will bear watching. The Red Cross keeps pretty close track of them, and sooner or later all of them will wind up at some Red Cross headquarters. If they are really deserving, they'll get a loan or a gift that will take care of them. If not, they'll find it healthy to hit the ties or ride the rattlers, depending on how easy the pickings have been.

Last Friday morning a young man in a soldier's uniform arrived in Alliance. He inquired for the legion post commander, and there unfolded a tale of woe. He gave his name as Emery Scott and said that he was headed for the healing atmosphere of Colorado not for his sake, but because of his wife, a sufferer from tuberculosis. The doctor had ordered it—and he had no funds. It was a pathetic tale, and the young man indicated that he would do anything to save his wife. He was willing to dig ditches or go to work on the streets, but they needed a few dollars to buy food and get a room. The man was dressed in a new uniform, spotlessly clean, and he told a most plausible yarn. He was directed to the home service bureau offices.

Mr. Scott didn't get by with the Red Cross. A telegram had preceded him some ten minutes, from the Red Cross secretary at Sterling, Col. The Alliance secretary asked a few questions about his service record, and Mr. Scott smelled a rat. He claimed to be a private ward master and said that he had seen service at the post hospital at Fort Leavenworth, Kas., but the minute the secretary spoke of wiring the Red Cross chapter at the town where he had enlisted, his dignity was aroused and his feelings were injured. He resented the suspicion with which he had been received. He told the secretary that he had gone from a very small town—too small to have a Red Cross chapter—and that he had enlisted in a place a hundred miles distant from his home and that he was sure she could not trace him. But it mattered not—he didn't have to substantiate on grudging charity—he could starve. It might be that some of his buddies would help him—and he was gone. The next train took him away. His "tubercular" wife accompanied him in the search for greener pastures.

The next mail brought complete details from the Sterling secretary. Mr. Scott had come to that fair city from Fort Morgan, where he had met with hard luck, his graft failing to work. The Fort Morgan secretary wired to Sterling, but by the time the police could be notified, the birds had flown. Mr. Scott seemed to have a fearfully sensitive disposition. He was asked to return the day following by the Sterling secretary, but in his life a day is too long to wait. Warning has been sent to other Red Cross chapters, and sooner or later this particular bogus soldier will get his. In the meantime, the charitably inclined will do well to bear in mind that famous motto: "Safety First."

Chamber of Commerce Arranging Lectures by Local Physicians

The chamber of commerce, working with the Woman's club, is arranging a series of lectures by local physicians, to be held in the Salvation Army headquarters. These meetings will be free to the public and the lectures will be along lines of education in the proper handling of sickness and accidents in the home before the doctor arrives. There will also be a short course in home nursing.

The matter of hygiene and cleanliness in the home, the proper disinfection of the home and matters relating to personal health will be discussed.

Alliance Team Wins Debating Championship of Northwest Nebraska

The Alliance high school debating squad won the district championship by defeating the Sidney high school team at Sidney Friday evening, March 18. The judges were G. W. Irwin of Bridgeport, Attorney C. G. Perry of Bridgeport and Superintendent A. E. Hering of Lodgepole. The question was: "Resolved, That the Literacy Test for Immigration Should Be Repealed." The Alliance team supported the negative and Sidney the affirmative side of the question, and the decision of the judges was unanimous for Alliance. The decision gave Alliance the championship of the northwestern district.

The Alliance debaters were Edward Morrow, Tom Miller and Ruth Stanton. Emily Gould, Florence Fisher and Allen Chamber represented the Sidney high school. There are twelve districts in Nebraska, and the district champions will debate for state honors some time in May.

The victory at Sidney adds another laurel wreath to the Alliance collection, which is already comfortably large. No other high school in Nebraska has so good a record in forensic contests. In the last eleven years there have been but two occasions when the championship went to other schools.

Miss Keith is the coach for the debating team and is deserving of much credit for the showing made by the team. This is the third year that she has had charge of the squad, and during her work the team has never lost a debate.

W. G. Tracey of Denver, a resident of Box Butte county in the early days, is visiting in Alliance.

LOWER FREIGHT RATE ON LUMBER AND LIVE STOCK

INTERSTATE COMMERCE COMMISSION TO THE RESCUE

Decision Finally Reached to Restore the Rates That Were in Effect Last Year

Burlington traffic men are expecting a better showing for the next two months than they have had to look for recently, all because two new low rates announced during the past week will permit traffic to move, says the State Journal.

The new lumber rate on traffic moving from the northwest to the Missouri river is seven cents less on lumber, excepting on red cedar and shingles, where it is 6.5 cents less.

A new cattle rate, effective April 1 to July 15, reduces the range cattle rate to the basis of rates in effect August 25, 1920, the old cattle rate. This will permit southern range cattle to move from Texas to the north Nebraska and Wyoming ranges.

The Burlington gets a long haul on lumber from Billings to the Missouri river and has the choice of two lines over which it may be hauled for a long distance. The same road with its Colorado & Southern gets a long haul from Texas to north Nebraska and Wyoming.

