

### Nebraska NEWTON'S CASE THROWN OUT

Board of Public Lands and Buildings Holds it Has No Authority.

### GOVERNOR RAISES THE POINT

Attorney General Finds Law So Changed—Newton Appeals to County Attorney—Preparing New Case.

(From a Staff Correspondent.) LINCOLN, Dec. 27.—(Special.)—The Board of Public Lands and Buildings today on a point raised by Governor Chamberlain, decided it was without jurisdiction to hear the charges made by Felix Newton against Superintendent Woodard of the Lincoln Insane hospital. The case was thrown out on the ground that the law had been changed to give the governor sole right to remove employees of the state institutions and there was therefore doubt as to the jurisdiction of the board to hear complaints.

The entire afternoon was spent discussing the case and it could be seen that the attorney general when Governor Chamberlain raised the point. Mr. Thompson, after carefully examining the law, came to the conclusion there was doubt at least of the authority of the board in the case and the board decided to take no chances.

Newton at once consulted County Attorney Tyrrell in the endeavor to get the case in the courts on the ground that Superintendent Woodard was guilty of misappropriation of certain state funds. The county attorney did not give a definite answer, but told Newton to prepare his case and if it could be supported by competent witnesses he would file it.

Newton has had difficulty with his witnesses and anticipated trouble in securing testimony in a hearing before the board. In a court hearing he thinks compulsory process will bring them on the witness stand at least.

R. C. G. Grosh, father of the girl who died as the result of an operation for which Everett Edwards is now serving a term in the state penitentiary, has protested to the governor against granting the man a commutation. The protest was served on the governor by W. M. Maupin, who told the governor that Mr. Grosh came to Nebraska a pioneer printer, from the east and located on a homestead eight miles from Kearney. He was the father of a large family and every Monday morning he walked to town and worked in the printing office and on Saturday night walked back to the homestead trying to make a living for his large family.

Finally he moved to Kearney where some time later Edwards appeared on the scene, with the disastrous results already enumerated. At the hearing of the application for executive clemency a number of witnesses were present and applauded when a good word was said for the convict.

F. C. Wood, a traveling man who has been experimenting in the growing of tobacco in Nebraska called at the office of the governor this morning and showed him samples of the weed which he had grown near Hastings. Colonel Woods said there is no reason why good tobacco, both for the pipe and for cigars, should not be grown in this state. He experimented with several different kinds and has demonstrated that Nebraska soil and climate will grow a good tobacco as can be grown in Virginia or Kentucky. He desires the governor to get the farmers interested in growing the weed.

Secretary of State Jinkins was authorized by the Board of Public Lands and Buildings today to investigate the purchase of lumber and marble by Superintendent J. R. Pevchal of the Norfolk asylum.

D. A. Jones, foreman employed by the state to superintend the construction of a barn at the asylum, reported to the board that a carload of lumber had been received at the institution from Wetling, Okla., and that it was not in shape to be used in the construction of the barn. The receipt given by the railroad company for the lumber showed that it had been shipped by Dr. Pevchal.

On the ground at Norfolk there is also some \$1,000 worth of marble which the board said it had not ordered. Dr. Pevchal informed the secretary of the board this marble had been ordered from the office of Lead Commissioner Cowles. Mr. Cowles showed the board his letter file which showed that he had instructed Dr. Pevchal to secure bids for the marble, but he denied that he had ordered the purchase.

Mr. Jinkins, an architect, has been investigating the matter and make a report to the board.

### Nebraska WOOD RIVER MILL BURNS

Loss in Fire is Estimated at Ten to Fifteen Thousand Dollars, Partially Covered by Insurance.

GRAND ISLAND, Neb., Dec. 27.—(Special Telegram.)—J. J. Carter, owner of the Wood River flour mill, went to the office at 6 o'clock this morning, started a fire in the office stove, went to the engine room and returned fifteen minutes later to the office to find it one mass of flames. The village fire department was called out at once, but owing to a lack of air pressure in the tank and a lack of water could do little. The only salvage is in the engine room. The wheat sheds were saved. The loss is estimated from \$10,000 to \$15,000, with insurance at \$5,000. The mill will be rebuilt by the owner at once.

