

MRS. KIRK GOT BUSHEE'S AID IN HUSBAND'S CASE

Witness Says She Told Him She Expected Senator's Help in Obtaining Furlough.

(Continued From Page One.)

Detective department of the Omaha police force, was the first witness called, and testified that he had been on the force for 19 years, during 10 of which he had known Beryl Kirk.

He said he first heard of Kirk as having jumped a bond in Minnesota, and next as having been arrested in Denver for auto stealing, and next in connection with the Malashock robbery and murder of Detective Rooney, and lastly when the matter of the "furlough" came up.

Chief Dunn stated that he had no information as to what steps had been taken to raise the fund for Kirk's release, but that he had heard rumors to the effect that money from the Hayden Brothers robbery had been used for that purpose.

Following the release of Kirk he said he interviewed Mrs. Kirk at her sister's home in East Omaha, and heard later that she was in Des Moines. He got this later information, he said, from Chief John MacDonald of the Des Moines force.

On cross-examination by Attorney E. C. Strode in behalf of Peterson & Devoc, Chief Dunn stated that he had heard a number of times that Mrs. Kirk was on the street soliciting a fund to get her husband out of the penitentiary, but that he didn't know of any man who had subscribed to the fund.

Hoye Relates Kirk's Boasts.

Charles W. Hoye, a deputy sheriff of Douglas county, was the next witness called, and told of the boasts made by Kirk that he would

"be out of the penitentiary in less than three weeks," and as matter of fact, expected to come back to Omaha on the next train leaving the state penitentiary after he got there.

Hoye testified that he was the officer who took Kirk to the pen. Hoye stated that he had charge of Kirk and his gang throughout the trial in the district court on the Malashock robbery and Rooney murder charge, and following the conviction of Kirk, prisoners who were close to Kirk in the jail openly said that Kirk repeatedly boasted that he would get out in a short time, within "three weeks."

He said he had no definite knowledge of the collection of the fund to get the man out.

On the train going to the penitentiary, said Hoye, Kirk repeatedly asked him if there were not an attorney on the train, stating "everything is fixed, and I'll come back with you and the lawyer on the next train leaving for Omaha."

Hoye testified that he had been given a subpoena for Mrs. Kirk, but that he was satisfied she was not in Omaha, the process being to summon her to the inquiry at Lincoln.

What Bushee Said. John E. Kennebeck, reporter for The Bee, was the next witness. He said he first heard of Kirk during the Malashock robbery and murder of Detective Rooney, and nothing after that until the release of Kirk from the state prison.

On the day following the release, he said, he was instructed to get in touch with State Senator Bushee, and find out what he had to say about having signed the furlough.

He said he talked to Senator Bushee over the phone to Kimball. He said that Mr. Bushee during the early part of the conversation appeared to know little about the case, but his recollection appeared to grow stronger as the conversation proceeded. He admitted that he had signed the furlough "last fall" and that he had done so upon the recommendation of the man as the statement of Warden Fenton that Kirk was a model prisoner, and that he had become satisfied that Kirk had suffered enough for his crime, which, he said, he thought at the time of signing the paper was merely the charge of "bootlegging."

Did Not Know of Murder. Kennebeck stated that he had no definite knowledge of the Kirk "slush" fund, but he heard \$1,000 had been raised. Shown a copy of The Bee containing a story concerning two men who had been approached to contribute, he stated that he had furnished the facts, but requested that he not be named to give the names of the two men, as the information had been given to him in a confidential manner.

Pressed on cross-examination later by Senator Bushee, he stated that one of the men was an Omaha waiter, "Slim" Graham, who had been approached by Mrs. Kirk at Harney and Fifteenth streets. The name of the other man he did not know, he said.

Bushee Attacks Witness. State Senator Bushee cross-examined Mr. Kennebeck, first attempting to get the witness to admit that he might have been mistaken in understanding over the telephone that New killed Miss Lesser after he had refused to marry her, when she refused to have an illegal operation performed on her.

About a dozen witnesses, including newspaper men and jail attaches, expressed the opinion New was sane.

Weeps and Screams. Mrs. Lesser appeared in black and was supported by crutches. She wept and screamed as she entered the court room, but mastered her feelings sufficient to be able to testify. She said New always had appeared a sane, normal man and one who would have made Miss Lesser a good husband.

"If I hadn't thought Harry was a fine man and absolutely sane I'd never have let Freda go with him," said Mrs. Lesser.

There was no cross-examination. New maintained his almost motionless attitude during the time Mrs. Lesser was in the court room. He stared blankly ahead of him without a sign that he saw her entry or heard her words.

