

BRANDEIS DENIES CHARGE

Local Mercant Takes the Witness Stand in His Own Defense.

HAS RECORD OF WHEREABOUTS

Gives Detailed Statement of Where He Spent His Evenings During the Time for Which the Suit is Brought.

(Continued from Page One.)

would be from the outside? A. From the outside.

Q. And at that time you were in your apartments and were actually in your sitting room? A. In the front room, yes.

Q. Now, upon the rap coming at the door, Mr. Brandeis, state to the jury what you did and whom you found there? A. Well, I asked who was at my door, and he replied that he was a friend of Adolph.

Q. Did you make that inquiry and receive his reply before you had opened your door? A. No, I believe I opened the door.

What the Boy Wanted.

Q. Then upon making that query and he making that reply as you state, what then occurred, or what was said or done by either party or both of you together?

A. He seemed to wish to explain in reference to a check that was presented to me in the store.

Q. And without going into details concerning that check, who had the custody or looking after it outside of yourself? A. It was referred to the superintendent.

Q. Who was that? A. Mr. Redmond.

Q. And that related to some transaction in connection with Adolph, who had brought you the letter? A. It did.

Q. Now, upon his making reference to that matter, what did he say, if anything, with regard to desiring to give you an explanation of that transaction? A. This Adolph was a friend of his and seemed to be unhappy.

Q. Never mind; I am not asking you about him; I am asking you about him; I am asking you about Clarence.

Q. Just say what you said and I will come to the condition and what your reasons were later on. A. Well, I finally paid this sum of money.

Q. That would be \$7,500? A. \$7,500.

Q. How soon after this talk, and after you had agreed under the conditions that existed to make this payment, did you actually pay it? A. The following morning.

Q. And then did you get this receipt that has been referred to as exhibit 8 at this time? A. Yes.

Q. And now, Mr. Brandeis, when you made this request of Judge Baxter to see your attorney, Mr. Kennedy, before being required to act or give your answer, or for the opportunity to consult him or to see your personal friend, Mr. Wharton, was that permission granted to you?

The Court, State what was said.

Q. When you made this request to which I made reference in my last question, and embodied in my last question, what, if anything, did Judge Baxter say in reply to you? A. Why he gave me to understand—

Q. Well, just state as near as you can the substance of what he said as to giving you the opportunity to see your attorney or to see your personal friend, Mr. Wharton. A. He said no one knew of this up till now and everyone would know of this story—can I say that?

Q. Well, never mind—no one knew of it at that time? A. No one knew of it at that time.

day after the election, the 7th, I think is right.

Q. How did you get any word or notification from Judge Baxter, or anyone else, that anything of this kind was in contemplation? A. He phoned to me.

Q. When he phoned to you did you know what he was phoning about? A. I did not.

Q. Did you respond to the phone? A. I did.

Q. At the time you were phoned to, as you state, and at the time that you responded, did you know then or have any knowledge whatever of Mr. Brandeis that the matter Judge Baxter wished to see you about had any reference whatever to Clarence Riskey? A. I did not.

Q. Then did you go up to Judge Baxter's office? A. I did.

Q. About what time in the afternoon of that day was it? A. Late in the afternoon.

Q. Who was there when you arrived, besides Judge Baxter, if anyone? A. Not anyone.

I. Now proceed, Mr. Brandeis, and state just what Judge Baxter said to you and what you said to him. A. His words, as near as I can remember, were: "Arthur, I have a very serious charge to make."

I replied and said, "What is it, Baxter?" He responded, saying: "You had a boy in your room last night." I said: "Why, yes, what of that? Then he went on to say that I am accused. I don't know just what word he used—

Q. Well state the substance. A. I am accused of—well, really, I don't know just how he put it.

Q. Well, some charge. A. I am accused of some unnatural charge.

Q. Well, all right, go ahead. A. I told him and denied it. I said positively that there was not a word of truth in that.

Refused to Admit Counsel.

Q. Yes? A. He went on to say that he was a friend of mine and took this case because he was a friend. I then said I would call my attorney, Mr. Kennedy.

Q. And he went on to say he would call his two partners in then, and until this time he said no one knew of this but this woman and her son. I next wanted to get Mr. Wharton, who I said, was a personal friend of mine. He then said he would get additional attorneys and really, under the circumstances, I think the condition I was in—

Q. Just say what you said and I will come to the condition and what your reasons were later on. A. Well, I finally paid this sum of money.

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His Physical Condition.

Q. That is all I care for on that. Now, you referred to your condition, both physical and mental; were you in that same physical and nervous state at this particular time when you went up to Judge Baxter's office as you have herebefore described? A. I was in a very nervous condition at that time; felt that I couldn't get through with the thing that I am going through now.