### MRS. MARTHA HODGES DEAD

Prominent Madison County Woman Dies at Home of Daughter.

MADISON, Neb., Dec. 27.—(Late Friday evening.)—Mrs. Martha Hodges passed away, death resulting from a shock of paralysis about two weeks ago. Mrs. Hodges had been in poor health since the death of her husband, W. S. Hodges, April 27, last, and since that time she has made her home with her daughter, Mrs. George E. Richardson, of this city.

The funeral was held Sunday afternoon, Rev. H. McLaughlin, the pastor, conducting the services.

Mrs. Martha M. Hodges was born in Michigan, December 30, 1836, being nearly 73 years of age. She and her husband, two sons and four daughters moved to the vicinity of Madison in 1880, and settled on the farm now the country home of O. S. Christian, where they lived two years, removing from there to a farm one and a half miles east of Madison, where they lived for many years.

Mrs. Nellie Hunt, wife of former County Superintendent T. J. Hunt of this county; Mrs. Maude Richardson, wife of County Clerk George E. Richardson; Mrs. Addie Seefeld, wife of Ernest Seefeld of the Neeligh Register; Fred Hodges of Omaha and Myrtle Hodges, three remain of the family. The father, W. S. Hodges, and Mrs. Della Matters are dead. All the children were present at the funeral except Mrs. Hunt.

### DEAD MAN PARTLY IDENTIFIED

Body Found Near Kansas City Probably that of Harry McConnell.

KANSAS CITY, Mo., Dec. 27.—(Partial.)—Identification of the man who last night was found murdered in a railroad cut at a lonely point on the outskirts of Kansas City, Kan., was made today.

Robert J. Sloan, an attorney, declared the body was that of a man whose name he could not recall, who last Tuesday went to Sloan's office and represented himself as a friend of Sloan's relative in Geneva, Neb.

The clothing of the dead man bore the mark of "Kalmann, Grand Island, Neb." inquiry in the city developed that a suit of that description had been sold to a man believed to be Harry McConnell, an employe of a telephone company. McConnell left Grand Island some time ago.

### Nebraska MANY TRIALS IN BANK CASE

Chamberlain Failure Causes Seemingly Endless Litigation.

SIX TRIALS FOR CASHIER

Books and Records of Failed Institution Stolen from Sheriff's Office—Two More Charges are Pending.

TECUMSEH, Neb., Dec. 27.—(Special.)—Almost a seamless end of litigation grew out of the failure of the Chamberlain banking house in this city in 1908. Charles M. Chamberlain, the ex-cashier of the failed bank, has been through six trials since he gave himself up to the law in 1906. The following is a history of the criminal cases directed against and tried on Chamberlain's behalf:

He was tried first in the Johnson county district court in June, 1906, on an indictment charging embezzlement. The verdict was guilty. Judge Paul Jensen of Nebraska City, who sat on the case, granted a new trial on the charge of misconduct on the part of certain jurors.

The case was taken to Auburn on a change of venue and tried again late in the fall of the same year. Judge Good of Auburn presided. The judge took the case out of the hands of the jury, but directing a verdict of acquittal.

In May, 1906, Chamberlain was tried on an indictment charging embezzlement from the bank in the sum of \$10,000. This case was also taken to Auburn on change of venue and was tried before Judge J. B. Hager of Pawnee City. The jury found the accused guilty and Judge Hager sentenced him to five years in the penitentiary. The case was taken to the supreme court and that body reversed the decision and remanded the case.

Bank Records are Stolen.

The books and files of the failed bank, which were very necessary to carrying on the cases, were stolen from the court house in Tecumseh one evening in October, 1908. The records had been in another county and had been returned to Tecumseh by express. The expressman left them at the court house, but before they were placed in the vault they were stolen. The books and case files were shipped in weighed between 200 and 300 pounds.

