

# Court Hears "Murder to Order" Plot

## Pair Offered \$300 to Slay Track Worker, Witness Says; Used Ax Because It Was "Quieter."

### Victim Heavily Insured

A shudder of horror ran through the crowd of spectators in Judge Goss' criminal court yesterday afternoon when Vincent Ritonyaya, a 27-year-old German, told how murders were committed "to order" in Omaha at a price of \$300 "per job."

Ritonyaya is under indictment with Tony Penesi and James Clarizio on a charge of conspiracy to murder Angelo Tamborano, a track worker, who was assaulted and seriously wounded January 28. Ritonyaya was a witness yesterday at the trial of Penesi.

Pointing to Penesi, Ritonyaya said that he was the man who had offered him \$300 to murder Tamborano. While the spectators leaned forward in amazement, Ritonyaya told how he and Ed Moravec, now a fugitive from justice, had attempted to slay Tamborano.

Engage Two for \$300. Penesi first attempted to persuade Ritonyaya to perform the murder, he said, but he shrank from doing the actual killing, so Moravec was engaged. They were to share the \$300. Moravec getting \$200 and Ritonyaya \$100.

Ritonyaya told how Penesi had pointed out their victim to them, and how they had prepared for the murder attempt. First, he said, they bought a small hand-ax "because that would make less noise than a gun. They took to the woods where Tamborano worked and hid it. The next night they returned and lay in wait for Tamborano.

"Moravec was nervous," said Ritonyaya. "He said he hadn't been feeling very well, and he was afraid he didn't have the nerve to do it that night."

"We walked south and I hid between two box cars. Moravec took the ax and went up on the bank. "Pretty soon Tamborano came down the track and started sweeping the switch. He came within 25 feet of me.

"Then he started up the steps that led up the bank. I saw Moravec jump out and hit him with the ax. "Something inside of me seemed to turn over. I couldn't stand to see any more, and I ran down the track. When I met an officer I told him about it."

Ritonyaya was asked why Penesi had wanted to have Tamborano killed. "He told me that Tamborano's wife didn't love him," said Ritonyaya. "He said he wasn't a good husband to her."

Two life insurance policies for \$5,000 each were taken out on Tamborano's life just a few weeks before the alleged murder attempt were brought into the case, and the prosecution is using them in an effort to show the motive lying behind the alleged plot.

Two policies were exhibited. Police Detective Davis told of finding them in the trunk of James Clarizio, brother-in-law of Tamborano, who was not found by detectives until two days after the assault. He said he had been in Chicago for two weeks.

Man Completely Recovered. Tamborano testified that he earns \$3.13 a day as a track laborer; that Clarizio lived with him about three months; that about last Christmas he suggested he should carry more life insurance and that Tamborano had agreed to take out \$5,000 on which he was to pay a premium of \$42 a year. He did not know, he said, that the premium on this amount was \$145 a year. Nor did he know another policy of \$5,000 had been taken out on his life.

Two Tamborano and his wife were in the court room during the trial yesterday. He has completely recovered from the wounds which he received.

Mrs. Moravec was also in the courtroom. She declared that she knew nothing of the alleged plot, although it was at her home, 4729 South Twenty-fourth street, that Penesi and Ritonyaya first met. Ritonyaya confirmed her statement that she knew nothing of their plans.

Ritonyaya came to Omaha from Germany 12 years ago. He lives at 6513 South Thirty-first street.

"Law and Order Party" Files Nominations at Harvard Harvard, March 27.—A new political organization, under the name of the law and order party, has filed nominations for candidates for the first and second wards and police judge with the city clerk.

We Have With Us Today Edward F. Murphy, Sr. Sales Manager, San Francisco, Cal. Mr. Murphy is the sales manager of J. Brandenstein & Co., of San Francisco, coffee roasters. Although with the company since the early '80s, Murphy is known to the commercial men who travel the western part of the country as the "young man."

# Man Reported Dead Found to Be Incontinent Sunning on Highway

Plattsburgh, March 27.—An autist from Omaha created considerable excitement Monday when he announced that he had seen a dead man lying along the highway near Oropolis, north of this city. The police made haste to the scene and found the man, but far from dead. He proved to be an incontinent taking advantage of the summer-like day to sun himself, and waxed wrothy or being aroused from his peaceful slumber, giving in unmistakable language his views of the state of affairs when a peaceful hobo could not lie down along the road without being molested.

# Jazz Slayer May Plead Guilty to Manslaughter

## Jury Selected, but Trial of Ellingson Girl Is Adjourned to Monday; Plea May End It.

San Francisco, March 27.—Reports were in circulation in the hall of justice today that opposing counsel in the Dorothy Ellingson case would ask Judge Louderback to terminate the trial and accept a plea of guilty to manslaughter.