Brandeis Cross-Examined.

Mr. Brandeis in the early part of the afternoon went through an extensive cross-examination. The statements made by him in his direct examination were unshaken. Practically the only sharp retort made by him was in connection with the events which took place in Irving F. Baxter's office when he agreed to pay \$7,500 to Mrs. Paul, after having been refused the privilege of consulting with his attorney, or with friends. After repeated questions about this transaction, he said to Attorney Brady, representing Mrs. Paul:

"Doubtless you think I was a fool to pay it, and so do others, and I was."

In response to questions whether he could remember more of the conversation which took place there than he had related, Mr. Brandeis replied:

"Certainly I did not shell out \$7,500 without more talk, but that is all I can recall now."

Mrs. Brandeis, speaking in a low, distinct voice, drew the attention of the entire court room as she testified in defense of her husband. She said they had been married twenty-four years.

Tells of Home Life.

"I came from New York to Omaha, October 1, 1912," Mrs. Brandeis testified, "and my husband and I went to our apartments on the eighth floor of the Brandeis Theater building, where we lived until October 6. Then we went to the home of my sister-in-law on Thirty-eighth street and we spent every evening together until October 22, when I went to New York, with the exception of October 17 and 18, when my husband was in Chicago. I remember distinctly that he was with me every night."

Mrs. Brandeis testimony was unshaken during cross-examination.

Testimony of Sister.

Mrs. Cohn, sister of Mr. Brandeis and widow of Herman Cohn, testified that she spent every evening with Mr. Brandeis from October 22 to election day, 1912, corroborating his testimony that he had not left her alone nights because she was in a nervous state as the result of the murder of her husband.

"On election day," Mrs. Cohn continued, "my brother, who was then living at my home, said he would return home late that night because he would

wait to learn the result of the election. I begged him to remain that night at his downtown apartments because I feared to allow him to come home late at night. My husband was murdered almost at our own gate at midnight as he was returning home with our eldest son. He consented."

Dates Impeach Riskey.

Miss Mae McNamara, Mr. Brandeis secretary, gave evidence corroborating his testimony that the letter from the Nebraska Humane society, the delivery of which is admitted by both sides to have been the occasion on which Mr. Brandeis first saw Riskey, was not brought to him by Adolph Brandeis, accompanied by Riskey, until September 20. She fixed this date by the facts that she had just returned from her vacation; that similar circular letters sent out by the society bore the same date, and that the stub of a check book showed that she sent Mr. Brandeis' check in response to the letter shortly afterward.

The dates impeach the Riskey boy's veracity as he swore that the episode of the letter occurred early in September and that he met Mr. Brandeis frequently during the same month.

Key to the Situation—Bee Advertising.

From Our Near Neighbors

Waterloo.

Miss Della Robinson went to Omaha Tuesday morning for the occasion of Miss Glen Englecke's visit to Omaha Saturday evening for a visit at the Herbert Bell home.

Boyd Harrington came from Newman Grove Monday for a week's visit with the home folks.

Miss Minnie Coats, who was spending a vacation at home, returned to Omaha Tuesday afternoon.

Mr. and Mrs. Phillip Crink returned Wednesday from a visit at Yutan with their family.

The marriage of Miss Hansen to Mr. Homer Payne was solemnized Wednesday, February 18, at Omaha.

Harrison Morris, Homer Payne, Max Herrington and the editor, went to Omaha Saturday noon on business.

Mr. and Mrs. Temple Robinson were at home Saturday evening to a number of guests in pleasant little Valentine party.

A party was given at the home of Mrs. C. C. Feasbody, for the occasion of Miss Hale's Sunday school class of boys at a Valentine party Saturday evening.

A miscellaneous shower was given last Saturday afternoon for Miss Bessie Hansen, daughter of Mr. and Mrs. Hans Hansen, at the home of Mrs. Roscoe Morton.

J. C. Robinson was in Chicago one day last week, having gone with a party of capitalists from Omaha to witness an exhibition of a patent known as the Roney mail catcher.

Mr. Arbie Mendenthal entertained the seventh and eighth grades, members of the school, and a few others, Friday evening last, at the home of Mr. and Mrs. J. C. Robinson.

Weeping Water.

E. F. Marshall is in Ohio attending a business trip.

C. S. Newlon went to Sutton, Neb., Tuesday on a business trip.

Mrs. John Schwin of Murdock visited with Mrs. H. M. Ratnour last Wednesday.

A. I. Ralston arrived home Thursday from a trip of several days at Butte, Neb.

Mr. and Mrs. Charles Hitchman of Omaha came down Wednesday to visit his parents for a week.

