

McKELVIE SAYS HE NEVER KNEW OF KIRK'S CRIME

Governor Testifies He Understood Burglary Charge Was Placed Against Omaha Bandit.

(Continued From Page One.)
... he said, and the governor assumed the responsibility in granting them.

McNeny Examines Governor.
An attempt was made on cross-examination to have him testify that furloughs were frequently granted without formal application, but he refused.

When Governor McKelvie was called, Bernard McNeny of Red Cloud conducted the questioning, and on several occasions the governor lost his temper.

The governor testified that he was under the impression that Kirk was imprisoned for robbery and not murder. He stated that he received this impression during a half-hour talk with attorneys Peterson and Devoe.

Questioned closely on this conversation by Mr. McNeny, the governor testified that he didn't remember what was said in regard to the nature of Kirk's crime. He admitted that he did not inquire specifically of the crime as he planned having an investigation made.

Did Not Know Sentence.
Asked if he did not consider it rather careless not to inquire, when a man was sentenced to 20 years in the penitentiary, he answered that he did not remember of knowing the sentence as he was not making the inquiry personally.

He stated that at the time he was busy and not taking the initiative in the case. The governor said he turned the probe over to M. Johnson and knew nothing about Kirk's record. It is known that Kirk's participation in the Omaha bank robbery was the fact that he had forgotten it when the furlough question came up.

The governor testified that he was of the impression that Kirk did not participate in the robbery and that he knew nothing of the murder when he ordered the investigation.

Attempt to Place Blame.
Mr. McNeny remarked that it was strange that he knew nothing of the facts of the case after a half-hour conversation with Peterson and Devoe.

"I fear you credit me for not having very sound business judgment," the governor said.

"Someone is to blame and we want to know whether it is you or someone else," Mr. McNeny replied.

The governor testified that six weeks elapsed after his conversation with Peterson and Devoe, when, on returning from the east, he furlough was called to his attention by Senator Bushee. He said that a few days before the furlough Devoe had spoken to him of it in passing way, but that he thought nothing of it and said that Senator Bushee was responsible for his actions and that anything he did was all right.

Did Not Approve Release.
Senator Bushee had previously testified that the furlough was to be approved by Governor McKelvie before it was presented for Kirk's release.

The governor said he did not know a murderer had been released and when Senator Bushee told him of his action he told him it was all right as he (Bushee) was responsible. He said he had forgotten all about ordering Mr. Johnson to make a report and told Senator Bushee, nothing about it.

Senator Peterson when recalled testified that Mrs. Kirk had never mentioned Senator Bushee to him or he to her in any conversation.

Explained Kirk's Crime.
He insisted that he made it plain to Governor McKelvie the nature of Kirk's crime. He said he and his partner and the warden of the penitentiary all told the governor Kirk was sentenced for murder.

The Johnson report was never spoken of again between him and the governor, Mr. Peterson said. He explained the nature of the case, considered it a personal report. He said he never told Mrs. Kirk of the furlough until just before Kirk's release, as he wanted the governor to know of it.

Mr. McNeny asked Senator Peterson if he thought it possible that he talked with the governor half an hour and he would not know Kirk was sentenced for murder. The senator replied that he could not tell what the impressions of the governor were. He said that most of the time was spent in reading statements and considering new testimony and it was possible he did not emphasize the fact that Kirk was sentenced for murder. He was positive, however, that he told the governor the nature of Kirk's crime.

A. P. Nickerson, state bank examiner, testified that he had examined the depositors' ledgers in all Lincoln banks and that Peterson & Devoe had accounts in but one, the Central National.

advisement. They will meet again Thursday morning and may make a report, although they considered it unlikely.

Abbott Not Sumamed.

Ray J. Abbott of Omaha was not subpoenaed to appear before the commission, according to Cecil Laverty, assistant attorney general.

Laverty declared that those conducting the probe into the Kirk scandal were disappointed with the evidence taken by Mr. Abbott with regard to the hearings.

