

Counsel for Matricide to Prove Guilt

Dorothy Ellingson's Own Attorneys Base Insanity Plea on Evidence That She Killed Own Mother.

She Does Not Faint Once

San Francisco, April 2.—By a strange twist the murder trial of Dorothy Ellingson, 17-year-old slayer of her mother, has taken in developing a determination of her insanity, her own attorneys introduced evidence today to establish by circumstantial evidence that she killed her mother, as charged.

Her father admitted he did not attribute her mental condition to her failure to attend church. Further questions elicited from him that she had been ebullient virtually every time he visited her in jail. She refused to answer questions, he said, and didn't appear to know what it was all about. He conceded she had answered other questions about how she felt or how she was treated.

Assistant District Attorney Harmon D. Skillin read an extract from testimony at the coroner's inquest noting Ellingson as saying he "never had noticed anything wrong with her mind."

Ellingson was excused and Lieutenant of Detectives Charles Dulane, head of the police homicide squad, took the stand. He told of his investigation of the death of Mr. Ellingson.

San Francisco, April 2.—Dorothy Ellingson opposed the selection of Alexander Mooslin as her chief counsel in an angry scene, Joseph Ellingson, father of the 17-year-old matricide declared on the witness stand today on cross-examination.

"She said she didn't like him," Ellingson said in reply to questions propounded by the state over the heated objection of the defense.

Despite the fact that she had heard her own father call her insane, she is alleged to have killed her mother produced in court and heard the story of the finding of her mother's body, Dorothy for the first time in a week walked from the courtroom at noon today without collapsing.

She was smiling as she left the courtroom at the evident discomfiture of Attorney Mooslin whose face was scarlet. She was heard to remark "that old Mooslin didn't seem to like it."

Police Lieutenant Charles Dulane of the police homicide squad was called and described the death scene in the Ellingson home. He told of the gunshot wound and of finding the revolver with which she was slain.

"Have you that revolver?" he was asked. Dorothy lowered her head as the huge revolver was produced and identified. She did not faint, two in number, were produced. Her nervousness increased though and the police matron placed her arm about her to calm her.

Defense and state clashed over introduction of the weapon. Defense counsel admitted it was their intention to show by circumstantial evidence that Dorothy killed her mother. This was a complete change in their procedure.

Convict Loses Fight to Collect on Insurance Policy of Wife He Killed

Son to Receive \$2,500 Lawyers Sought to Gain for Father—Slayer Considered Same as Dead Under Risk Statutes of Nebraska.

A man cannot insure his wife's life, kill her and then collect the insurance money.

This is the purport of a decision handed down Thursday by District Judge Sutton in the case of William L. Phegley and the Old Line Insurance company.

Phegley was sent to the state penitentiary for the murder of his wife, Laura. He is now in the penitentiary for the crime, but counsel for him was seeking to collect a \$2,500 insurance policy covering the life of Mrs. Phegley.

Rotary's Work to Rescue Crippled Children Related

Dr. Henry Tells Listeners How Much Their Help Means; Governor McMullen on Program.

Nebraska's governor, Adam McMullen, and Dr. E. C. Henry were the featured speakers at the Thursday afternoon session of the 19th district Rotary conference held at Elks club auditorium.

Dr. Henry said: "We manufactured 2,000,000 cripples during the world war. This was mainly responsible for the growth of industrial surgery, a term applied for the new method of treating those crippled by accidents."

There are three great diseases which make cripples, the speaker asserted. He described these as infantile paralysis, a disease which science has not yet completely solved, Little's disease, and on the brain which comes frequently at birth, and tuberculosis, of which much has been learned.

"A healthy body and a healthy mind is a significant thing—one acts on the other," he said. He emphasized the influence of environment in the modern method of cure depended much on the mental attitude of the cripple.

Three reels of motion pictures illustrated the lecture. The pictures showed the old and new institutions for the treatment of the crippled.

Dr. Henry concluded his talk by referring to "The Master Rotarian of 1900 years ago and the service he rendered to humanity."

Governor McMullen, at the close of the session, spoke on the practical ideals of Rotary and likened them to the Golden Rule. The idea that Rotary is trying to promote is to do away with all wars and jealousies, he said.

Other Rotarians who spoke briefly during the session are John Beveridge, Omaha superintendent of schools; Cliff Brooks, Fairbury, Neb.; Arthur Jones, Hastings, Neb.; Harry Thorpe, Norfolk, Neb.; John Knutson, Sioux City; Walter Heid, Omaha banker.

Foland Home Burned.

Bridgeport, April 2.—While the family of John Foland was away from home fire of unknown origin destroyed their house near Stewart.