Woman Radical Leaves Impression on Man's Eye (Continued From Page One.)

tation as a result of the recent nation-wide raids, was seen in the request transmitted today by the Department of Labor to congress. His appropriations aggregating \$1,500,000 to be used in the enforcement of laws against radicals and for their deportation.

Scores Justice department. While members of congress were giving the request preliminary consideration, from the temporary headquarters here of the Russian soviet bureau, located less than three blocks from the Department of Justice building, there was issued a written statement by S. Nuerateva, who said he was secretary to L. C. A. K. Martens, self-styled Russian ambassador, setting forth general charges against Department of Justice agents. These charges were that department agents had "actively participated" in the formulation of some of the planks in the communist and communist labor party platforms, which the statement said, "now form the basis of the persecution of thousands of people." Another charge was that "the chief figures in such celebrated bomb plots were agents of a similar nature."

Dollar Gas in Lincoln Inopportune, Court Holds Lincoln, Neb., Jan. 6.—Enforcement by the city of an ordinance passed in 1907 fixing the price of gas at \$1 per thousand cubic feet is restrained under a temporary injunction granted the local gas company by federal district court.

Final hearing of the case, a rate of \$1.40 is allowed the company to file bond to repay any difference between this price and that ultimately decided upon as reasonable. It is a matter of common knowledge, the court said, that because of war conditions which "unfortunately continue" it is impossible to produce gas for anything near the amount for which it could have been produced at the time the ordinance was passed.

engaged, together with some Lincoln attorneys. was puzzled by some of the statements made by the woman," said Mr. Kennerly, "and formed the impression that possibly she didn't know her own mind. I was not familiar with the case, knowing nothing about it, in fact, and saw no reason why she shouldn't be about the task of raising money in behalf of her husband. That money would be necessary to engage the services of attorneys was, of course, to be understood.

"As far as I gained from my conversation with Mrs. Kirk, she said Senator Bushee was interested in this case, and she thought Mr. Kirk was innocent."

Telephoned to Moore. Following Mr. Kennerly's statement, Reporter Moore of The Bee testified that he received a telephone message from Mrs. Kirk asking him to meet her and he did so at the Hotel Taylor. She told him, he said, that she feared The Bee would attack her for her attempts to get Kirk out of prison. He told her it would be best for her to interview the managing editor of The Bee and took her to The Bee office.

Asked why he had not testified at the previous appearance to this matter, Moore stated that he had not been questioned about anything touching upon it. The remainder of his testimony was corroboration of Mr. Kennerly's statement as to the purport of the interview.

"Bootlegging" Talk. State Parole Officer E. M. Johnson then testified to a conversation between himself, Secretary Antles of the public welfare board and Senator Bushee in the office of Mr. Antles two days after the release of Kirk.

He went to the office, he said, upon the invitation of Senator Bushee, extended over the telephone. Bushee, he said, appeared to be greatly concerned over the matter as reported in the newspapers, and stated that at the time he had signed the furlough he was under the impression that Kirk was in only for "bootlegging."

Protected Peterson. Bushee did not state said Officer Johnson, that Senator Peterson had made the statement that the charge was "bootlegging" only.

"My impression of the conversation was," said Mr. Johnson, "that Senator Bushee did not want to accuse or criticize Senator Peterson, but he would undoubtedly appoint Mr. Goss after the recommendation given him by vote of the lawyers today."

There was a large attendance at the meeting in the county court room at noon yesterday. Mr. Slabaugh presided and called for nominations, which were made in speeches limited to two minutes.

Several are Nominated. Mr. Goss was nominated by E. G. McGilton. James M. Fitzgerald was nominated by John Moriarty.

Robert Patrick, municipal judge, was nominated by D. H. Sheehan. E. Duane Pratt of Burt county was nominated by J. Enyart of Tekamah, who stated that since Judge Sears moved to Omaha, the counties of Washington and Burt

CHARLES A. GOSS LAWYERS' CHOICE FOR JUDGESHIP



Charles A. Goss Governor Will Be Asked to Name Him Day's Successor.

By a majority of only four votes out of 200 cast, Charles A. Goss was nominated by the lawyers of Douglas, Washington and Burt counties yesterday to succeed Judge George A. Day on the district bench.

There were 200 votes cast, of which Mr. Goss received 104. James M. Fitzgerald, police judge, made a surprising "run," receiving 75 votes. He entered the race for the appointment only Monday, while Mr. Goss was an avowed candidate since last Friday, when a petition was circulated in his behalf.

