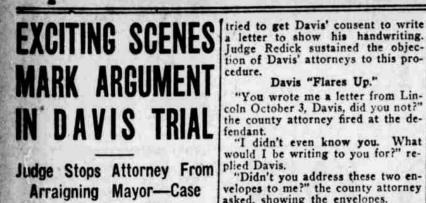
THE BEE: OMAHA, FRIDAY, DECEMBER 19, 1919.



Given to Jury Last Night.

(Continued From Page One.)

And they all get up here and swear to the kind of hat and coat and necktie and collar he had on that night. Yet George Davis testifies that he took off his hat when he came into the house at 8:15 the night of the riot and did not have it with him when he was introduced to these four persons.

"If George Davis was home the ight of the riot and ate dinner in the kitchen with his two nephews and a Mrs. Donahue, as all the witnesses for him testified, where are these two nephews and where is Mrs. Donahue? Why weren't they brought in here to testify.

"They tell you that they didn't discuss the riot at all our there at the Davis home that night. Yet they had all heard about it downtown. And when George Davis came home at 8:15, according to their testimony they tell you nobody asked him anything about the riot, the most momentous event that ever happened in Omaha.

Says "Easy to Alibi."

"It is easy to get an alibi, gentlemen of the jury, but something different to get one that can be proved true.

County Attorney Shotwell closed the argument for the state. The defense rested at noon yes-

terday. Davis, on the witness stand in the cards.' morning, gave back sharp answers to some of the questions of County

Attorney Shotwell on cross-exam-Ination Davis denied absolutely that he

was even down town the night of the riot after 8 o'clock. He admittee that he bought two

pints of bootleg whisky in a "saloon" on North Fifteenth street, played a few games of cards, visited a woman friend. But about 8 o'clock he called a taxicab and went home, he said.

Tells Same Story. He told the same story of how he spent the evening as was told on the witness stand Wednesday by his sister and five persons who were at a party at the Davis home that night. Davis first broke from his calmness when the county attorney in quired into his criminal record. The ounty attorney was trying to estabhish the time and circumstances when a picture was taken of Davis

for the police "gallery." "You've got the picture, so what else do you want?" demanded Da-

At another point Mr. Shotwell

Deschanel Re-Elected.

was re-elected president of the Chamber of Deputies by that body with a lot of other men and let h

Judge Redick sustained the objecion of Davis' attorneys to this procedure. Davis "Flares Up." "You wrote me a letter from Lincoln October 3, Davis, did you not?"

Mayor Smith down. "Did you strike Mayor Smith the night of the riot?" asked Mr. O'Sulthe county attorney fired at the de-"I didn't even know you. What would I be writing to you for?" relivan. "No, sir," said Davis.

attacked?"

larcenv."

wrong

iary.

absences.

bery?" "No, sir."

Ed Lynch?"

well.

not.

Yes."

'No. sir."

"Of what?"

"When?"

"In 1910."

"Where?

"Seattle, Wash."

"Were you ever convicted of felony?" "Yes."

Says Nygard Wrong.

"So, when Russell Nygard, a wit-ness for the state, testified that he

first knew you at the Omaha market

"In the Washington peniten-

Under cross-examination by Mr.

"Where were you then?"

"No, sir," said Davis.

plied Davis. "Didn't you address these two enelopes to me?" the county attorney asked, showing the envelopes. "Absolutely no!" exclaimed Davis. "Is that what you had detectives

following me to get my handwriting for? Davis admitted that he served a term in the Washington state peni-tentiary in Walla Walla, Wash. He said he was released in the fall of 1913 after having served 23 months. Tells of Movements.

Under direct examination by one of his attorneys, Eugene O'Sullivan, Davis told of his movements the

night of the riot. Where were you at 3 o'clock the afternoon of the riot?" Mr. O'Sulivan asked. "Just east of the court house where Pete Loch's saloon used to "Did you meet anyone there?"

"I was with Charlie Barker and we met Felix Dolan, a policeman there.'