Oust 15 Men to Aid Mate

Dismissal Ends 48-Hour Deadlock in Case of Tony Pennessi, Charged With Slaying Conspiracy.

After deliberating for 48 hours without reaching an agreement, the jury today decided whether or not Tony Pennessi was guilty of conspiring to kill Angelo Tamborano was dismissed by District Judge Charles A. Goss at 5 Thursday evening.

The jury stood eight to four for conviction when the last ballot was taken. More than 15 hours the jurymen cast their votes. When they first voted there were six for conviction and six for acquittal. Next two votes were seven to five for conviction. During the last eight hours of their deliberations the vote remained eight to four.

Released on Bond.

It stood thus when Judge Goss called the jury in Thursday morning and read "additional instructions," in which he advised the jurymen to give consideration to the arguments of the majority. The judge pointed out the great expense of the trial in urging the jurymen to reach some decision pending another trial.

The jury went out at 5 Tuesday after lawyers for defense and state had argued two and a quarter hours and Judge Goss had given his instructions.

Trial of Pennessi on charges of conspiracy to commit a felony began a week ago Thursday. At his own request, he was tried separately from the two alleged conspirators indicted with him, Vincent Ritonyaya and Jim Clarizio, the latter a brother of Mrs. Angelo Tamborano.

One Turns State Witness.

Ritonyaya, turning state's evidence, told on the witness stand, a remarkable story of cold-blooded plotting to murder Angelo Tamborano. He said Pennessi offered him and Ed Moravec \$300 for the "job," that they went to where Tamborano worked, the Missouri Pacific railroad yard, the night of January 28 and that Moravec struck him with a small ax several times.

Ritonyaya, overcome with remorse, confessed that he had \$10,000 insurance was taken out on Tamborano's life within a few weeks before the attack on him.

Punishment provided for conspiracy to commit a felony is jail sentence up to two years and a fine of not more than \$10,000 or both.

EVANS CASE NOW SET FOR MAY 11

Ivan D. Evans is now to be tried on May 11. His trial was set for April 1, but his counsel, Judge Sullivan of Broken Bow, appeared before Judge Charles A. Goss Wednesday afternoon with a request for another continuance.

County Attorney Henry Real pointed out that the trial of Evans, who is former county attorney of Thomas county, has been delayed for fully a year. Sullivan based his request for continuance on the fact that he must try cases up state during April, and therefore would find it difficult to appear here for Evans.

Evans, who is charged with soliciting a bribe while he was holding a public office, appeared in the courtroom for a few minutes. His counsel first argued to quash the charge against Evans, and when Judge Goss refused to do this he asked the continuance until May.

Electric Power Installed in Shops at Plattsmouth

Plattsmouth, April 2.—The Burlington shops here are gradually substituting electric power for steam power and have recently contracted with the Nebraska Gas and Electric company, which maintains a central generating system here, and is also connected with Lincoln and Omaha by high tension lines, for current. The original installation was for direct current manufactured in its own shops, but is now being changed to alternating.

Child Wife Takes Stand to Aid Mate

Girl, 14, Pleads for Husband, 28, Charged With Aiding and Abetting Delinquency.

District Judge L. B. Day is to pass today on the legality of the marriage of Mary Vokatz, 14-year-old Highland grade school girl, to Jesse Vermuelen, 28, former soldier and a father by a former marriage.

Charges of aiding and abetting the delinquency of Mary, prosecuted by the county attorney's office, were heard by Judge Day Thursday afternoon.

Mary took the witness stand during the hearing, testifying that she had "gone" with her husband for two years, that he had often taken her to dances and that she wanted to continue being "Mrs. Jesse Vermuelen."

Vermuelen took the stand in his own defense. He said he had bought his way out of the army for the sole purpose of marrying Mary. He obtained a job, earned money to buy furniture and a lot for their future home, he said.

"Parents Consented."

Vermuelen also declared Mary's parents, who caused the complaint to be filed against him, knew of his intentions to marry the child, and that they did not object. He said he lived for more than a month with them, and that the furniture he bought in preparation for the wedding had been moved to their home at 2616 Drexel street.

Mary's father wept bitterly on the witness stand, as he charged that Vermuelen had deliberately stolen his little daughter away from him. He said, through an interpreter, that Mary was much too young to marry.

John Osmond of Sarpy county, who drove Vermuelen and his child wife to Lincoln on a week-end honeymoon and who also is charged with aiding and abetting Mary's delinquency, testified that he thought the child's parents knew and approved of the marriage.

Sensation Predicted.

Counsel representing both Vermuelen, the bridegroom, and Osmond, argued that they could not be guilty of aiding and abetting delinquency because "there is no delinquency in this case."

"You are Mrs. Jesse Vermuelen and wish to be known by that name, do you not?" he asked the child.

