Campbell, Lincoln Tells Attorney. Offer Made for His Services.

(Continued From Page One.)

have an investigation made. The report was to be for the private information of the governor and not made public.

Later he said that the matter was Bushee by Mr. Peterson, who had ust returned from his vacation, and that he did not participate in the discussion. He said as he recollected it he was later called in and typed the furlough order himself. It was agreed, he said, that the matter was to be taken up with the governor before it became effective and that after many attempts they dis-cussed it with him and he said he was satisfied that it was legal with Mr. Bushee's signature and that, as Mr. Bushee was taking the responsibility, he was satisfied

Governor Advised Delay.

Questioned why it was held so long before presentation, he said that he first wanted to find out where it was best for Kirk to go, and that Mrs. Kirk was called into a conference, although she did not know the furlough was signed, and rold him and Warden Fenton that Kirk could get work in a garage | terhead where he was formerly employed in Omaha or at Kansas City, Sioux said Senator Bushee, "but City or Des Moines. He said the called to my attention later." warden advised against Kansas City. Sioux City or Omaha, as his associates would be bad and he could obtain a more moral atmosphere in Des Moines, where it was decided to He said he talked the release over

with the governor shortly after the Omaha riots and the governor advised against releasing Kirk at that time on account of the unsettled condition in Omaha, and advised waiting six weeks. He said it was December I before he was able to again get in touch with the governor, who was very busy.

He said he was of the opinion he was working for poor people when he secured the release, and never heard of a \$10,000 or \$15,000 offer for his release. He said Senator Peterson made the financial arrangement with Mrs. Kirk, who paid them \$150 as a retainer, and on July 8 paid them an additional \$100. Since his release Mr. Devoe said

that he had received two letters from Kirk and that he would submit them to the commission tomorrow.

He testified that on August 3 he handed the report of his investigation into the character of Kirk and his trial in Douglas county ordered by the governor, to Phil Bross, then

srivate secretary to the governor. Gave Report to Bross.

He said he remembered giving the report to Bross because after returning to his own office he recalled an ambiguous statement which he wished to correct, and went back to the governor's office, where he secured the report from Bross and later returned it to him. This report is the one which was

reported missing from the files of the governor's office last week. Mr. Johnson stated that he had

denied having ever spoken of the matter to either Attorneys Peterson or Devoe after making his investiga-

Following Mr. Johnson, J. Harry Moore, representing The Bee at the



#### The Children's Christmas

Make it a practical gift. One they will enjoy to the utmost and at the same time be most serviceable.

#### TERVICE. CHOOL HOES

have been pleasing Omaha Children and their Parents for more than thirty Christmases. Let this year be no exception.

Warm, comfortbale felt slippers in a number of pretty styles that are sure to please.

Drexel Shoe Co. 1419 FARNAM ST.

hearing, was called to the witness stand by the attorney general. He was shown a copy of The Bee or December 11 and was asked if

he knew who had written the story attempting to connect the release of which he could base an entry in the Kirk with a recent \$63,000 robbery records at the governor's office. at the Hayden Bros, department Moore denied any knowledge of

the authorship of the story. He was instructed by the attorney general to communicate with the man-aging editor of The Bee regarding the story. Senator B. K. Bushee, on whose

order Kirk was freed from the penitentiary, was then recalled to the witness stand.

Tells of "Guardian."

In yesterday's hearing, Senator Bushee stated that he knew where Kirk had been sent following his release from the prison, but was excused from answering a question telling the location, on the grounds that the information might hinder with Acting Governor the search for Kirk now being conducted at the governor's order.

The witness testified this morning that he had been informed that Kirk had been placed in Des Moines with she was. He testified that Mr .. a man who "stands high in his community." The man was supposed to serve as a guardian to the ban-

He said he had not recrived this information from Mr. Peterson, but from the governor.

the letter which was supposed to ephone have been written by Attorney Ray Abbott of Omaha, who conducted the prosecution in the original Kirk trial, and asked the witness what part of the letter most influenced him to sign the order for the release of the notorious bandit.

Called to His Attention. He asked the witness if he had noticed that the letter was written on plain paper and not on any let-

said Senator Bushee, "but it was "I relied entirely on the statements of Senator Peterson, in whom

I have perfect confidence.' "Did you know how Mr. Peterson got his letter which was addressed to the governor?"

The attorney general then read coal shortage and other important the portion of the letter referring to matters. the robbery of the Malashok jewelry store in Omaha and the battle with the bandits in which Detective Rooney of Omaha was killed.