Received 104 Votes. The total vote yesterday was as follows: Charles A. Goss, 104; James M. Fitzgerald, 75; Robert Patrick, 6; E. Duane Pratt, Burt county, 14; Raymond Grossman, 1. Total, 200.

W. W. Slabaugh announced after the ballots were counted that he will send the name of Mr. Goss to Governor McKelvie as the selection of the lawyers of the district for appointment to succeed Judge Day.

Merely a Recommendation. The selection of Mr. Goss is merely in the nature of a recommendation. Governor McKelvie last week asked the Douglas County Bar association, through its president, Mr. Slabaugh, to vote on a candidate for the place. The governor has the power to appoint anyone he wishes, but he will undoubtedly appoint Mr. Goss after the recommendation given him by vote of the lawyers today.

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are not represented on the district bench. Howard Baldrige moved that the nominations be closed and the ballots were then cast rapidly into a ballot box under supervision of Election Commissioner Moorhead.

The entire vote of the bar of Washington and Burt counties was ordered credited to Mr. Pratt, though only a few lawyers from those counties were present.

Mr. Goss was not present. He was in Lincoln at the supreme court investigation of the Kirk "furlough" case. He made an active campaign for the appointment.

Nethaway Leader of Mob, Dozen Testify

(Continued From Page One.)

for the state. He merely detailed the events of the riot night.

In his opening statement to the jury Attorney Fleharty, for Nethaway, made the statement that Nethaway wrote a letter of condolence to Agnes Lobeck, the girl whom Will Brown, negro, is alleged to have assaulted. This letter was written before the lynching.

"Mr. Nethaway did not reach the court house until about 7:30 o'clock, long after the riot had started," said Mr. Fleharty. "His mind was inflamed by the remembrance of the murder of his wife two years ago, for which crime a negro was found guilty and sentenced to the penitentiary."

"In his mind flamed resentment against authorities whom he conceived to be bent upon preventing instead of assisting in the conviction of the negro accused of assaulting Agnes Lobeck.

Charge Inflammatory Speeches. "When he arrived at the court house, much damage had already been wrought. Intimidation—if intimidation was required—had made the police powerless."

County Attorney Shotwell, in his outline to the jury of the state's evidence against Nethaway, said it would be shown beyond a doubt that Nethaway made inflammatory speeches to the mob, urging the men to "get the nigger and lynch him," and also that he stated later that he fired shots into the body of Brown when it was hauled up on the pole at Eighteenth and Harney streets.

All day yesterday was consumed in getting a jury, both sides exhausting the six challenges to which they are entitled. Attorney Fleharty asked all prospective jurors whether they had heard of the case of Nethaway's wife in 1917. Her body was found in August, 1917. Charles Smith, negro, after two trials in district court before Judge Sears was found guilty and sentenced to the penitentiary for life for the crime.

J. Laurie Wallace, a prominent artist, is a member of the jury which is trying Nethaway.

At the request of the defendant all witnesses on both sides were ordered excluded from the court room, each coming in only when he is called to the witness stand.

Services for Nebraska Pioneer of Indian Days Creighton, Neb., Jan. 6.—(Special)—Funeral services were held Tuesday for Fred Kyriess, 79 years old, who came to this country from Germany in 1864 and settled in Knox county 47 years ago. A short time before coming to Nebraska he was married in Philadelphia to Miss Christina Plieninger.

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WETS HAVE NOT GIVEN UP FIGHT ON PROHIBITION

Chief Counsel for Liquor Men Persists in Statement That Battle Has Just Begun.

Chicago, Jan. 6.—Liquor interests have not given up their fight against enforcement of national prohibition, despite the decision of the supreme court sustaining constitutionality of the Volstead prohibition enforcement act, Levy Mayer, counsel for the "wets," declared today.

"The real fight is still to come," said Mr. Mayer. "The whole eighteenth amendment to the United States constitution is under attack. The state of Rhode Island has filed two cases attacking the validity of that amendment. Other cases are in preparation and are almost ready to be filed. That will be the main fight."

Department of Justice to Prosecute the Brewers Washington, Jan. 6.—Immediately after the supreme court upheld the constitutionality of provisions of the Volstead act prohibiting the manufacture and sale of liquors containing one-half of one per cent or more of alcohol, the Department of Justice began preparations for the prosecution of all persons who have sold beer since the passage of the act last October 28.