"Yes," responded Mary.

"And he was good to you while you were together?"

"Yes, he was," said Mary.

Iowa laws hold the marriage of 14-year-old girls legal, and Vermuelen and Mary were married in Council Bluffs.

It is predicted that Judge Day's decision may prove sensational.

Father Uses Timber on Daughter's Escort; Court Declines to Take Action

Parental Ire Aroused When 10 P. M. Comes and Pair Fails to Return; Strong Measures Receive Approval of Judge Crawford.

Shields beware! Fathers may now chastise young men who keep their daughters out after the time set for return.

At least County Judge Crawford held that they may in deciding the case of Clyde E. Garner, 25, 1516 M street against Ernest Henderson, 40, 46th and M streets.

Clyde was chastised by Mr. Henderson. He had been out with Mr. Henderson's 17-year-old daughter, Alice. When he drove Alice home at 11:30 Tuesday evening, Mr. Henderson met them.

Judge Halts Suit of Duell Against Woman Film Star

Former Head of Movie Concern Ordered Held for Trial on Perjury Charge; Sanity Doubted.

New York, April 2.—Federal Judge Mack today put a dramatic finish to the trial of a suit to compel Lillian Gish to make movies only for the company headed by Charles H. Duell.

The court abruptly halted the testimony of a witness, dismissed the suit, ordered grand jury proceedings aimed at Duell's indictment for perjury, and further recommended that he be taken to disbar him from practice as an attorney.

Duell was ordered held in \$10,000 bail for grand jury action on the court's charge of perjury, but later was released in custody of his brother.

Federal Attorney Backner announced he would present the charge to a grand jury next week.

The court said with one or two exceptions he never had judged a case of more flagrant, outrageous breach of trust and overreaching, or involving more down-right perjury than had been shown by Duell.

WOMAN'S CLUB DISTRICT MEET

Special Dispatch to The Omaha Bee.

South Sioux City, Neb., April 2.—The 23rd annual convention of the Woman's Club of the district of the Nebraska Federation of Women's Clubs will be held here April 7, 8 and 9.

Attorney General O. S. Spillman will speak on "Law Enforcement" at the meeting Tuesday evening, April 7.

Shepherd to Get Speedy Trial, Plan

Defense Counsel Continues Fight for Bond, However, Despite Promise of Quick Action in Case.

Chicago, April 2.—William D. Shepherd will be arraigned next Thursday on a charge of killing his millionaire ward, William Nelson McChesney, by administering typhoid pills after McChesney had made a will in his favor. Shepherd's trial will be set for as early as the court can fix it.

Those promises of speedy action constitute about all the satisfaction Shepherd got today out of his second effort to obtain his liberty on bail pending trial.

Judge Jacob H. Hopkins flatly refused to reopen the matter of bail and ordered Shepherd back to a cell in the county jail. His attorneys said they would take the bail question to the supreme court, no matter how soon his trial was set.

Judge Twice Denies Bail

By Universal Service.

The defense came into court today with a mass of affidavits which, they claimed, would prove that the entire case against Shepherd was a "frame-up" with blackmail as the original motive.

No Proof of Innocence.

Judge Hopkins, after reading the affidavits, held that with one exception they were merely reflections upon the integrity and reliability of witnesses against Shepherd and offered no evidence tending to show he was innocent.

The exception was the affidavit of Mrs. Anna Koch, who said that her son, Earl Clark, has confessed to her the whole case against Shepherd was built on perjury and that his own testimony was false.

Both state and defense claim Clark as a witness. It was Clark who first told the authorities that Shepherd had written a letter to the school asking about a course in bacteriology. The defense recently charged that Clark had repudiated that statement and confessed he knew nothing about the case except that he had been told that to say by Fauman and Marchand.

Clark, who has been in custody several days as a result of his supposedly vacillating attitude, today issued a statement that his mother misunderstood him, that he had not told her he was a party to any frameup, but that his personal opinion was Shepherd was not guilty in spite of the strong circumstantial net the state has weaved about him.

Bares Bribe Offer.

"A private detective for the defense told me if I would go along with his side I would be fixed up after the will giving the fortune to Shepherd had been probated," said Clark. "Ten thousand dollars was spoken of as my reward. Later a lawyer asked me to sign a blank affidavit which he would fill out and would give me \$5,000 for me to leave the city. He had given me liquor but I refused."

Shepherd's attorneys issued a prompt denial.

"The only promise ever made Clark was complete protection if he would tell the truth," the statement said.

"There was no semblance of an offer or a bribe to him and he was not given or offered any liquor whatever," Clark, the defense attorneys said, had made four statements absolving Shepherd and all of them in the presence of disinterested witnesses and of his wife and friends and at no time was he or Shepherd's representative alone so there was neither an attempt to bribe or intimidation.