"Did he say anything?" "He said they had 250 bottles of ammonia up in the jail and if the maining here a day and going on to Chicago. He said he has lived in mob tried to get up there'd be a lot

"What did you say then?" Went to Get Drink. "I said I was going to get a

drink "Where did you go?" "To 415 North Fifteenth, where

e kept our peddling team. Then started for Sixteenth and Davenort and I met Eddie Fitzgerald in lefferson square and he went with me to the near-beer saloon at Sixtecenth and Davenport. We got a drink there and then started to play

'You drank near-beer?" "We did at first. Then I said I vanted a drink of whisky. A man overheard me and offered to sell me

some. I bought two pints. "How long did you stay there?" "We played cards for three or our hours. Then I went to see Miss Kady at 1509 Davenport. I was there about 20 minutes. Then called a taxi and went home. I

got there about dusk and went in the kitchen door, took off my coat and hat and was introduced to some company my sister had there. They were eating in the dining room. I

ate in the kitchen with my two little nephews and Mrs. Donahue. I didn't leave the house again till next morning

Left Here October 14. "How long did you remain in Omaha after the riot? "I left here October 14."

"Where did you go?" To Lincoln, Neb. Mr. O'Sullivan introduced Davis'

bank book showing that he de-posited \$65 in the Union State bank on October 3 and \$115 on October 9. He inquired whether Davis tried

to see Mayor Smith in the county Paris, Dec., 18 .- Paul Deschanel jail. "When the mayor came up in

off. I said 'good morning' and he just said 'huh' and walked off." **PROBE INTO KIRK Relates** Overbay Visit. Davis also related the visit of John Overbay to him in the county iail. Overbay was one of the state's witnesses and swore that he saw Davis strike the blow that knocked

Governor McKelvie and State "Were you at the court house dur-Senator Bushee First ing the time when the mayor was Witnesses Examined

By Commission.

"Accessory after the fact in grand the furlough was signed, September 8, he had been out of the state, and knew nothing about it.

He stated that he never had been approached on the Kirk matter and that it never had been discussed with

Senator Bushee was then placed gestion to him. on the stand and stated that he had been acting governor from Septemthat I was relieving the governor of in the summer of 1913 he was ber 6 to September 9.

ough."

In response to questions by Ataction was a proper one, and still think so, and under the same contorney General Davis he stated that he never had read a report of the ditions I would do again as I did Kirk trial, and knew nothing about at that time." the case on which the man had Reported Against Parole.

been convicted. He was then asked to describe

Shotwell, Davis stated that he was released from the penitentiary in the fall of 1913 and came to Omaha, reto his attention.

On Fourteenth Street.

Omaha all his life except for short "Isn'+ it a fact that you served a term in jail here?" asked Mr. Shot-"On March 29, 1917, you were sentenced to the county jail of Douglas county for 30 days for rob-

"Do you know Frank Myers, alias "I don't know whether I do or there.

When He Was Fined.

"Don't you remember being arested with him on the charge of robbing John Brooks at the West hotel?

"Well, we were arrested and I was he did say that the man was in for fined \$100 and costs, but not for robbery. That was for being an un-20 years. On account of the length of the term I judged myself that desirable citizen. the charge must have been murder." "Did he tell you that the gover-Then followed the incident related above when the county attorney nor had referred the matter to the board of pardons?"

showed Davis his picture from the police "gallery." "This picture was taken December 9. 1916, when you were arrested in Omaha for investigation?" asked Mr. hotwell.

Davis said he couldn't remember. "Now, the night of the riot, when ou spoke to Officer Dolan about the mob and the threatened lynch-

ing, didn't that event excite your curiosity?" asked the county attor-

'Not a bit," said Davis. "You weren't interested?" "Not a bit."

The Whisky Incident.

hc is."

taxi?"

Regarding the purchase of the uart of whisky in the near-beer saoon, Mr. Shotwell asked: with me." "From whom did you purchase

that whisky?' "I don't know the man's name." "Can you find out and tell me?" "What do you want it for?"

RELEASE BEGUN BY STATE BAR

records.

(Continued From Page One.) senting

"He also stated," said Senator Bushee, "that he desired to take the matter up further with the gov-

> right. In fact, I made that sug-"In signing the furlough I thought

State Parole Officer E. M. Johnson then took the stand and produced a copy of his now famous report, which is alleged to have dis-

"I met Senator Peterson on Fourteenth street," said Senator Bushee. "He brought the Kirk case to my attention, mentioning that he sired to get a furlough sigend. He did not appear to be unduly anxious about the matter, and indicated that he had taken it up with me because the governor had been too busy

come over to his office, after the governor's office closed. I went

Strode had been overruled. "Did Senator Peterson tell you on what charge Kirk had been con-

Many Subpoenas Issued.