San Francisco, March 27.—Two alternate jurors, both women, were added late this afternoon to the regular jury of nine men and three women chosen to try 16-year-old Dorothy Ellingson for the murder of her mother, who was shot and killed in the bedroom of their home last January after a quarrel over the girl's wild life.

The actual trial was ready to proceed, but Judge Harold Louderback adjourned it until Monday morning, when opening statements will be made. The last alternate juror seated was Mrs. Teresa Both, a housewife, the mother of adult children—a girl and a boy.

Court Adjourned. Court was adjourned at 4:20 and the young defendant, who had fainted at a recess taken an hour and a half earlier, left the courtroom composed, smiling as she talked to the matron.

San Francisco, March 27.—A jury of nine men and three women was chosen today to determine the fate of 16-year-old Dorothy Ellingson, charged with murder for killing her mother in the bedroom of their home last January, after a quarrel over the girl's mad pursuit of pleasure.

Judge Louderback instructed counsel to begin the selection of two alternate jurors. Witnesses in the case were excused until Monday.

The regular jury was sworn in over the objection of the defense, which declared that the court had committed error in reopening the interrogation yesterday after both sides had approved the tentative jury.

Personnel of Jury. Martin Hencken, retired grocer. George W. Hastings, motor transport superintendent, married. George H. Clark, contractor, father of boy, 17, and girl, 16. Mrs. Rora R. Roche, middle-aged wife of a silversmith, mother of one boy and two girls. Paul E. Denevele, contractor, married. Anton Carlson, painter, father of grown children. Mrs. Alice F. Hicks, mother of two sons. Edgar J. Goldsmith, book seller's clerk, unmarried, middle-aged. William E. Bates, salesman, father of one child. J. H. McCay, carpenter, married, two stepchildren. Mrs. Clara M. G. White, elderly, wife of insurance man. George F. Sand, retired storekeeper for iron works, one grown son. Mrs. Blanche Lacoste, a young housewife, whose husband is a druggist, was one of the alternates selected.

Dorothy Ellingson fainted for the second time today as she was being taken from court for a recess. She had been trembling and agitated and had difficulty in getting out of her chair.

Italian Air Force. Rome, March 27.—The budget report submitted states that on June 30, 1924, Italy possessed 80 squadrons with 1,500 airplanes, of which 650 were fighting machines, while by next summer it will have 90 squadrons with 2,000 airplanes, 900 of them of the fighting type.

Osborne Wood Due Soon. New Orleans, La., March 27.—The steamer West Chetac on which Osborne Wood, son of Gen. Leonard Wood, is reported returning to this country, is due to put in at Tampa Tuesday.

Absent Minded Professor Robbed of Jewels; Two Men and Sweethearts Face Moot Court

The heavy hand of the law has been clamped down on the shoulders of Fred Toof and Ace Hoof, both of 2499 Bond street. They must "go to bat" today on charges of highway robbery.

Toof and Hoof are charged with the robbery of Prof. Amos Dean on January 3, 1925. Professor Dean was walking along North Twenty-fourth street on that night when two men stepped from a doorway, shook a billy under his nose and commanded him to "shell out."

The professor absently handed them his valuables. Two or three days after the robbery the professor's valuables were found in an Omaha jewelry store. The arrest of Toof and Hoof followed.

Investigation disclosed that Toof had been attentive to two young women, Miss Attila Filtton, 2197 Vain street, and Miss Fittie Appleauce. States attorneys, Ernest Adams and William J. Bowen, will introduce Miss Filtton as star witness for the state.

Miss Appleauce will be witness for the defense. The defense lawyers are Philip E. Cronk and Raymond U. Gantt. The case is to be in the University moot court this evening.

# Solons Meet to Iron Out Differences

## House and Senate Name Conference to Break Deadlock Over Three Big Bills.

### Adjournment in Offing

Lincoln, March 27.—Nebraska's legislative session is speeding toward a nervous and uncertain finish tonight. The day was filled with a series of important events and nerves of legislators are taut and uncertain as the time for definite decision on the most important bills, always held until the last, approaches. Adjournment probably will be some time next week.

The house and the senate are in a deadlock over the three major bills, the big appropriations bill, the 4-mill intangible tax bill and the gasoline tax bill. The house voted emphatically against conferring on senate amendments to these measures, and late tonight conference committees from the two bodies were endeavoring to iron out their differences.

Rodman, O'Malley and Harrington are house conferees on the gas tax measure, while the senate is represented by Dysart, Griswold and Watson. Reed, Meacham and Banning are senate conferees on the appropriation bill, while the house is represented by Essam, Yochum and Traasch. The senate conferees on the intangible tax bill are Robbins, Jerry and Whitte and the house conferees are Gilmore, Keyes and Byrum.