Bank Employees Admit Theft of \$105,000 Funds.

Philadelphia, April 2.—Charles F. Lukens, assistant cashier, and Albert C. Hamill, bookkeeper of the closed Parkersburg (Pa.) National bank pleaded guilty to misappropriating approximately \$105,000 of the bank's funds. Hamill was sentenced to two years imprisonment and fined \$5,000. Sentencing of Lukens was deferred.

23 Added to Emerson Legion Post by Drive

Emerson, April 2.—In a campaign put on here by two divisions of the local American Legion, 23 members were added to the organization, 15 being obtained by the winners and eight by the losers. The losers served the winners with a chicken supper followed by speeches and music.

York Club Elects Officers.

York, April 2.—At the annual election of officers of the York Woman's Department club, having over 200 members, the following officers were elected: President, Mrs. Robert Gale; Vice president, Mrs. C. G. Bennett; Second vice president, Mrs. Oscar Rystrom; Recording secretary, Mrs. C. R. Tainson; Corresponding secretary, Mrs. F. P. VanWinkle; Treasurer, Mrs. Glenn George; Auditor, Mrs. E. W. Emery.

Summary of the Day in Washington

An effort to postpone consummation of the sale of the president ship was blocked in a shipping board meeting.

Agitation was revived for action by the United States to hasten funding of war debts, particularly that of France.

The treasury announced that March tax totaled \$422,000,000—within one half of one per cent of preliminary estimates.

The national geographic society announced plans for a five year study of solar heat with a view to long range weather forecasting.

The navy department denied that the return here of Rear Admiral Charles F. Hughes had any significant connection with the fleet.

The Weather

For 24 hours ending 1 P. M. April 2.

Hour	Temp.	Wind	Clouds
8 A. M.	48	W	100
9 A. M.	48	W	100
10 A. M.	48	W	100
11 A. M.	48	W	100
12 M.	48	W	100
1 P. M.	48	W	100
2 P. M.	48	W	100
3 P. M.	48	W	100
4 P. M.	48	W	100
5 P. M.	48	W	100
6 P. M.	48	W	100
7 P. M.	48	W	100
8 P. M.	48	W	100
9 P. M.	48	W	100
10 P. M.	48	W	100
11 P. M.	48	W	100
12 M.	48	W	100

We Have With Us Today

A. W. Hickman, Lumberman, Aurora.

Mr. Hickman came to Nebraska exactly half a century ago last Wednesday, he recalled on his arrival in Omaha to attend the Rotary convention. He is a charter member of the Rotary club of Aurora.

Bonfire Burns Home.

Steynsford, April 2.—The home of George Simpkins, old resident of this place, was destroyed by fire starting from a bonfire which Mr. Simpkins had lit in the yard to burn dry grass and leaves which he was raking up. Very little was saved and the loss is estimated at \$2,500.

Married in Council Bluffs.

The following persons obtained marriage licenses in Council Bluffs yesterday:

William Schmeiss, Oakland, Ia.	24
Edith Kinsler, Council Bluffs	24
Robert E. Phillips, Council Bluffs	24
William Nelson, Oakland, Ia.	24
M. S. Ripley, Moffett, N. D.	24
Arthur Paine, Lincoln, Neb.	24
Luther Maynard, Omaha	24
Harold DeWitt, Omaha	24
Ray A. Horn, Omaha	24
Verna M. Lamb, Omaha	24

Walthill Resident Sets New Golf Record on Links in Florida

Wakfield, April 2.—According to word received here, Charles Mathewson of Walthill, a former resident of Wakfield, who has been spending the winter in Florida, recently celebrated his 78th birthday anniversary playing golf and breaking the record on the links where he played by playing 78 holes in eight hours.

Farm Barn Burned.

Bellevue, April 2.—Fire of the known origin destroyed a barn on the Mack Radcliff place southeast of here near Broadwater Monday. There was no one living on the place.

Blood Poison Follows Injury.

Liberty, Apr. 2.—Harold Denaree, young laborer of this place, was severely injured while working on a ranch near Hyannis, according to word received by L. B. Sharp, his father-in-law. Denaree was hauling hay when a singletree broke and struck him just below the knee, inflicting a wound that developed blood poison. Physicians are of the opinion that the leg can be saved.

Auto Upset in Ditch.

Wymore, April 2.—A heavy automobile owned and driven by M. R. Kinley, resident of Wymore for many years, and occupied with him by a Wymore young woman and another Wymore couple, was overturned in the ditch at a turn in the highway a short distance from this city on Wednesday night and all occupants escaped serious injury. The car was wrecked and was towed in.