Mr. Abbott's importance as a witness hinges upon a letter, purported to be from him urging release of Beryl Kirk sent to Governor McKelvie, but mysteriously secured by Attorney Peterson and Devoe, upon which Senator B. K. Bushee testified he based his action in ordering Kirk's "furlough."

Repudiated the Letter.
Before the hearing opened Mr. Abbott repudiated the letter, stating that it was not signed with his signature and that the letter introduced in evidence was not the one he wrote and sent to the governor, bringing up several features of the original letter which he said were not in the copy offered.

At the hearing, however, he testified he had written a letter and that the one offered in evidence was probably the letter he wrote.

In an announcement in The Bee last Sunday, Mr. Abbott said that he would appear before the commission at its reopening of sessions this week, and stated that he had written a letter to the attorney general asking permission to testify. He said he had found the original letter he wrote and that the one in evidence was not his letter.

Mr. Laverty declared this morning that the signature on the letter was compared by officials in the attorney general's office with signatures of Mr. Abbott of official documents in the files of the supreme court, and that the officials were satisfied that it is the same signature.

Says Promised to Appear.
Charles A. Goss, of Omaha, member of the state bar commission, and recently nominated by lawyers of Douglas, Washington and Burt counties for consideration by the governor for appointment to the district bench, stated today that he had called Mr. Abbott by telephone Monday night and asked him if he would testify at the hearing.

Mr. Abbott told him he would, he said, whereupon he advised Mr. Abbott to appear Tuesday, but that Mr. Abbott then said he had a case to try before the district court and would arrive in Lincoln Wednesday.

He stated he had found the original of the letter in question in the files of his office, but that Judge Sears now had it, and that he would secure it from him.

Bank Robbers May Have Escaped by Airplane

(Continued From Page One.)
that afternoon, and a young niece and nephew testified that their uncle, Bill and Mike, were at the watch party.

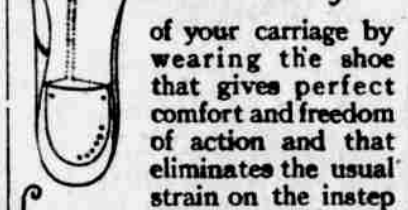
Taxicab and garage men and a policeman testified about a broken down car which was a detail of the alibi. Criticism was heard only of the failure of the accused men to account for their time during the morning and early afternoon of the day of the Omaha bank robbery.

Identify William Finn.
A teller of the robbed bank then took the stand and told how one of the holdup men walked up to his cage and how he looked past the barrel of the big pistol thrust into his cage and observed the features of a man whom he is positive is William Finn.

An Omaha taxicab driver identified William Finn as one of the three men who accosted him on the street the night before the robbery and asked him to point out a car that might be stolen to make a getaway, after bumping somebody off or relieving a bank some change. His testimony linked with other statements indicated that two cars were stolen the day of the robbery. Another Omaha witness was used to support the allegation that Mike Finn was a member of the party that took part in the holdup.

Stating that he could not conceive how the testimony in support of the alibi could be all untrue, Chief Eberstein then asked for the continuance until today, indicating that they would try to be prepared with additional testimony or ready to concede that the St. Paul men were innocent of the charge.

To Heal a Cough
Take HAYES' HEALING HONEY, 95c.



Protect the beauty of your foot and the grace of your carriage by wearing the shoe that gives perfect comfort and freedom of action and that eliminates the usual strain on the instep caused by weak and flexible shoe arches.

The Arch Preserver Shoe is the only shoe with arch structure strong enough to prevent foot arches from stretching and breaking down.

In this handsome shoe the perfect foot takes on even more graceful lines, while the unhappy foot finds in it a harbor of refuge and relief from foot tortures. Sold locally by Drexel Shoe Co. 1419 Farnam St.