M. J. Wickeraham and D. M. Johnson, retail hardware dealers, attended the convention at Lincoln this week.

Mrs. C. H. Crew, for months a sufferer from cancer, died Thursday morning. She leaves a husband, two boys and two girls, children all grown.

Mrs. Frank Bokelman was seriously scalded Tuesday. She fell while carrying a teakettle of hot water. The hot water scalded her body from the neck down.

The funeral of H. B. Jones was held at the Methodist church Thursday afternoon. Rev. W. M. Rose officiated and the body was buried in Oakwood cemetery.

W. H. Bull of Omaha was a visitor here Thursday with his many old-time friends. He has purchased a fruit farm near Pacific Junction, Ia., and will move there in March.

The program committee of the Congressional brotherhood has planned another fine evening's entertainment for their next meeting night. "The Good of the Community" will be discussed.

Mrs. Lydia Roach and young son of Madison, Wis., was the guest here Tuesday and Wednesday of the Misses Bates. Mrs. Roach had been visiting several days in Lincoln with relatives and friends before coming to Weeping Water.

Springfield.

Mrs. W. E. Miller spent Sunday with her son, John, in Lincoln.

The Peru Normal Glee club will give a concert here on February 23.

Mike Dowd of Oregon was here to see his cousin Ed Dowd last Tuesday.

Miss Grace Salsbury of Lincoln was the guest of Eula Bates this week.

W. C. Billings has opened a poultry and cream station in the Dow building.

Miss Helen Morton of Stratton, Neb., visited at the Besack home over Sunday.

Thomas Nelson attended the meeting of the state hardware dealers at Lincoln this week.

District Superintendent Hislop held quarterly conference at the Methodist church last Tuesday.

Misses Myrtle and Margaret Risher of Plattsmouth were here to attend the Kestler-Adair wedding.

Mr. and Mrs. W. E. Timme have advertised a sale of their personal property

preparatory to leaving for New York state.

Electricity was turned on for the first time here last Tuesday.

John Schaal got his ice house filled with a fine quality of ice, and now we are not fearing an ice famine.

Mr. Rice, who has made his home among us since last summer has gone to La Platte precinct, where he will farm this year.

Alfred Chapman and Miles Carpenter left with their families for southern Nebraska, where they will make their future home.

On last Wednesday at the residence of the bride occurred the wedding of Miss Pearl Adair to Louis Kestler, Rev. E. J. Grinnell, officiating. The young couple will make their home at Parnam, Neb.

The high school team is to debate a team from University Place on March 4. Those representing the team here are Lawrence Nelson, Chas. Beasack and Bernice Elwell with Elliott Willet as alternate.

Valley.

J. S. Kennedy made a business trip to Fremont Saturday.

Wille Ferree, who has been ill with pneumonia for three weeks is much better.

Mr. and Mrs. J. J. Miller will move back to their home from Omaha very soon.

Mr. and Mrs. F. C. Kennedy and Mrs. John Derthick were Omaha visitors on Thursday.

Mr. and Mrs. Fred Endfield moved into their house in Valley and John Lentell is moving on the farm they vacated this week.

Miss Waugetta Cook and Freda Helmreich went to Omaha Saturday to visit Mrs. John Lentell, who is still in the Methodist hospital.

Elmer White, who has farmed the J. J. Miller home farm the last year, held his sale Saturday and will move to Waterloo March 1, where he will take charge of the dairy he has purchased.

The Methodist Episcopal Sunday school gave a banquet for its members and a 4 o'clock. This is the close of a very successful red and blue contest for membership and attendance.

The regular meeting of Valley Women's Christian Temperance union will be held at the home of Mrs. George Fouts Friday afternoon. Subject of study, "Social and Red Letter Days." Mrs. Butts and Mrs. John Devores are superintendents.

Ray Gardner returned from Tilden Saturday. His wrist, which was hurt last Thanksgiving, will have to be kept in a cast for some time and he will not be

able to take up his study in the University of Omaha this semester.

Miss Waugetta Cook enjoyed a visit from her sister, Miss Cook of Lincoln, Sunday and Monday.

Mrs. Cora Burt held her sale Wednesday, which was well patronized and very satisfactory. She will occupy the house on Carl Hall's farm and Mr. and Mrs. Chandler will take possession of the farm she vacates, which they purchased last fall.

The regular meeting of the Valley Woman's club was held Friday afternoon at the home of Mrs. Turner. Huttel held the lesson study and Mrs. E. Ewing had charge of the musical program. The club adopted the revised constitution and has made application for membership in the General Federation of Women's Clubs.

Elkhorn.

Mrs. Louis Neimann is quite sick with quinsy.

J. E. Spearman came from Papillion Wednesday.

Mrs. J. M. Brunner went to Papillion Wednesday.

