

Says Vajgrt Made Threat on Brother

Lana Tells of Visit With Accused Slayer of Farmerhand in Jail at Seward.

State Rests Its Case

By R. H. PETERS.
Seward, Neb., Dec. 5.—Tonight the state rested its case in the trial of Mr. and Mrs. Adolf Vajgrt and their daughter, Alby, who are jointly charged with first degree murder.

Man and Wife Sent to Jail

Plead Guilty to Robbery of Mails at Grand Island.

A man and wife were separated in federal court for the first time in 12 years. They were being led to different cells in the county jail.

They are Mrs. Harry E. Brown of Grand Island, both charged with theft of government mail. They pleaded guilty before Federal Judge Woodrough, after being in jail since last July, and were sentenced to one year and a day.

Brown, who was a railroad messenger, had systematically stolen merchandise from the mails during the period of about a year.

The merchandise consisted of machinery, revolvers, foodstuffs and hardware. Government postal inspectors say the Browns stole most of their loot at night, with the aid of an automobile.

More Owners of 'Oldest' Bibles Enter the Lists

Grand Island, Neb., Dec. 5.—Since the publication in The Omaha Bee a few days ago of pictures of a Bible printed in 1665, in Germany, and now in the possession of Mr. Fisher, The Daily Independent of this city has been advised of the possession, by William Nath of St. Libory, Howard county, of a German print of holy writ, that was made in 1576, nearly 100 years earlier. This fact had no sooner been published when F. W. Black, operator of the Burlington, reported the possession by his brother, C. O. Young of Belvidere, Neb., of an English Bible printed in 1549.

Phone Company Allowed to Increase Dividends

Lincoln, Dec. 5.—The state railway commission Wednesday granted the Gage County Telephone company permission to raise its dividend rates from 7 to 8 per cent. The company operates in Blue Springs and the surrounding territory.

Omaha Firm Purchases Beatrice School Bonds

Beatrice, Neb., Dec. 5.—Seven bond brokers and trust companies were represented at the sale of bonds of the Beatrice school district, and the issue of \$400,000 for the construction of a new high school building sold at a premium of \$5,500 to the United States Trust company of Omaha.

Congress to Shun "Do Nothing" Policy as Busy Session Is Ahead

Insurgents Demand for Deliberation and Debate on Rules Held Inexpedient in View of Pressing Business and Insufficient Time—Big Issues to Swamp Senate.

By MARK SULLIVAN.
Washington, Dec. 5.—No legislative question ever more truly represented an honest difference of conviction than the one which has characterized the opening of congress. It is true, the regular republicans are looking to the presidential and congressional elections next year. They know there is an immense mass of work ahead, and they want to avoid making the record of "do nothing" congress. Everybody admits this is a legitimate purpose.

But the regular republicans have a further purpose even more legitimate. It is the purpose of accepting the inevitable necessity inherent in the fact that the lower house consists of 435 men, and that, because of this, there must be a certain degree of centralization of power and of limitation of debate if congress is to function at all.

On this the regular democrats are so convinced as the regular republicans, for the democrats fully believe that with the next elections they will be in control of the house, and when their turn comes they too want to be in position to avoid the odium of a "do nothing" congress.

Rules Open to Debate.
The insurgent republicans are equally honest. Their demands, through the spokesman of one of them, is "that congress be made a deliberative and debating body." But the question is: "Can 435 men be a truly deliberative and debating body?" The immediate objective of the insurgents has been that the question of adopting the rules of the house be open to debate.

Everybody concedes this to be a legitimate objective. But the very purpose of asking for a debate on the rules is among other things to change those rules so that every other future question that comes up shall be more open to debate and amendment.

part of the record, are conflicting. That of Mrs. Vajgrt declares that she went out to the straw shed with her daughter, Alby, and that they were met by Lana with a gun. She emphatically denies that her husband was present until Lana was stretched lifeless on the straw floor. Alby's confession supports that of her mother in denying the presence of the father during the struggle, but the father's two statements say that he met Lana running from the shed and knocked him back with a plank. His second confession goes still further and says that some one put a shotgun in his hands and that it went off, tearing the hole in Lana's chest from which death was instantaneous.

Attorneys for the defense stated tonight that they were hopeful of the case being given to the jury within two days.

One of their first witnesses will be the girl, Alby, whose betrayal by Lana is alleged to be the motive for the attack made upon him.