In for 20 Years. "No," said Senator Bushee, "but ollowing:

"He did not. I did not know the

matter had been referred to the board. I depended largely upon the recommendations of Ray J. Abbott, former chief deputy prosecuting attorney of Douglas county, and that of Warden Fenton as to the conduct of the prisoner in the penitentiary had met Senator Peterson in the previous session and had found him strightforward and upright, and accepted his report of what the warden had reported. I did not see, nor did I consult the warden. I did not know Mr. Abbott either, but I knew of him as having been a

prosecuting officer of Douglas county, and his letter had great weight

Hunting for Kirk.

The letter written by Mr. Ab-Efforts of Warden Fenton or bott was then introduced in evi-dence, and Senator Bushee was asked if he knew where Kirk is at Mr. Devoe, through whom Kirk was instructed to report to the warden He was stopped from answering on objection from Attorney S. Strode of Lincoln, attorney for Peterson and De Voe in the probe, of the penitentiary at irregular intervals, is reported as seemingly unconcerned over the inability of the

the "furlough" was drawn up by state penitentiary was unearthed Cuming county, from which county ways asked the governor's private today. On June 19, 1919, Robert L. Brown Brown was sentenced, instituted the probe which revealed the circum-Senator Peterson in his office, on plain paper. He said he did not today remember that it had an official arrived at the state prison under stances attending the furlough. seal, or seal of any description, and sentence of one year from Cuming that to his knowledge no copy of county. On the same day, through it was kept. He said he made no the efforts of Attorneys Peterson ber 16, 1918, but the case was rerecord of it in the governor's of- and Devoe, who figured so promifice, and in fact, had made no record mently in securing the release of he had served three weeks. On his of any of the business he had trans- Beryl C. Kirk, notorious Omaha second trial, ordered by the supreme

bandit, two weeks ago, Brown was released on a furlough issued by acted in the governor's office, not knowing of any that required no-Lieutenant Governor Barrows in the tations to be among the governor's absence of Governor McKelvie. Similar in a way to the order for

Reason for Delay. Kirk's release, no record of this fur-Questioned as to the reason for

lough could be found in the gov- said: the delay in presenting the "furernor's office. It did not appear in Senator Bushee stated that the list of furloughs made public by the governor Wednesday in com-Senator Peterson had told him there was no especial hurry about preliance with a request by Attorney the furlough, that General Clarence Davis for a record wanted to be certain first that Kirk of all furloughs granted in the state would be placed in proper hands for use in the investigation into the Kirk scandal ordered by the suafter his release.

preme court. Oleson Makes Discovery. A. R. Oleson, delegate to the state always been my policy, in the ab- Strikers were engaged in picket

ernor, to be certain that it was all constitutional convention, now in session in Lincoln, representing matter of this nature appears I al- ance of any kind occurred.

a burden. I felt convinced that my

when and how it had been brought

appeared from the governor's of-fice. He stated that he had been ordered to investigate the rouest or a parole and had done so, going to Omaha, where he consulted Detective Dolan, County Attorney Shotwell and Mrs. Kirk. He had reported against granting the parole, he said. He had been delegated to

make the investigation August 1, to bother about it. "Later he phoned to me at the governor's office and asked me to and made his report to the secre tary of the governor August 3, he said. He then read a copy of his report, and it was introduced into the record, after protest by Attorney

The inquiry then adjourned until Friday morning at 9. victed?" asked Attorney Davis.

Attorney General Davis announced that subpoenas had been issued for udge Ben Baker and Attorney Harry Fleharty, attorneys for Kirk, for Attorney Ray J. Abbott and the

Warden W. T. Fenton of the state penitentiary; C. Petrus Peter-son and Robert W. Devoe of Lincoln; E. G. Maggi, member of the pardon board; H. H. Antles of the public welfare board; Phil H. Bross, former private secretary to the governor; J. H. Presson, ac-counting clerk in the governor's office; H. O. Parsons. Lincoln representative of the Omaha World-Herald; Victor B. Smith of the World - Herald; Harry Dobbins of the Lincoln State Journal; Robert E. Smith, clerk of the district court of Douglas county; H. B.