WEALTHY DRAFT DODGER CAUGHT; MOTHER FIGHTS

Grover Bergdoll, Son of Dead Brewer of Philadelphia, Arrested After Two Years' Search.

Philadelphia, Jan. 7.—Grover Cleveland Bergdoll, wealthy son of a former brewer, and charged with being a draft dodger and deserter from the army, was captured today while hiding in the residence of his mother. Tonight he is a prisoner on Governor's island in New York harbor, awaiting trial by court-martial.

The capture of Bergdoll, whose brother, Erwin, well known automobile racer, still missing, also is charged with dodging the draft, was as sensational as has been his career in the last five years. Over a dozen federal and city officers participated in the raid. Resistance was offered by the mother, Mrs. Emma Bergdoll, who threatened to shoot the officers and was disarmed only after a struggle.

She was held in \$10,000 bail on charges of assault and battery with intent to kill and conspiracy to prevent the execution of search and arrest warrants. Bail was furnished by her son-in-law.

Disappeared in 1917.
Grover Bergdoll disappeared in August, 1917, and search for him as an alleged draft dodger was made all over the United States and Mexico.

Mrs. Bergdoll threatened death to any officer who entered her home when they appeared today, federal agents said. Strategy was used and the front and rear entrances were forced at the same time. A search revealed Grover hiding in a window box seat on the second floor.

After a preliminary hearing here Bergdoll was taken to New York. "I'm glad I was captured," Bergdoll declared. "I have traveled all over the country since 1917. After shipping my machine back home, I went out to the Pacific coast, spending considerable time in San Francisco, San Diego and Los Angeles. I bought a new car and went to Omaha and motored all over the west. Then I came east."

Father Is Not Alive.
Grover Bergdoll's father is dead. The young man was much in the public eye before he was accused of draft dodging. The owner of fast automobiles, he was several times placed under arrest and heavily fined for speeding and recklessly driving his machine. He was in numerous collisions, in one of which six persons were injured. Later he took to aviation and was charged with the police with flying too low over the city.

When he was drafted, Grover is alleged by the federal agents to have declared he would never fight against Germany, though he was born in this country. In 1914 he offered his services to Germany as an aviator through the local German consul.

If not cracked, a frozen egg can be thawed and restored to usefulness by placing it in ice cold water.

The World's Very Best Sewing Machine

The Ball-Bearing WHITE



Special Bargains in Used Machines, on Sale Thursday--
One for \$5
One for \$7
One for \$10

MICKEL'S

These are shirts with small defects, all repaired. We're sacrificing them to clean up the lot. Sizes, 14 to 16 1/2.

While They Last \$1.15

These are in dark blue and brown and complete with buttons of that fine army quality. Sizes 40 to 42.

Scott Army Goods Store
Omaha South Omaha Council Bluffs

General Pershing Is Guest of City Today

(Continued From Page One.)
Mrs. F. A. Brogan and Miss Jessie Millard will also be on hand to greet the general and his staff.

The general and his staff will be escorted to Fort Omaha by Colonel West for an inspection of various branches of the service there. He expressed keen interest in inspecting Fort Omaha during his stop here last Saturday, and all is in preparation for his arrival.

Will Christen Hangar.
A luncheon in the general's honor at the Chamber of Commerce will begin promptly at noon. John W. Gamble will preside and introduce General Pershing, who is expected to make a short speech. Miss Pershing and Mrs. Butler will occupy a separate table with the woman's reception committee.

The big event of the afternoon will be the general's visit to Ak-Sar-Ben flying field, Sixty-third and Center streets, where the first mail carrying plane, a forerunner of regular air mail service, is scheduled to arrive at 2. When the great plane, which, at the last minute Pilot Walter J. Smith chose to fly, soars into view, bearing 400 pounds of mail, the field will present a gala day appearance. Flags will be flying, a band playing and a number of notables, including Otto Praeger, second assistant postmaster general; Col. J. A. Jordan, in charge of extension of air mail service, and General Pershing himself.