The case last above mentioned was given a second trial in Auburn in December, 1908, before Judge L. M. Pemberton of Beatrice. After deliberating for some thirty-six hours the jury failed to agree and was dismissed. It is said they stood tied throughout, 5 and 4.

In November of this year Chamberlain came up for trial on a charge of venue to Beatrice, the charge being for having received money in his bank after he knew the same to be insolvent. A deposit of Mrs. P. E. Jones of Tecumseh was the specific amount. The trial was before Judge Travis of Plattsmouth, and at the end of the second week a juror became sick with typhoid fever and the jury was dismissed. The case came right on for a second trial, which lasted two weeks, and after the jury had been out for twenty hours a verdict of acquittal was brought in. It is claimed this jury stood six for conviction and six for acquittal on the first ballot.

There are two charges still hanging over Chamberlain, one other charge of having received money after he knew his bank to be insolvent and the embezzlement case, already twice tried. It is doubted by many whether or not they will ever be tried. All sorts of opinions are given as to the cost of this litigation to Johnson county and a record of the costs shows them to be about \$7,000, including the last trial. The county lost an amount about this size in the bank failure.

### Nebraska FAMILY BORN ON HOLIDAYS

Mother's Birthday Was the Glorious Fourth of July.

### LAST BABE A CHRISTMAS PRESENT

Patriotic Old Stork Made His Offer Visits on Washington's Birthday and New Year's in Home of Joseph Devine.

It was a patriotic stork that discriminates in favor of national holidays. Christmas day, the Fourth of July, Washington's birthday and New Year's day seem to have won special favors in the sight of the wise, old bird in one Omaha family.

There is rejoicing in the home of Mr. and Mrs. Joseph Devine, 236 Patrick avenue, Saturday morning, bright and early, the stork swooped down upon the home and played the Santa Claus act by leaving a cute, pretty baby girl.

It was a Christmas present indeed for the father and mother and two other little girls in the family. It was a really holiday baby.

But the story is not ended. Mrs. Devine first saw the light of day when firecrackers were booming and flaming skyrocketers were shooting through the air, for she was born on the Fourth of July.

On Washington's birthday in 1902 Mr. and Mrs. Devine welcomed their first baby into the household. It was a girl.

On New Year's day, just two years ago, the holiday stork came again and left another little girl. The Christmas present of \$400 makes three holiday babies born to the mother who was born on the glorious Fourth.

"In all my experience this is the most interesting," says Dr. J. T. Dwyer, the patriotic stork physician. "I ought to have a pretty good reputation as a holiday stork."

Joseph Devine, the head of the family, is a mail tender, employed by the Merriam & Holmquist company.

### ISAAC BATTIN GIVEN A MEDAL

Engineer and Treasurer of Omaha Gas Company Honored in High Degree by His Associates.

### Nebraska WILL NOT NAME MAN WHO CUT HIM

A rare degree of good will and Christian spirit is displayed by Frank Koshia, a young laborer under treatment at the emergency hospital of the police station for dangerous cuts inflicted in a quarrel with a friend whom he will not name to the police.

### DROFF KICKS OUT UNBIDDEN GUEST

Sanctity of German Home Preserved by Schlagging Mit Hammer Obstreperous Bunter-In.

"It was der Christmas day. We haf a tree, big dinner, drei family mit uns, good time, all friends in my home. Des man, he come in drink my beer, insult my guests. I don't know him—try to put him out. He strong like two mules, hard like iron, so I schlag him mit hammer. Once not enough, hit more. Shame for him spill my Christmas!"

George Droff, a good German householder, was defending his action in protecting his Christmas fireside with a small sledge hammer.

A tall and stalwart young man with many wrappings of bandage, known to the police court as John Doe No. 2, the recipient of the drastic Christmas greeting, told a tale of many whiskies and an interesting friendly call.

John Doe, No. 2, will spend fifteen days in jail and the sanctity of the German Christmas has been recognized by police court.

Droff asserts he defended at once his roof tree, family tree, Christmas tree and that until, he schlagged mit hammer, John Doe had him ferrest.