Lindsay, clerk of the supreme court. Orders were issued for three or four others whose names were not made public. The name of Kirk, the bandit who was released on the questioned "furlough" order, was not included in the public list.



'If someone is selling you whisky the present time. want to know it, and know who

tion was withdrawn.

'And why did you go home in a "Oh, that's nothing unusual."

"Was it because you were a little "Don't know as it was." "You had drank your share of the nunt.

quart of whisky?" 'I don't know. I wasn't drunk." "Now, isn't it a fact that after you drank the whisky you came back to the court house that night?"

"No. sir.' Davis denied that he wore his soft hat with "telescoped" crown the night of the riot, as was de-

scribed by both Mayor Smith and John Overbay. His cross-examination and examination took about an hour and a

half. Edward Fitzgerald, 2010 Webster street, and Andrew Daly, 223 North Seventeenth street, who were playing cards and drinking with Davis in the near-beer saloon early in the evening of the riot, testified that they didn't know there was any serious riot at the court house. They said they parted from Davis about 7:30 o'clock that evening. Says Wasn't at Home.

William Davis, brother of George Davis, testified that he wasn't at his 1512 North Twenty-eighth the night of the riot until home. street, after 12 o'clock and didn't know what time George came home. Claude F. Bossie was then recalled to the stand at the request of the county attorney. He brought

with him another photograph of a man whose identity is not known but who bears a great resemblance to Mr. Bossie. The second photograph is easily distinguishable from the first one of this man introduced yesterday by Mr. O'Sullivan and identified by Mayor Smith as look-ing like Mr. Bossie.

All this photographic testimony was introduced by the defense to discredit Mayor Smith's statement on the witness stand last Monday that he first recognized Davis as his assailant when a photograph of Davis taken several years ago was shown to him by the police.

Dogs Believed to Have

Killed 12 Deer in Zoo Syracuse, N. Y., Dec. 18.-The mysterious deaths of more than 12 of the deer at the city zoo here is causing considerable excitement. The badly mutilatted bodies of the deer have been found lying in the zoo yard. The entire zoo force has been on the watch since the first deer was killed, but have been un-able to discover the cause. Still the killings go on. It is the blief of the city officials that dogs are to blame.

Railroads Replace Trains Taken Off During Strike

Chicago, Dec. 18 .- Normal passenger train service today was restored in the northwestern and central western regions. Recovery from the condition brought about by the recent 40-day strike of bitumi-nous coal miners had advanced far enough to permit restoration of trains taken off as a fuel saving step, R. H. Aishton and Hale Holden, regional directors, announced.

authorities to locate his "ward." who stated that a search is being made for Kirk, and that an answer He continually denies reports from Omaha credited to Kirk's to the question might embarrass the friends that the bandit is already

safe in Mexico. Upon this understanding the ques-A "Furlough" Record.

THOMPSON-BELDEN

& COMPANY

The Fur Shop

for Lovely Fashions

are, in reality, considerably less.

complishment.

tainable.

Drawn By Peterson. What is believed to be a record in Senator Bushee then stated that the issue of "furloughs" from the

ately embroidered to the most naive white crepe de chine envelope chemise, there is an individual, delightfully feminine air to each one, lent, most probably, by the exquisite touches of handwork that appear on so many.

gifts.

the assortment.

From the most Oriental Out of the realm of woven silks, and among pair of pajamas, elaborthe glove silk pieces, one finds some lovely things --vests with ribbon shoulder straps, vests with none at all, but with elastic tops to make them thoroughly practical for evening wear, and bloom-ers, Teddy bears and camisoles that are wonderfully fine.

A "Mere Man" Should Rely on SILK LINGERIE

On His Christmas Shopping Tour



secretary if the executive had been

previously approached concerning

variably let the matter stand. I al-

ways reported my actions verbally

to the private secretary and record-ing secretary in the governor's of-fice and to the governor in person

Reopens; Closed 12 Weeks

Pueblo, Colo., Dec. 18 .- The steel

plant of the Colorado Fuel and Iron

company made its first serious ef-

fort to break the strike today after

a closedown of 12 weeks. Approxi-

mately 3,800 men were at work in

various departments and the num-ber will be added to in the next few

days. This represents a gain of

more than 2,000 workers in one day

"If he said such was the case I in-

the affair.

sence of the governor, that when a duty at the plant but no disturb-

upon his return."