Trucks for Mail.
Trucks from the postoffice will be waiting to carry the mail away for distribution. The plans is a win motor De Havilland of powerful type, and Pilot Smith, who flew the trail-blazing plane here Monday, hopes to make a new record for time in his flight today. He will leave Chicago at 8:30.

Following the air mail ceremonial a private reception will be extended the general at the home of

Ex-Senator J. H. Millard. Next comes an American Legion reception at the Army and Navy club at 4:15 p. m. after which the general will be allowed to rest until 6, when he is to attend a banquet at the Omaha club.

Frank H. Gaines will preside at the banquet and introduce the general. Mr. Praeger and Colonel Jordan will also be guests at the banquet. The general will remain at the club until he leaves at 10:30.

During his stay in Omaha the general will have the car of Nels B. Uplik at his disposal.

Discover New Star.
Cambridge, Mass., Jan. 7.—The discovery of a new star by the Harvard observatory, the 35th in the history of astronomy, is announced.

Admits He Made Talk To Court House Rioters
(Continued From Page One.)
a nigger lover because he hired a nigger to run the elevator in the jail," Nethaway testified. "I said there was only one thing to do and that was segregate the niggers and have Jim Crow cars for them."

"You weren't doing this to incite the mob to go after the negro?" asked Mr. Shotwell.

"No, I didn't think they could get him," said Nethaway.

Says Boast Only a Joke.
"Did you tell Mr. Anderson, the postmaster of Florence, that you fired three shots into Brown's body?"

"Yes, I said something like that, but it was just in a joke," Nethaway replied.

Nethaway testified that he didn't know there was a riot until he took the street car to go downtown to a theater at 7 o'clock. When he and his wife reached Sixteenth and Douglas streets she went to a theater and he went to the riot scene.

Nethaway said he has lived in Florence and Desoto, Neb., for 18

years, being in that time successively, a grocer, a farmer, an insurance man and a real estate dealer.

He was on the witness stand two hours. Completion of his testimony will be reached this morning and the case probably will be given to the jury this afternoon.

Testify for Defendant.
H. W. Harrington, merchant; E. J. Lazure, grocer; R. H. Olmsted, lawyer, and Dr. W. O. Akers, all of Florence, were "reputation" witnesses for Mr. Nethaway.

Under cross-examination by Mr. Shotwell all admitted that they had heard as many people speak against Nethaway after the murder of his wife, as they had heard speak for him. Dr. Akers said, however, that since conviction of the negro for that crime, three-fourths of the

people of Florence speak well of Mr. Nethaway.

The large number of negroes present at the trial was commented on yesterday. About one-fourth of the audience was made up of negroes, men and women.

"Nethaway is known to be one of the principal trouble-makers for the colored people," said one negro. "He is constantly raging against colored people, and advertising bad negroes as typical of all."

"Are any of these negroes here relatives or friends of Charles Smith, the negro convicted of killing Nethaway's wife?" he was asked.

"Not that I know of," he said. "Smith was not an Omaha negro."

Prisoner Takes Notes.
Nethaway pays little attention to the crowd. He busies himself making copious notes of evidence and consulting with his lawyer.

His sister, Mrs. Belding, was in the court room yesterday. His second wife was not present. Nethaway married Miss Stella Bump, December 2, 1918. His first wife was murdered August 26, 1917.

Chief of Detectives John Dunn was a witness yesterday morning. He said he saw Nethaway on the Hurley street side of the court house during the riot of September 28.

A. C. Anderson, a detective, testified that he heard Edward Woods ruff, a man indicted with Nethaway, making a violent speech near the south entrance of the court house.

Frank Raun, 504 Bancroft street, testified to seeing the mob gathering at the Bancroft school Sunday afternoon.