Confidence in Peterson. "Did not that reference prompt ou to make a more thorough invesigation before signing the order?"

asked the attorney general. Then Senator Bushee reiterated is confidence in Attorney Peterson and because of Mr. Abbott's official connection in the prosecution of Kirk felt that his statement was a

He said he took literally that part of the letter which stated that Kirk's only guilt was in allowing the gang of bandits to use his house.

The witness called attention to E. M. Johnson of the State Board the statement in the letter which of Pardons and Paroles, was the said that Kirk had been punished sufficiently, and added that Attorney Abbott, who had prosecuted Kirk, expressed the opinion that 18 months was sufficient punishment.

Can't Give "Guardian's" Name. "Did you attempt to verify Mr. Abbott's signature to the letter?"

He replied that he did not, but had done so since. "Can you give the name of the man in Des Moines in whose care Kirk was placed?" he was asked.

Asked for reasons why Kirk had not been released at once when he signed the order September 8, instead of waiting until December 2, almost three months later, Senator Bushee said that Kirk was not released at once because of the desire to find some suitable place to send the Kirk case with Warden W. T. him, and that Senator Peterson told Fenton of the state prison. But he him that he wanted to be sure that Kirk was deserving of a furlough.

Discussed With Warden.

The witness declared that Mr. Peterson told him that the first step taken in the case was a discussion of the man in question with Warden

Asked if he knew who had arranged for the placing of Bandit Kirk in Des Moines, Senator Bushee declared he did not. Lieutenant Governor Barrows

was then recalled to the witness He acknowledged that he was in charge of the Lincoln bureau of the Omaha Bee. He said that he had written some of the articles concerning the Kirk furlough, and had

furnished information for other stories of the case, When shown the issue of The Bee for December 11, and asked if he knew who wrote the article on the Kirk case, he said he did not

Hadn't Discussed Release.

Mr. Barrows was then excused and Senator Bushee recalled. Referring to the article in The Bee, the attorney general asked him if he had discussed Kirk's release six months ago in Omaha.

"Absolutely no," he answered. Phil Bross, former private secretary to the governor and now the secretary of finance, was next called to the witness stand. He was asl: d about the report

of E. M. Johnson regarding his investigation into the Kirk case. He said his first recollection of the case was when the aff ir became prominent recently in the newspa-pers. He said he had not discussed Kirk's release with anyone prior to his freedom from the prison.

He said he presumed that he re-ceived the Johnson report but did not read it and did not know to what it related.

Correction Was Made. He said he distinctly remembered that Mr. Johnson returned to the office to make a correction in the

He said he had since searched the files with the assistance of other clerks in the office, but was unable to find any trace of the report.

Bross stated that he did not give
the report to the governor, and he does not know where it is now. He

said that if the report had taken the ordinary course of other papers with reports of like nature, it would have gone in to the governor, received his attention and later been filed. Col. J. H. Presson, record clerk n the governor's office, was next called to the stand.

He denied ever seeing the report and gave a detailed explanation of the filing system of records pertain-ing to prisoners in the penitentiary. Colonel Presson said he knew

He said he then called the warden o secure enough information on Formal application for pardons and furloughs were usually filed and kept in a separate envelope in the governor's office, he said.

He said the subject of a furlough was seldom opened without formal application to the governor's office. In this case, he said that he had never seen a formal application.

Defends Furlough Practice.

"Discussing furloughs Mr. Preson said that they were often preferable to a discharge because they enabled the state to keep and hold jurisdiction over the prisoner and call him back to prison in case reports of his conduct were not favor-

W. H. Antles, secretary of the Department of Public Welfare, was called and stated that he was at the penitentiary at the time of Kirk's release. He said Mrs. Kirk came in and he asked E. M. Johnson who Johnson told him that she was Mrs. Kirk and that she had a release for her husband signed by the acting governor. He stated that he had never seen the order for a furlough. He said he had never talked with Warden Fenton about the case until The attorney general then took recently and then only over the tel-

Governor Recalled.

Governor McKelvie was recalled nd stated that Senator Bushee had Bushee returned about 10 days later and they discussed the furlough briefly and that Senator Bushee said there was nothing wrong in granting the release. He stated that he took the senator's word and thought no more about the matter until a few days later when Mr. Devoe spoke about it and asked him if it

was all right,
"I told him it was all right, that Mr. Bushee was responsible," said the governor. He said the conversation took place in his office and that it was very brief as he was very busy at the time dealing with the

The governor stated that he had never seen the report of Mr. Johnson on the Kirk case. He said he ordered the report drawn but was away from his office a good deal and it did not occur to him to ask or it as he expected it would be rought to his attention in the regular way. He said he was away from the office a great deal during September and October, speaking at

ounty fairs. Orders Return of Kirk.