Intangible Bill Stuck in House. An addition of approximately \$100,000 in the appropriation bill by the senate, as passed by the senate, is dubious. Byrum of Franklin, who originally stood for increasing the rate on intangibles to 75 per cent of the rate on tangible property, is known to be willing to recede from this position. However, he has expressed determination to put sharp teeth into any intangible tax bill passed by the senate, unless the legislature is willing to accept the proposition.

Agreement on the 4-mill intangible tax bill, as passed by the senate, is dubious. Byrum of Franklin, who originally stood for increasing the rate on intangibles to 75 per cent of the rate on tangible property, is known to be willing to recede from this position. However, he has expressed determination to put sharp teeth into any intangible tax bill passed by the senate, unless the legislature is willing to accept the proposition.

Disagreement on the gasoline tax bill is a result of action of the senate in striking all exemptions from the bill as passed by the house. Under the house gas tax plan owners of farm tractors and stationary gasoline engines, as well as cleaners and dyers, are exempt from paying the 2 cents gas tax. Senate leaders asserted administration of the exemption feature would be costly and exemptions would result in gasoline "bootleggers," similar to those reported in South Dakota, where after a four-year trial of such exemptions the legislature has removed all exemptions.

Kill License Bill. During the day the house killed Perry Reed's pet bill, which sought to force railroad companies to ship sulkeys and other racing paraphernalia.

Trade Holds Its Deliberate Pace. New York, March 27.—Bradstreet's tomorrow will say: "Distributive trade shows little disposition to quicken the rather depressed pace hitherto noted. Like weather favors increased activities in farm work and in the building trades thus tending to take up some of the winter slack in employment, while the nearer approach of Easter spring preparations to meet the usual spring buying movement at retail. Trade as a whole still shapes up about fair, but there is, nevertheless, still visible the feeling of disappointment that trade has not measured up to sanguine anticipations.

Reflections of the recent jolts to speculation given by the slumps in stock and wheat are still found in the reports of continued cautious buying from wholesalers and jobbers and reduced marketing of grain country districts. Cross currents in various lines are reported in advices from the southwest that lack of rain in wide areas of Texas and Kansas and parts of Oklahoma is affecting crop work, plant germination and country buying, but that better moisture conditions farther north in the plains states are inducing increased planting of spring wheat."

Weekly coal clearings, \$5,765, \$11,000.

Horses Bring Good Prices. Beatrice, March 27.—At the S. F. Snyder farm sale near Blue Springs, 10 head of horses sold for \$100 to \$131 a head. Cattle likewise were in demand, bringing from \$40 to \$52 a head. Hogs brought top-notch prices.

Portuguese Flyer Lost. Lisbon, March 27.—Lieutenant Placaria of the Portuguese air force was killed and a companion officer and a mechanic were seriously injured when their airplane crashed.

Immigration from Mexico Will Be Under Discussion. Douglas, Ariz., March 27.—Governor Hoadly of southwestern Arizona is about to confer on proposals to extend the American immigration quota law to Mexico during the convention of the western division of the United States Chamber of Commerce here April 21, 22 and 23. It became known today.

Governor Hoadly of Arizona and Governor Aljebeigh of Sonora, Mex., thus far have signified their intention of being present.

Although Texas is not included in the western division, which comprises 11 states, she will be invited to send a representative to take part in the discussion of immigration.

Military Tournament. Chicago, March 27.—A military tournament intended to interest civilians of the Sixth corps area and the middlewest in national defense and the organized reserves will be held here May 22, 23 and 24. The Sixty-fifth Cavalry Division association announced.

Child Labor Bill Lost. Augusta, Me., March 27.—The Maine senate, by a vote of 16 to 7, rejected the federal child labor constitutional amendment. The house has not acted.

# Dennistoun Faces New Damage Suit Filed by Exiled American Actress

## First Wife of Colonel Amused by Report of Breach to Be Pushed by New York Who Holds Endearing Letters.

Dennistoun, which will be her evidence. Mrs. Dorothy Dennistoun, whose case against her former husband has just resulted in a verdict of \$25,000 for her, following her claims that she gave herself to Gen. Sir John Cowans to help army officers in the field, and that he failed to keep his agreement to help support her after divorce, was quite amused at the new turn in affairs.

"Surely, I know her," Mrs. Dennistoun said with a queer smile, when asked if she knew the name of the actress. "I would get still more amusement out of telling you her name, but it is better not to tell it now. It cannot help being disclosed at the trial. She is not a married woman."

Large Families Blamed for Evil of Child Labor. National Leader Declares Birth Control Would Help Control Situation Which Group Is Fighting.