Traffic men look on the new rates as life savers in this time of low business. The lumber tonnage from the northwest has been convenient fill out stuff, and since little or no coal is moving it will come in mighty handy to fill out freight trains that must run to move time tonnage. The cattle business from the northwest provides a lot of business every spring, thousands of cars passing over the Burlington line east of Denver and north of Brush. It is delivered to the Burlington at Denver and Cheyenne.

Burlington men also look for the new lumber rate to stimulate building.

Some cattle is handled through Lincoln via the Rock Island to north Nebraska points, from here on the Northwestern. Old timers remember when the Santa Fe delivered hundreds of cars of stock to Concordia, delivered the shipments to the Burlington at Concordia and from there it was hauled to the northwest through Lincoln. The connection with the C. & S. and the building of the Brush cutoff made a shorter route and one all on rails owned by the Burlington. Therefore that traffic now moves through Denver.

One result of the 35 per cent advance in railroad tariffs last August was to raise cattle rates from the southwest to northwestern ranges to the prohibitive point. Between the advance in rates and the decline in prices there was no possibility of restocking the depleted northern ranges with southern cattle, and the situation was put up to the interstate commerce commission. The railroads as well as the stockmen of Texas and the northwest were suffering and the decision was finally reached to restore the rates that were in effect last year.

Dr. and Mrs. C. E. Slagle left for Denver Sunday and will visit friends for several days.

ALLIANCE FIVE ARE DISTRICT CAGE CHAMPS

WINS HONORS IN TOURNAMENT AT CHADRON

Three Alliance Men Are Given Places on All-Star Team Picked by Coaches

The Alliance high school basketball team won the honors in the northwestern Nebraska and Southwestern South Dakota basketball tournament, played at Chadron last Thursday and Friday. All teams in western Nebraska were invited to participate, and the invitation was accepted by twelve or more schools. The Alliance boys staged a splendid comeback, following their defeat last week at the state tournament, and although some of their games were close, won comparatively easy victories.

A delegation of thirty Alliance business men went to Chadron Friday afternoon, and witnessed the closing game of the tournament. This is the first western Nebraska meet, but it proved so successful that it will probably be made an annual event.

Following is the record:

First Round.

Chadron vs. Crawford—Chadron won by a forfeit.

Rushville vs. Chadron Normal High—Score 26-23 in favor of Rushville.

Minatare vs. Mullen—Mullen forfeited.

Hot Springs drew a bye.

Antioch drew a bye.

Alliance vs. Long Pine—Score 74-21 in favor of Alliance. This was the highest score during the tournament.

Bassett vs. Gordon—Bassett forfeited.

Second Round.

Chadron vs. Rushville—Score 31-15 in favor of Chadron.

Minatare drew a bye. (Minatare was the most fortunate team, drawing a bye clear up to the semi-finals.)

Hot Springs vs. Antioch—Score 71-12 in favor of Hot Springs.

Alliance vs. Gordon—Score 48-9, Alliance winning the big end of the score.

The first two rounds were played the first day, afternoon and evening. As Alliance was the only team that did not draw a bye, and not arriving at Chadron until in the evening they had to play two games in the evening.

Long Pine and Gordon.

Semi-Finals.

The semi-finals and finals were played Friday afternoon and evening.

Chadron vs. Minatare—Score 31-11, Chadron winning.

Hot Springs vs. Alliance—Score 13-12, Alliance winning. This was the hardest fought game during the tournament.

Finals.

Chadron vs. Alliance—Score 26-11, in favor of Alliance.

The games that attracted most attention, and were the most closely watched were Hot Springs vs. Alliance and Chadron vs. Alliance. In the Chadron-Alliance game, Alliance was handicapped because the team had played three games preceding the finals, while Chadron had played only two. Preceding the Hot Springs-Alliance game, Hot Springs played one game and Alliance played two the night before.

Hot Springs played in the semi-finals in the South Dakota basketball tournament, and came to Chadron to cop the bacon, but Alliance was the stumbling block. They lost to Alliance by one point.

Consolation Games.

Antioch vs. Long Pine, 22-20, in honor of Long Pine.

Chadron Normal High vs. Gordon—Score 32-22, Chadron winning.

An All-Star team was picked by eight coaches from the eighty-five players who participated in the tournament. Three men received unanimous selection. They are Daily of Alliance as forward (he was also unanimously selected as captain), Marek as guard, and Oeder of Alliance as guard. The other two were Robinson of Rushville as center and Chalfont of Chadron as the other forward. Members of the All-Star team received gold medals.

The Alliance team received the Chadron Normal trophy, which is a 14-inch silver loving cup. The Chadron Normal high school were the runners-up and received an 8-inch silver loving cup.

Judge W. H. Westover Holds Brief Session of District Court

District Judge W. H. Westover was in Alliance last Saturday and held a brief session of district court. He passed upon a number of motions and two or three demurrers, and granted three divorces, Mann vs. Mann, Mailey vs. Mailey and Surrill vs. Surrill. W. D. Rumer drove the judge over to Hay Springs in the afternoon.