He explained that he had ordered good.' tion on Senator Bushee or anyone dress but never lived there.

Questioned if he knew anything about Kirk's whereabouts, he said that Kirk's attorney said he was in Des Moines,

The governor denied the Senator Bushee that he talked with him about Kirk's whereabouts and said he did not tell him

Kirk was in Des Moines. Johnson and Antles Surprised. James O'Conner, chief clerk and principal of schools at the peniten-iary, said he first learned of Kirk's furlough on the morning of his reease when the deputy warden told um to get Kirk's clothing ready, as friends would some for him in the afternoon. He said that the warden and deputy warden had authority honor the paper and that Mrs. Cirk came after him about 3.

He testified that Mr. Johnson and Mr. Antles were there and Mr. John-son asked, "Where did he get it?" He said both men appeared to be surprised when informed that the furlough was signed by Acting Gov-ernor Bushee, but did not say any-

thing.
Mr. O'Conner stated that it was the first time he had seen a furlough not signed by either the governor or the lieutenant governor. He said was not unusual for orders to be received on other than official paper and without the state seal and it did

not arouse any suspicion. Warden W. T. Fenton said the first he heard of an attempt would he made to secure a furlough was last July when Senator Peterson visited the penitentiary to interview Kirk. He said Senator Peterson

#### Well Known Stove Line Open for Nebraska

Manufacturer of well known stove line with large sales in Nebraska wants to get in touch with high-grade Manufacturer's Agent calling on Nebraska Stove Trade.

Address Postoffice Box 267, Quincy, Illinois



nothing of Kirk's release until he asked him about Kirk and his de- He said there was no danger in furheard about it the following day, portment and said if he would not report favorably he would not han-

his conduct. Talked With Devoe.

Later he said he talked with Mr. not been connected with the robbery said they visited the governor and told him of Kirk's behavior and that he was not vicious and his deport ment was favorable.

He asserted that he did not recommend Kirk's release, but gave as his opinion that Kirk would "make good" if released. He said that Kirk had never asked him to recommend him, but that Mrs. Kirk had asked about his conduct in prison.

Mr. Fenton said the governor stated that he would appoint a special investigator and that he later talked to Mr. Johnson, who was investigating the case. He said he heard no more about it until the day before Kirk's release, when Mr. Devoe told him they had a furlough and the governor knew all about it. He said they discussed the best place to place Kirk where he would be away from evil companions and influences and Mrs. Kirk stated that she had a place in Des Moines. He said he telephoned to the peniten-

tiary to get Kirk's clothes ready. He replied in answer to questions that he relied upon Senator Peterson and Mr. Devoe and did not see anything out of the way in the release. He said he did not check up returned to his home before he got the signature as he had never had to see him after he returned from anyone try to get out in that way his vacation. He said that Senator and he would take the responsibility if they did.

Considered Order Official. He said he read the Bushee order and when asked if he had honored other furloughs, said he had honored several. Questioned as to it not appearing to be a legal document, he said it was more official than many coming from the governor and com-

pared with it a release signed by the governor which he had in his pocket. The warden said that it was at his suggestion that Kirk was ordered to report to Mr. Devoe, as if he got a good job he might lose it if it became known that he was report-ing to a penitentiary. He said Mr. Devoe agreed to forward the reports to him.

He said he did not discuss the matter at length as everything seemed regular, and if he got an unfavorable report he could go and get Kirk.

No written order has been received for Kirk's return, he said, and so far he has not violated his furlough. He said he had received verbal orders from the governor to return him. If released he stated he still believed Kirk would "make

the warden to get hold of Kirk and return him to the penitentiary last Kirk giving his street address in Monday. He gave as the reason for Des Moines. His deputy, who inthis order that he thought with the vestigated, reported the address was public interest being manifested and an insurance office. Chief of Dethe prominence being given to the tectives McDonald of Des Moines furlough it was best to recall him was called upon by the deputy to and start action over again. He assist in the search, and he learned stated that his action was no reflect that Kirk got his mail at that ad-

Furlough Held 90 Days. they were seldom held over five or

Mr. Fenton testified that Mr.

dle the case. He said he told the number who were benefited and besenator he could report favorably on came successful.