Mrs. Ida van Aist was called to Stuttgart, Ark., Thursday on account of the



BERG SUITS ME. SPECIAL SALE OF Men's and Young Men's Advance Spring Styles of Blue and Black Serge ---SUITS---

Now is the time when you most need a blue or black suit. It's a little too early for light weight spring clothes and just the right time when a blue or black suit comes in handy and tides you over. We've the new models in two and three-button sacks with the wide soft roll lapel, wide concave or the narrow British shoulders, straight front or round cornered, with or without sleeve cuff.

Very special at— \$9, \$10, \$12.50, \$15, \$17.50, \$20, \$22.50, \$25, \$30

Many splendid values to be had in our Great Suit and Overcoat sale at—

HALF PRICE

Men's Underwear Sale \$1.00 Garments, 75c \$1.50 Garments, \$1.15 \$2.00 Garments, \$1.50 \$2.50 Garments, \$1.65 \$3.00 Garments, \$2.25 Men's Shirt Sale \$1.00 Shirts, . . . 75c \$1.50 Shirts, . . \$1.15 \$2.00 Shirts, . \$1.50 \$2.50 Shirts, . \$1.65

Boys' Suits and Overcoats Values that always sold from \$2.50 to \$7.50 are to be had at— \$1.90, \$2.45 and \$3.45

Men's Odd Pants \$1.45, \$2.45, \$3.45, \$4.45, \$5.45

Berg Clothing Co. ISLE & DOUGLAS

The Money Drawer Versus the Tar Room Thos. Kilpatrick and Company Confronted by an Emergency Condition SPRING GOODS CROWDING IN DEMAND ROOM-SPACE CONTRACTED. SCORES OF GARMENTS MUST EITHER GO INTO COLD STORAGE—TAR ROOM—MOTH BALLS OR THE MONEY DRAWER. The money drawer got the verdict, and now for results. On Saturday morning at TEN O'CLOCK, we bunch in one lot all the left-overs. About 20 Women's Coats. About 22 Silk Dresses, light and dark colors. About 23 Wool Dresses in serges and fine cloths. About 15 Children's Fine Wool Dresses. About 10 Junior Wool Suits. \$15.00 to \$50.00 Former Prices \$5 For Pick Saturday This is a fare you well and a farewell price—to make an end of the whole business. Should not and will not take long to end it—and there must be NO COME BACKS, NO ALTERATIONS, NO APPROVALS.

About 35 Children's and Junior Coats at a DOLLAR A PIECE. Have the DOLLAR handy, please, so that the selling may be rapid. Supple! Lithe! Graceful! Such are the terms applied by our head fitter to the new Redfern Corsets She tells us also that they produce the flat back—and give a natural curve to the front. And the new styles in dresses demand these effects, we understand. Cut conveys a faint idea. Talk to our experts; you will need their counsel this year—if you would combine comfort with style. Telephone for fitting reservations if possible.

Kilpatrick's Buy the Colling Stock Some would have made a front page news item of this. Matters of much less importance are featured daily—frequently freely also. Sunday papers will contain particulars. W. C. Colling is known to hundreds of people of good taste in Omaha. We think we are within the limit of truth when we say that there never was a man of more artistic or better taste in business in this city. The stock is not a large one—but splendidly assorted. Goods now on display in east window. SALE MONDAY. ONE-HALF THE COLLING PRICE or less will be the selling method. Those who know the Colling stock will need no urging—those who do not will find an inspection an education as well as profitable. DRAPERIES—RUGS—UPHOLSTERY—FIRST DAY THOMAS KILPATRICK & CO.

Buy It Because It's a Better Car Model T \$550 Touring Car f. o. b. Detroit Get particulars from Ford Motor Company, 1914 Harney St. Judge Baxter in Case. Q. What was your first knowledge, intimation or suggestion from anyone that Riskey had been to your apartments or even spoken to you up there? A. I was called in the following day, or day after, to Mr. Baxter's office. Q. Where was that office? A. What is known as the Omaha National Bank building. Q. When you refer to Mr. Baxter, do you refer to Judge Irving Baxter? A. Judge Irving Baxter. Q. The party whose name appears to be signed to a certain agreement that he was offered in evidence? A. Yes, sir. Q. Mr. Brandeis, referring to this document, which the reporter has marked exhibit 8, did you actually pay over any money in pursuance of the making of this document and the settlement that is therein referred to? A. I did. Q. State to the jury how much you paid and when it was paid. A. I paid \$7,500 the afternoon, later in the afternoon, when I was called to Baxter's office. Yes, sir. Q. That you say would be the second day after the night that the boy was upstairs? A. I think that was the second