Cases against those who manufac-

Rhode Island Ratifies Suffrage, Bringing 23 States Into Fold

New York, Jan. 6.—Rhode Island's ratification of the federal women suffrage amendment Tuesday brings the number of states which have accepted it to 23. Ratification by 13 more states is necessary before the amendment becomes effective, and officers of the National American Woman's Suffrage association declare they will conduct an active campaign to obtain the necessary 36 ratifications before the presidential primaries in April.

Women of 21 states, including Rhode Island, will enjoy presidential suffrage this year regardless of whether the amendment becomes effective before the presidential primaries, according to suffrage association officials.

Germans Protest Number of Troops for Plebiscites Paris, Jan. 6.—An application from the German representatives here for a reduction in the number of troops to be sent to the areas in which plebiscites are to be taken under the peace treaty has been received by the supreme council. Germany will have to bear the expense of maintaining these troops and her representatives complain that the cost will be excessive. So heavy an expenditure is not necessary, it is asserted.

Paris, Jan. 6.—Strange and puzzling complications have arisen in the relations of the people of France as a result of the world war. Sometimes persons wearing proudest decorations are found engaged in rather humble vocations, and the fact they have been honored by their country would probably never become known if on some occasions attention was not called to it.

"You are wrong to speak so severely, my general. I am a knight of the Legion of Honor." The general was General Gassouin, who controlled the Paris railroad systems when they were taken over by the army and the knight was his new cook, who had overdone the roast. The general could not believe his ears. He made an investigation and found the new cook had lost her husband early in the war. She became a nurse at the front, where she showed such bravery that the red ribbon decoration was awarded her.

When the war was over she accepted dismissal from the army medical service without complaint and, having to earn her living, became a cook, wearing her decoration only on Sundays.

"When the general learned the truth he embraced the cook," says the Echo de Paris, which vouches for the story, "and since has not allowed himself to make remarks when any dish has not been a perfect success."

\$75,000 Bond Robbery. Atchison, Kan., Jan. 6.—From \$50,000 to \$75,000 worth of Liberty bonds were taken by bandits from the Citizens State bank at Winchester, Kan., southwest of here.

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THOMPSON-BELDEN & COMPANY Thompson-Belden Furs In the January Sale THE very highest class of fur garments and separate pieces are offered at reduced prices. Hudson Seal coats, capes, coatees, scarfs and muffs. Mink capes, scarfs and muffs. Moleskin coats, capes and scarfs and fine muffs. Sable throws, lynx scarfs. Fox scarfs and others— Priced 20% Less than their former remarkably low prices, which have prevailed during the past season. A Special Feature Wednesday Natural skin shoulder pieces— of fox, wolf and lynx cat— about twenty in number Reduced to \$36.50 Formerly priced up to \$75 ...All Sales Final... The Fur Room—Third Floor

The January Linen Sale Is Wonderfully Successful It's really an achievement to have such fine linens and be able to sell them at such reasonable prices. Familiarity with the present linen market and the sure promise of much higher future prices—lends added importance to this sale. These Offerings for Wednesday The Finest of Scotch Linen Table Cloths—with Napkins to Match. The Table Cloths: \$27.50 Cloths... \$22.50 \$20.00 Cloths... 20.00 \$35.00 Cloths... 30.00 \$40.00 Cloths... 35.00 \$45.00 Cloths... 40.00 \$50.00 Cloths... 45.00 The Napkins: \$20 Napkins \$15 a dozen \$25 Napkins 20 a dozen \$30 Napkins 25 a dozen \$35 Napkins 30 a dozen \$45 Napkins 35 a dozen \$55 Napkins 45 a dozen Extra Values Irish Linen Pattern Table Cloths 2x2 yards, round designs, \$13.75 quality, \$10 Extra Heavy Irish Linen Napkins 22-inch, various designs, \$13.75 quality, \$11.89 doz. Ribbed Turkish Towels Heavy, 60c quality for 45c Glass Toweling Union, checked, 45c quality, 35c a yard Lace Trimmed Scarfs Regularly priced at 1.50, Wednesday, 95c Glass Towels Hemmed, all ready for use, 35c quality, 25c Wash Cloths 10c ones for 8 1/2c 12 1/2c ones for 10c Dish Cloths 15c mesh knit, 10c New lasts and new shades, above all, new browns are being shown in the shoe section. Light field mouse boots, brown ones with lighter tops, patent leathers, and soft dull kid, fashioned with the grace of line through the instep and vamp that a really smart boot must possess. Heels are quite versatile ranging from the slender Louis heel to medium Cuban, and the military one, for milady's walking boot. From \$14 to \$16.50