The state has, as a result of the week in which it has been calling witnesses, confessions from Vajgrt and Alby, the voluntary character of which is dubious, and a confession made by Mrs. Vajgrt, which was allowed by the defense without objection.

A money motive for the murder of Lana, which was intimated in the opening address of County Attorney McKillip, has been touched on by statements of Mrs. Vajgrt, who was asked to state the reasons which were the ruling passion that caused the mad struggle in the straw shed on the morning of October 8, a struggle in which Lana was twice shot and battered with a plank, was not proved.

Accounts Counter.
It has been shown that Lana threatened the Vajgrts with violence and even announced his intentions of killing the family to a neighbor, who dissuaded him. The feature testimony to date has been that of Sheriff Scott, who confounded the state, which had called him as a witness, by emphatically denying that Constable Runty had refrained from third degree methods in getting a confession from Vajgrt.

Corcoran Testimony Supported.
For the defense Mrs. I. N. Scott, wife of the county sheriff, testified that Constable George F. Runty had threatened Vajgrt and swore at him until he had been reduced to such a nervous condition that she had called the doctor to attend him. Her testimony was confirmed by the next witness, Choy Delet, and inmates of the county jail when Vajgrt was a prisoner there.

Delet said that Runty had threatened to turn Vajgrt over to the Milford gang if the Bohemian would not admit that he had shot Lana.

What was Vajgrt's condition at the time? Attorney Thomas asked. "He didn't think he was in his right mind," the witness replied. "He would hold up his hands and pray to God that he didn't do this."

The confession, which are now a

Case of County Plaintiffs Quashed

Prosecutor and Chilton Discharged—Five Others Granted Jury Trials of Abatement Pleas.

Suspension Is Sustained

Special Dispatch to The Omaha Bee.
Plattsmouth, Neb., Dec. 5.—Pleas for abatement entered yesterday by five defendants, charged in indictments returned by the Cass county grand jury, were awarded jury trials by District Judge F. W. Button and hearing set for Monday, after indictments against A. George Cole, county prosecuting attorney, and J. W. Chilton had been dismissed by court decision. The five defendants are: A. Jones, chief of police; Sheriff Quinton of Cass county, William Grobe, Mrs. Kaufman and C. W. Holt.

The indictment against Cole was quashed when the court upheld a demurrer to the indictment filed this morning by Cole. Cole, however, will not be permitted to prosecute the remainder of the indictments returned by the grand jury.

In making this ruling," said the judge, "I feel it my duty to make this statement. Having gone over Judge J. T. Begley's affidavit, I believe that Cole is not the man to prosecute the remainder of these charges. Judge Begley states that Cole was unwilling to force or further indictments against these men, and he is not, it seems to me, the man to prosecute these cases."

Judge Begley is the regular district judge for Cass county. Judge Button is sitting on the indictment hearings by invitation.

Chilton Case Dismissed.
Next came the case of J. W. Chilton, charged with defrauding Calvin E. Williams of certain goods. This indictment, too, was dismissed on demurrer.

The indictment charged that Chilton purchased a quantity of merchandise from Williams, giving him two checks, one for \$500 and another for \$193.99. When Williams attempted to cash the checks at a bank in Murray, Neb., he found that payment had been stopped, it is alleged, and he was unable to recover either his money or his merchandise.

Demurrers Withdrawn.
The demurrer to the indictment set forth the fact that it was not alleged the goods had any value. The place for the value of the goods was left blank, which the defense interpreted to mean that they had no value whatever. Judge Button found the demurrer good, upheld it, and dismissed the case.

W. E. Thompson, representing the state attorney general's office, who is aiding in the prosecution, then moved that similar paragraphs in the indictments against C. C. Parmenter and Carl Fricke be stricken out. The court approved the motion, and demurrers in these cases were forth with withdrawn.

All entered pleas in abatement, except County Attorney A. George Cole, who filed a demurrer, alleging that under the statutes it was necessary to show the defendant committing a crime before he could be removed from office, and also pleading a defective indictment.

He declared that the indictment did not specifically charge "willful" neglect of duty, as provided by statute to be charged in such cases.

Decision Reserved.
Judge F. W. Button reserved decision on the demurrer.

D. G. Dwyer, special prosecutor appointed by the sheriff, advised the judge, when the case of J. W. Chilton, charged with misappropriation of funds, was called, that he was not aware that a plea in abatement had been filed, and asked to be permitted to file an answer later in the day.