Merchandise

Certificates

Floor.

a pair.

To aid you in your holi-

day shopping - certifi-

cates for any amount,

redeemable at any time

are to be purchased at

the Credit Office, Third

Fine Silk Hose

for \$2.50 a Pair

Pure silk, full fashioned

hose with flare tops and

soles of lisle, are to be had

in black, field mouse, cor-

dovan and navy, for \$2.50

Drop stitch hose of pure

thread silk in black, seal,

and cordovan, have tops

and soles of lisle, and are

priced \$2.50 a pair.

Steel Plant at Pueblo

Brown was first sentenced to the

prison for three years on Septem-

versed by the supreme court after

he had served three weeks. On his

court, he was sentenced to one year,

appeared in Lincoln June 19, being

Lieutenant Governor Barrows,

"Brown was 65 years old. His sis-

when approached on the matter,

ter pleaded for his release, urging

that he had already been sufficiently

punished by the time he had spent

in jail awaiting trial and by the hu-

Peterson Got Parole.

"As I remember the case, the pa-

role was secured through Attor-

neys Peterson and Devoe. It has

THOMPSON-BELDEN

& COMPANY

We Knew You Wanted It

---and so it is here

worthwhile, intrinsically-of course-for

this establishment does not care for trashy

things. Beautiful, naturally, because the

loveliness of fine materials and skilled

craftsmanship make for beauty. Appro-

priate, truly so, as the things one desires

for oneself surely make the best sort of

Our Christmas plans were so well laid-

that weeks of busyness have not broken

FROM NINE TO SIX

Every Day we are ready

to serve you.

But No "Open Evenings"

Nothing is quite as certain of appre-

ciation, nothing is quite as gratifying-

ly dainty for the money expended.

and it was for this sentence that he

reed the same day.

miliation of his conviction.

A Petticoat Worthy of Your Finest Frock

Jersey or taffeta, or messaline with the most dependable wearing qualities and obvious charm, made into lovely, colorful undergarments. There are certain features found only in Eppo petticoats, that assure a perfectly fitted waistband and the proper distribution of fullness about the hips

Our Bandeaux The Christmas Eppos and Brassieres In brilliant shades and softest Are very certain to please

silks are in readiness, offering wonderfully fine petticoats-

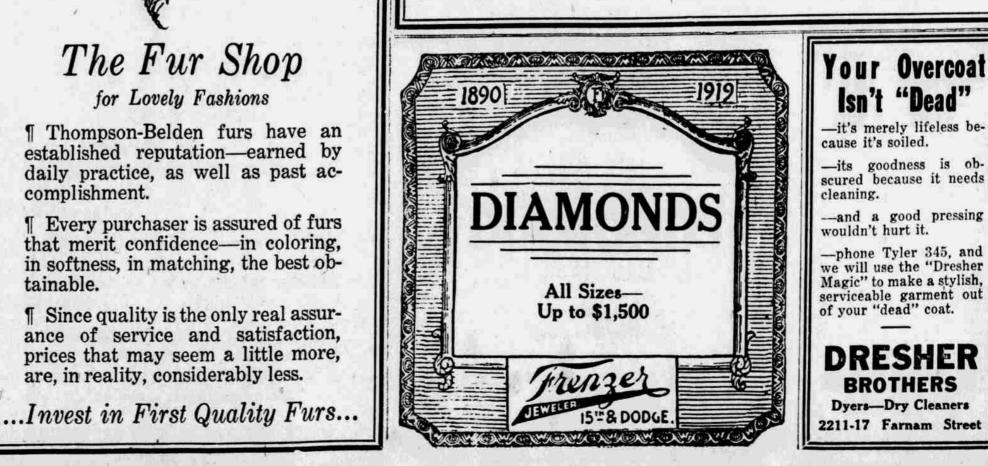
> Priced all the way from \$5 to \$25 each Third Floor

offered at prices most reasonable. From 59c up

you. You will find it quite worth while to view

the various styles that are

Corset Section-2d Floor



Gloves of **Heavy** Leather Single clasp, washable

leather gloves in brown, tan, beaver and gray are \$3.50 a pair.

Gauntlet gloves with or without the strap at the wrist come in brown, tan, gray and field mouse for \$3.75, \$6 and \$7 a pair.