New York, March 27.—"Every child has the right to be well born or not to be born at all," Owen R. Lovejoy, executive secretary of the National Child Labor committee, declared today in an address to the sixth international neo-Malthusian and birth control conference.

"We catapult children into the world by the accidental explosion of passion and ignorance and want," he said. "Then we wonder how to prevent the truth from entering." "Then we wonder how we can do it," he said. "It is a ghastly confession of human inefficiency and industrial cannibalism which has to feed on its young to live."

Lovejoy expressed the opinion that the most potent cause of child labor is "large families, beyond the capacity of one person to support."

Dr. Morris H. Kahn of New York said he did not believe permissiveness would be increased if birth control devices were given physicians. He said, however, that the fear of some physicians that this would happen, together with religious prejudice within the medical profession, fear of legal trouble and of indecency and ignorance of contraception are the principal obstacles to the giving birth control information by physicians.

Dr. Rachelle S. Yarrow of Hull, Mass., Chicago, predicted that the woman of the future will determine how far she wants to sacrifice herself to bear children.

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The suit demands the return to Mrs. Luella Rheubell of certain papers and documents which she charges were taken from her rooms last Monday night after she had been a rise, been arrested on a charge of disorderly conduct.

Mrs. Rheubell formerly was business manager of the National University of Science, owned by "Dr." C. C. Faiman, upon whose testimony she had given typhoid germs to Shepherd and discussed with him their use to cause McClintock's death, the state's case against Shepherd is largely based.

Faiman Drug Addict. "With those papers I can prove that Faiman's story is untrue," said Mrs. Rheubell. "I can prove the nature of his school, that there never were typhoid germs there and that Faiman is a drug addict."

A man known to her only as Sedgwick, employed by C. A. Edgerton & Bros., owners of the building in which she lives, first tried to get the papers from her by wheedling, the petition for a replevin writ says. He mentioned that he could get a substantial reward from the state or those who are prominent in prosecuting Shepherd, he told her. Failing to get the papers, she says, Sedgwick beat her, then called the police and, because he was a representative of the building's owners, caused her arrest. While she was in custody, Mrs. Rheubell says, the papers were stolen. The suit is directed against the Edgertons.

Inquests Begun. "Shepherd and Faiman could not have met at the school during the time," Faiman says. Mrs. Rheubell declares "I was in the office every day during that time. The meeting could not have occurred without my knowledge."

Inquests over the bodies of Emma McClintock, mother of the young Shepherd is charged with killing, and Dr. Harry Olson, her physician, were begun today after the bodies had been exhumed from the graves where they have rested 14 and three years, respectively. The same jury which has held various sessions of an inquest over young McClintock's body was sworn in and after viewing the bodies, adjourned indefinitely.

Excellent Preservation. The bodies were reburied after the vicine had been removed and turned over to chemists and toxicologists who will examine them for every known poison. Both bodies, it was found, were in an excellent state of preservation.

Notice was served on the state today that Shepherd's attorneys shortly will file a petition asking a rehearing on the question of admitting him to bail pending his trial, which probably will be held late in the summer.

Los Angeles, Cal., March 27.—Popular conjecture relative to the wealth of Roscoe Arbuckle, former film comedian, was revived here today with the filing in the county recorder's office of a property agreement whereby Arbuckle agrees to pay to Minta Durfee, who recently divorced him in Paris, not less than \$200 a week until she marries again or until death terminates the contract.

It was generally believed here that the poorly ex-comedian had not enjoyed the income usually accredited film world celebrities since his long legal fight three years ago in San Francisco which ended in his acquittal on a manslaughter charge in connection with the death of Virginia Rappe.

Despite the heavy property settlement, Arbuckle plans to remarry. His marriage to Davis Dean, screen actress, was postponed last week a few hours before the wedding was to have taken place upon advice from Paris that Miss Durfee's divorce does not become fully effective until April 8.

Body of Admiral Dewey Transferred to Capital. Washington, March 27.—After resting for nearly eight years in a mausoleum surrounded by comrades of the Spanish-American war and close to the memorial mall of the battleship Maine, the body of Admiral George Dewey, Manila bay hero, will be transferred with full military honors tomorrow from Arlington National cemetery and placed temporarily alongside the noted dead in Bethlehem chapel of Washington cathedral.

Wheat Prices in Winnipeg Lower. Winnipeg, Man., March 27.—Wheat prices suffered another decline today. Winnipeg May delivery was down 2.5 cents from the high point of the day, closing at \$1.69 1/8 for a net loss of 7.5 cents from Thursday's closing figures. Trading was on a fairly large scale.

Federal interference with the functioning of wheat futures markets in the United States was attributed as the chief cause of today's break. The Winnipeg market followed the weakness at Chicago, where grains were weak in sympathy with wheat.

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