### IS HE FERREST UNCLE JOE?

Judge Crawford Sentences Man Soon as He Says He Shook Hands with Cannon.

Is Judge Bryce Crawford, the police court magistrate, in sympathy with the insurgents?

James Bedford, vagrant, sentenced to jail for the theft of a pair of shoes, thinks that he is the victim of political prejudice.

"I came here to cut ice on Seymour lake. My home is in Danville, Ill., and I am just an honest workman," urged the prisoner.

### Nebraska GAVE MONEY TO GIRL, WHO THEN WEDS HIS BROTHER

Vaclav Novak, His Wife, His Alleged Son, Baby's Mother and Vaclav's Brother Beautifully Mixed.

Vaclav Novak came to Omaha from Bohemia a year ago. A little later came a Bohemian girl who was not alone. She had with her a handsome baby boy, the son, she asserts, of Vaclav, who denies it. The newcoming girl became acquainted with Novak's brother and the friendship of these two grew fast.

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### Will Not Name Man Who Cut Him

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### COLORED SOCIETY TO CONVENE

Prominent Omahans to Attend Session of Interstate Literary Association of Kansas and West.

A score or more of prominent colored folk of Omaha will be present at the annual session of the Interstate Literary Association of Kansas and the West, which convenes in Kansas City, Kan., Tuesday.

John Grant Pegg of Omaha is president of the association and will leave for Kansas City Tuesday morning. Some of the other delegates will leave this evening, but President Pegg wanted to wait for the Des Moines and Minnesota delegations, which will pass through Omaha Tuesday morning. The opening exercises take place Tuesday evening, but the president will not deliver his address until Wednesday morning.

Among the attendants at the convention from Omaha will be Mr. and Mrs. J. G. Pegg, Dr. J. H. Hutton, Alex. Tillery, G. Wade Obee, Frank Jacobs, Mrs. W. Taylor, Mrs. Kate Wilson, Mrs. O. Roundtree, Mrs. Augusta Edwards, Mrs. Lucile Thomas, Austin Dickerson, the Misses May Dickerson, Linnie Hale, Frances Bell, Flora C. Pinxton, Celia W. Jewel, Ora Walls and G. W. Graves. Besides President Pegg the following Omaha delegates are on the program for papers or musical numbers: Miss Jewel, Miss Hale, Mrs. Edwards, Miss Bell, Mrs. Wilson/Miss Graves, Miss

### Nebraska KANE RE-ELECTED MASTER

IOWA FALLS, Ia., Dec. 27.—(Special.)—At the annual election of officers by Masons Home lodge No. 182, A. F. & A. M., of this city, William Kane, who is recognized as one of the best positioned Masons in this part of the state, was re-elected master for another year.

Dr. W. G. Morton, formerly of Marshalltown, was chosen senior warden; E. A. Westbury, junior warden; F. E. Foster, secretary; W. H. Woods, treasurer, and W. S. Walker, trustee.

Next occurred an interesting chapter in the involved relations of Vaclav and his brother. As soon as Vaclav had given the girl the \$50, she married the brother, L. J. Platt—Novak's attorney, is authority for the matter.

The matter has come before district court on a suit to foreclose the mortgage. Now Mrs. Vaclav Novak did not sign the mortgage and it is asserted that it is invalid for this reason. It is contended on the other side that Vaclav Novak can claim no exemption because he is not an American citizen, but there is believed to be a constitutional provision which specifies that there shall be no discrimination against aliens in this respect.

### SKYROK

Table Water

From the Rockies to You

Proposals for

### The Weather.

FOR NEBRASKA—Generally fair; not much change in temperature.

FOR IOWA—Partly cloudy.

Temperature at Omaha yesterday:

Hour	Deg.
5 a. m.	20
6 a. m.	20
7 a. m.	20
8 a. m.	21
9 a. m.	21
10 a. m.	21
11 a. m.	21
12 m.	21
1 p. m.	21
2 p. m.	21
3 p. m.	21
4 p. m.	21
5 p. m.	21
6 p. m.	21
7 p. m.	21
8 p. m.	21
9 p. m.	21