Harry Fleharty of Omaha was called and said that he had known Kirk for three years and defended Devoe, who said he had been to him at the time of his trial in the then and I have told it since." When Omaha and learned that Kirk had Douglas county district court. On Douglas county district court. On he first talked to Senator Bushee the appeal to the supreme court he he said the senator did not apof the Malashock jewelry store. He said Ben Baker of Omaha assisted pear to have the facts of the case

> He told of a visit to his office made by Mrs. Kirk to inquire what teps to take to get a furlough and said that she requested him to accompany her to Lincoln and introluce her to Senator Peterson. He said that she desired to secure the help of Senator Peterson as he had secured the furlough for Frank Sinlair. He denied that he had anything to do with the retaining of Mr. Peterson. Asked if he made a practice of securing releases of convicts, he stated that he did not as he did not have "enough drag with the administration."

On the trip to see Senator Peterson, he said, he took the brief filed in the supreme court and denied that he carried other papers in the case, including an affidavit signed by Mr. Musgrave of the Omaha and .Counil Bluffs Street Railway company and a letter written by Ra/ Abbott, formerly of the county attorney's office and prosecutor of Kirk. The Abbott letter he said was never in his possession although he advised Mrs. Kirk to see him. Style of Type.

Attorney General Davis then called Mr. Fleharty's attention to the style of the type on the type-writer used to write the brief, which was similar to the type used in the Abbott letter. Initials used on the bottom of the Abbott letter, he said, were similar to those useed by a stenographer who had worked for im. He gave her name as Ruth Walker and admitted that it was possible that she had written the etter. He also admitted that he knew of Abbott's view but was not sure of the contents of the letter.

Miss Walker will probably be subpoened to appear at the hearing aturday.

Referring to the conference with enator Peterson Mr. Fleharty said that the senator refused to take a etainer from Mrs. Kirk to secure her husband's release from the penitentiary, but said he would take a etainer to examine the record.

Questioned as to the fee he reeived, Mr. Fleharty said that he charged \$1,000. He said he had already received \$500 of this amount and \$150 for expenses and cour costs. Five hundred dollars he said was still due.

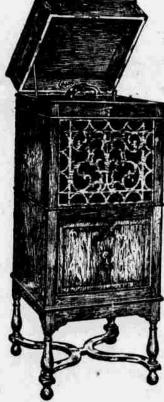
Robert Smith, clerk of the Douglas county district court, testified of the manner in which he kept his records and said that the only time the bill of complaint left his office was when it was taken out by the law firm of Baker & Ready, and that it was receipted for in the regular

Interview by Telephone. Victor Smith, World-Herald re orter, testified that he first heard about the Kirk release December 3 The statement in the World-Herald, Questioned as to the length of credited to Senator Bushee, "I did time the furlough was held before not know Kirk was held for murder. being presented, he said that it was not customary to hold furloughs 90 days, as in the Kirk case, and that tion with Senator Bushee was un-

Devoe told him that he took the case for a very moderate fee, as the merits of the case appealed to him.

To get the genuine, call for full name LAXATIVE BROMO QUININE Tablets. Look for signature of E. W. GROVE. Cures a Cold in One Day. 30c.

### Will You Have REAL MUSIC In Your Home This Christmas?



With the New Edison you get the counterpart of music, not the counterfeit. We have a limited supply

# NEW *EDISON*

The Phonograph With a Soul

in stock, so get in your order without further delay.

Open to 9 P. M. Until Xmas

### Rouse's Phonograph Parlors 20TH and FARNAM



The personal touch of your correspondence is more keenly appreciated by your individual choice of discriminating sta-Greeting Cards and Diaries, fine assortment of Gents' Leather Goods. Fountain Pens—Conklin and Waterman.

OMAHA STATIONERY CO. 307-9 South 17th Street.

number who violated their parole he said he repeated to Senator was very small compared with the Bushee, and he was positive that the senator said it was all right.

He next met Senator Bushee he said in Fremont the following Sunday and at that time Senator Bushee said, "I told you the truth clear in his mind or if he did he did not recollect them.

H. O. Parsons, in charge of the Lincoln bureau of the World-Herald, was called and said he first learned of the Kirk furlough the dow, member of the state legis- (Continued on Page Five, Column Two.)

satisfactory and disconnected, he adday he left, when Harry Dobbins, lature from Douglas county, told ded. The statement he published a Lincoln newspaper man, told him that \$10,000 or \$15,000 had been who told him he knew nothing rumors to the same effect and heard about it, and called up the warden at the penitentiary to find out if lobby of Lincoln hotel.

it was true.