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Exceptionally Fine Linen Values

Irish Linen Cloths
A disposal of odd patterns.
\$12 cloths (2x2 yards) Thursday for \$9.75.
\$13.75 cloths (2x2 yards) Thursday for \$10.
\$17 cloths (2x2 1/2 yards) Thursday for \$12.89.
\$20 cloths (2 1/4 x 2 1/4 yards) Thursday for \$15.

Napkin Reductions

Odd Patterns in Fine Irish Linen
\$12 Napkins (20-inch) for \$8.89 a dozen.
\$12.75 Napkins (21-inch) for \$9.89 a dozen.
\$13.75 Napkins (22-inch) for \$11.89 a dozen.
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Imported Damask

A \$2 quality, 72 inches wide, for Thursday, \$1.75 a yard.
20% discount on all of our Fancy Linens.



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For the woman who desires finer apparel for much lower prices

Not sale garments, but the entirely distinctive clothing which we offer at the opening of each season. Styles with an originality that is not bizarre, and fabrics that are as dependable as they are charming, have been fashioned into apparel of which you'll approve.

Prices from 20% to 50% Lower

Furs, Coats, Suits
Dresses for Daytime and Evening
Blouses for All Occasions
Apparel Sections--Third Floor



Thursday--a Sale of Fine Lingerie



Silk or cotton lingerie which has become soiled or rumpled from display before the holidays, and has been underpriced and is offered on Thursday at remarkably low prices.

Muslin and nainsook gowns with necklines high or low and sleeves either long or short, have been greatly reduced.

\$3 gowns, \$2.19. \$5 and \$5.25 gowns, \$3.98.
\$3.50 gowns, \$2.69. \$7.50 gowns, \$5.98.
\$4.25 and 50 gowns, \$3. \$9 gowns, \$6.98.

Combinations, envelope chemise, drawers, corset covers and bloomers of muslin and nainsook have also been reduced for Thursday.

Silk Lingerie Has Low Prices

Crepe de chine, satin and tulle trousseau silk gowns have the following prices:
\$6.50 quality, \$4.98. \$11 quality, \$7.98.
\$7.25 and \$7.50 quality, \$5.98. \$11.50 quality, \$7.98.
\$8.25 and \$8.50 quality, \$6.49. \$14.50 quality, \$9.98.
\$10.75 quality, \$6.98. \$18 quality, \$11.
Lingerie--Second Floor

Women's Fine Shoes

Decidedly Reduced in Price

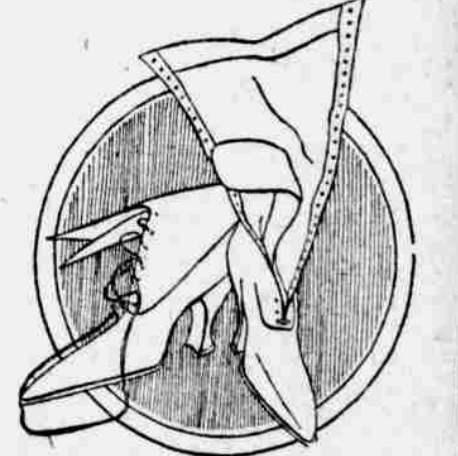
An opportunity such as is seldom presented, for these are the best of styles—all at a saving.

A choice of our entire stock of shoes—in dark brown, field mouse and black kid—patent leather and suede. Every one new and fashionable and in good sizes.

Regularly \$15 to \$18---Thursday \$12.85 a Pair

Five hundred pairs of desirable shoes—but in broken sizes—colors, combinations and black. Sold formerly up to \$15 a pair. Thursday only \$6 a pair.

Black kid shoes with military and Cuban heels are all reduced 20% in price. Thursday your choice, \$1.95 pair. (No fittings on these \$1.95 shoes) All Sales Final



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The Careys have divorced cheap and inferior cleaning of all kinds. They have no branches or agents, give no discounts. Think it over. You get the benefit. Webster 302. We clean hats and suspenders for 15 cents.