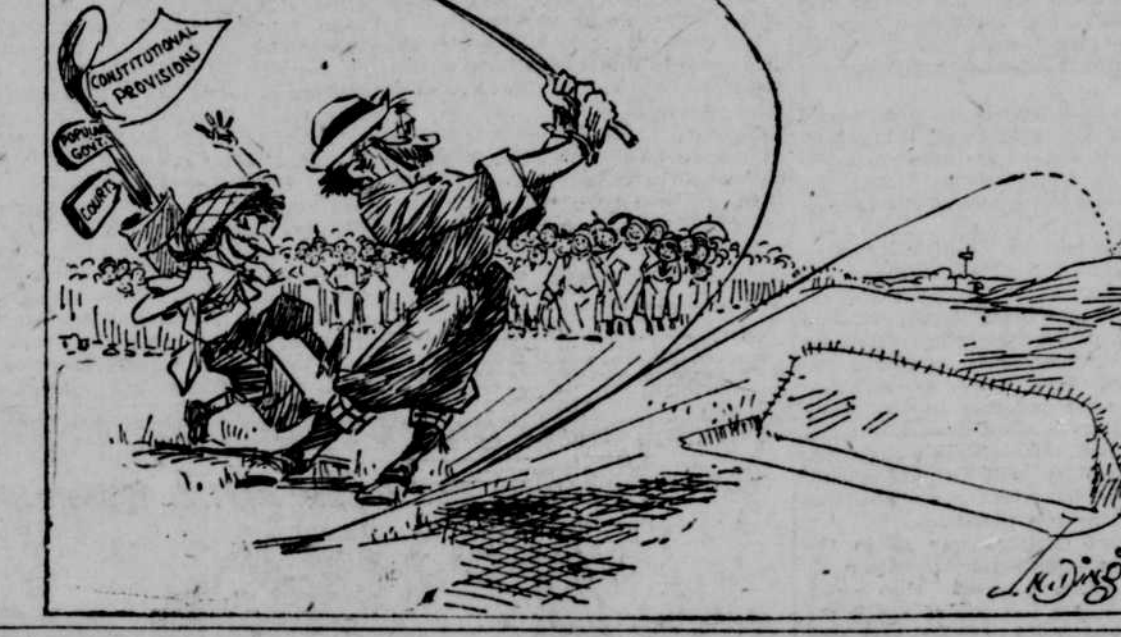
County Attorney Cole jumped to his feet and shouted: "This man has not been appointed and has no right to appear as prosecutor before this court. I am county attorney."

The judge ruled in favor of Dwyer and announced that until further notice Dwyer will act as prosecuting attorney. He is being assisted by W. E. Thompson, representing the office of the state attorney general.

What He Needs to Improve His Game Is Not More Clubs



But more practice and improvement of a few of the old standbys.



Rail Expert Exceeds Expense Limit, Charge

Lincoln, Dec. 5.—Claims for traveling expenses filed by J. A. Little, rate expert for the Nebraska railway commission have met with objections on the part of Deputy State Auditor Honza, who declares that he will refuse to issue warrants for any more such claims. It appears, according to the deputy auditor, that Little has overrun the \$5-a-day limit for meals and lodging on several of his trips.

While in Denver recently, and on a trip to Minneapolis, Little charged up his hotel room and meals at rates in excess of the maximum allowed, it is claimed, and the auditor's office gave notice that in the future such claims would not be allowed.

Mr. Little is paid a salary of \$5,000 a year by the railway commission. This is equal to that of the commissioners themselves and of elected state officers except the governor and state supreme judges.

Governor Asks to Know Powers in Quinon Case

Lincoln, Dec. 5.—Governor Bryan today, in a communication addressed to Attorney General Spillman, has asked the state's legal department for a specific definition of the governor's powers in regard to the suspension of Sheriff Quinton of Cass county, recently indicted on charges of failure to enforce the prohibition laws and for making false reports of fees collected. Six separate inquiries are made in the letter.

"Following is the letter sent by the governor to the attorney general: "I have in receipt of a communication from the grand jury of Cass county, submitted at Plattsmouth, a copy of the indictment returned against a failure of Sheriff Quinton of Cass county to enforce the law prohibiting the sale of liquor, and also copies of indictments returned against the same Sheriff Quinton for failure to enforce the law prohibiting the sale of liquor, and also copies of indictments returned against the same Sheriff Quinton for failure to enforce the law prohibiting the sale of liquor. 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