"There is damn big fee offered for the release of Kirk," he testified he was told by E. G. Maggi, member of the board of pardons from 1911 to 1919. He said he saw a copy of the Johnson report and did not print the Maggi statement in order to protect Mr. Bushee, although he heard many sin hir

of it. He said he went to the governised in Omaha to secure Kirk's ernor's office and saw Mr. Presson, release. He said he heard other

Big Fee Offered Maggi.

E. G. Maggi testified that an at torney came to his office and said that there was a "damn big fee in it for him if he could get Kirk out." Mr. Maggi said that he told the attorney that Kirk was where he should be and that he was wasting time and had better drop the

He requested that he not be forced

Store Hours
From 9 A. M.
to 9 P. M.

Millinery Special

In the Eldredge-Reynolds Annex Millinery Specialty Shop

For the Season of Holiday Gayety, Clever

## Model Millinery

Featuring the Turban Previously to \$10.00

NE of the smartest little hats of the mid-winter season; of velvet and brocade; clever, original, chicoriginality in every line.

Beautiful Trimmed Hats \$350 to \$495

NTICIPATING the holiday needs in pretty pokes, chin A chin, large hats, small hats of satin and handsome combinations of satin and fur, satin and brocade.

Newest Styles Latest Trims

## Benson a Thorne

## Benson & Thorne

"The Store of Specialty Shops"

Saturday in the Men's Shop The Busy Christmas Shoppers

Will Find Merchandise and Prices Arranged to Their Advantage for Saving of Time and Money

### What \$1.00 Will Buy

- 1 \$1.50 Silk Necktie. 3 Union Linen Handkerchiefs.
- 1 Scarf Pin. 1 Knit Silk Muffler.
- 1 Pair Fine Cashmere Hose. 3 Pair of Lisle Hose, all colors.
- 1 Pair Chamoisette Silk Lined Gloves.
- 1 Marathon Belt, with Non-Tarnish Buckle, in
- 3 Fancy Colored Border and Striped Hand-1/2 dozen White Soft Finish Handkerchiefs.

1 Knit Necktie, in two tones, and cross stripes.

3 Pure Linen Handkerchiefs, 14-inch hem-

1 Fine Cambric or Outing Flannel Night Robe.

1/2 dozen Handkerchiefs, Colored Bordered,

1 Fine Leather Belt, Gunmetal Buckle,

1/2 dozen Cluett De Luxe Soft Collars.

1 Pair of Good Warm Jersey Gloves.

- 4 Good Styles Soft or Laundered Collars. 2 Delpark Pique Soft Collars.
- 3 Cluett De Luxe Soft Collars. 1 Pair Fancy Soft Cuff Links.

1 Initial Belt, real leather.

1 Fine Muslin Night Robe.

1 Fine Black Leather Belt.

1 Cap, Fancy Mixed Patterns.

1 Congo Walking Stick.

1 Pair Soft Cuff Links.

### What \$1.50 Will Buy

- 1/2 dozen Arrow Soft or Laundered Collars. 1 Pair Heavy Worsted Hose, all colors. Pair Pure Silk Dropstitch Stitched Hose.
- Pairs Heavy Fiber Hose. Pair Silk Gloves, Gray, Chamois, White. 3 Initial Union Linen Handkerchiefs. 1 All Silk Necktie, in the new, slender shape. 3 Delpark's Fine Pique Collars.
- What \$2.00 Will Buy 1 Pair Phoenix Heavyweight Silk Hose.
- All Silk Tubular Muffler, all colors. Corded Madras Shirt, colored stripes. English Crepe Silk Necktie, hand made. Pair French Enamel Cuff Links. 2 Pure Linen Shire Hemstitched

Corded Bordered Handkerchiefs.

Mixtures.

- What \$3.00 Will Buy 1 Fine Madras or Crepe Shirt. 1 Fine One-Piece Top Cap. Plain or Plaid
- 1 box of 1/2 dozen Silk Lisle Hose. 4 Pairs of Luxite Fiber Hose. 1 Umbrella, Paragon Frame, cover of good
  - dozen Delpark Pique Collars. 1/2 dozen Fine All Linen Handker-1 Pair of Gloves, Gray or Tan.
- 1 Fine Cambric Silk Trimmed Night Shirt. 1 Pair Outing Flannel or lighter weight Pajamas. I Pairs Phoenix Ribbed Silk Lisle Hose.
- 1 Set Links and Studs for Evening Wear. 1 Waldemar Chain. 1 Necktie, in Italian Silk, Satin Floral Designs.
- 1 Fancy Wood Walking Stick. 1 Silk or Knit Fancy Striped Muffler.