

PHILLIPS CASE IS NOLLED

Showing Made Fees He is Accused of Embezzling Belonged to Him.

JURY TO TEST BARKER'S SANITY

Attorney Hamer Makes Another Move to Save the Neck of the Condemned Webster County Murderer.

Attorney Hamer makes another move to save the neck of the condemned Webster county murderer. The three judges of the district court this afternoon sustained a motion to nolle prosequi the charge against Will C. Phillips of the district court, at the request of County Attorney F. M. Tyrrell.

Test of Barker's Sanity. Judge F. O. Hamer of Kearney this afternoon applied to the district court for a trial by jury to determine the sanity of Frank Barker, the Webster county murderer, whose death sentence was pronounced on June 10 unless the governor or the courts prevent.

Nebraska Commission Uncertain. A letter from the navy department addressed to Governor Sheldon says that a date has been set for the placing of the battleship Nebraska in commission.

To Enforce New Primary Law. Blanks are being prepared under the direction of Secretary of State Junkin and Attorney General Thompson, which will be mailed to the county clerks before July 1, to be placed in the hands of candidates or their friends for making application to have their names published in the primary ballot.

One of the blanks will be an application form for candidates themselves, who are willing to say they want a nomination. Another will be furnished to the candidate, who will be furnished to the candidate, who will be furnished to the candidate.

Swedish Baptists in Session. The Swedish Baptists of the state are holding their annual conference at the First Baptist church of this city these days, with a delegation of nearly 300 visitors from all over the state.

Rate of \$150 per ton on sand shipments from Ashland to Broken Bow on the Burlington has been sanctioned by the railway commission on condition that no higher charge be made to any intermediate station.

It is not known whether the rates in this form will be acceptable to the Burlington. The officials have not yet notified the railway commission as to the result.

Nearly 100 per cent increase is shown in the semi-annual report of fees collected by the secretary of state's office up to May 31 this year, as compared with the showing for the period ending on the same date in 1906.

For affixing great seal and forwarding notarial commission... 508.00 For filing articles of incorporation... 13,804.45 For making transcripts and copies... 42.40 For making bonds and marks... 138.50 For motor vehicle licenses... 265.00 For filing certificates of title... 61.15 From all other sources... 71

Total... 15,287.72 For the same period of time one year ago, the receipts of the office were \$1,232.23, showing a net increase of \$14,055.49 for the half of 1907.

Flooded Destroyed Bridges. The eastern and southeastern part of Lancaster county got a tremendously heavy rainfall last night and a number of county bridges were washed out. On Stevens' creek, it is reported, nearly every bridge was more or less damaged.

According to the stories that reached the office of the county commissioners this morning, the rainfall was so heavy that it washed trees and piling over these bridges, giving them a big wrench and twisting them out of place.

It was declared that a big rainstorm a few weeks ago knocked about seventeen bridges and culverts out of business, and this number, augmented by those of last night, means that there will be a considerable territory in the county which will be cut off from travel on business or pleasure.

Unless the commissioners are able to locate bridge lumber of the right dimensions, it is probable that the bridges will have to be replaced by structures that have left their moorings or been turned about and twisted by storms and heavy rains.

They have the legal opinion of the county attorney that they can buy lumber needed and build the bridges.

JULES HOFMAN NOT DEAD MAN Not So Certain, However, It is Not Body of Brother. GRAND ISLAND, Neb., June 10.—(Special Telegram.)—The coroner's jury found the unidentified dead man to have been killed by some person unknown to the jury. It has been made clear, however, that the dead man is not Jules Hofman.

Water Works Bonds Defeated. WESTON, Neb., June 10.—(Special.)—An election to vote on the issuance of bonds for water works was held here today, and the bonds were defeated by two votes. This is the second trial.

Nebraska News Notes. ST. PAUL.—Two fine showers, one this morning early, accompanied by thunder and lightning, and another heavy one this afternoon, visited the city. The precipitation amounted to 1.8 inches and will supply all present needs for some time.

WEST POINT.—Word has been received in the city of the marriage of Maurice Conlin of Lincoln, and Miss Ida Kinney of Lincoln, Minn. The groom is the second son of John Conlin, pioneer settler of Currie county, and the bride is the daughter of a young couple who will make their home in Lincoln.

FREMONT.—Almost two inches of rain fell here last night. The water has already well soaked there is more standing on the surface than is needed. The dikes are running bank full, but no trouble is anticipated from it. The roads are heavy, especially on the bottom.

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Dr. Lyon's PERFECT Tooth Powder

Cleanses and beautifies the teeth and purifies the breath. Used by people of refinement for over a quarter of a century. Convenient for tourists.

PREPARED BY S. W. Lyon, D.D.S.

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BOY MURDERS HIS MOTHER

Thomas McCoy Makes Confession to Bassett Officers. HAD PUNISHED HIM SEVERELY

This Was Given as Reason Why He Had Plotted to Kill Her—Woman, Widow, Mother of Five Children.

BASSETT, Neb., June 10.—(Special.)—The supposed accidental shooting of Mrs. Thomas McCoy, in the northwest part of Rock county, by her 10-year-old son, proved to have been a case of deliberate murder, the boy having confessed to County Attorney Douglas and later to several other persons that he shot his mother because she had punished him severely.

The shooting occurred Friday, Saturday the officers were notified and the boy, in which it was developed that the shooting was intentional and the coroner's jury returned a verdict accordingly.

The boy had claimed that he shot his mother accidentally while shooting at a meadow lark, but he confessed to the county attorney, and several other persons, that he shot her intentionally, and gave as a reason the fact that she had been in the habit of punishing him severely.

In his confession he stated that he got the gun in the house while his mother's back was turned, placed loaded shells in three small boxes, took the weapon in his inside coat pocket, followed close behind her to the field where she was going to plant some beans, and while she was getting the seed ready for planting he, at a distance of about ten feet, drew the gun, and deliberately aimed it at the back of her head, fired and killed her instantly.

After she fell he shot her again in the side and then dropped the gun and ran to where a couple of his brothers were working in the same field.

The weapon used was a five-shot double action thirty-eight caliber revolver. Mrs. McCoy was a widow and was living on a Kinkaid homestead. She leaves five young children. The boy is under arrest.

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Invest Before Saturday Midnight, June 15

The Transportation and Freight Bonus Will Soon Terminate

IMPORTANT With each share you buy this week you get \$7.50 worth of transportation or freight. This means cash to you.

A moment's study of the map, noticing the many feeders of the electric road will have in the way of steam roads branching out in various directions from Hastings, Aurora, Osceola, David City, Wahoo and Omaha, will convince you that the entire population of Adams, Hall, Hamilton, York, Polk, Butler, Saunders and Douglas Counties will have easy access to the interurban.

You know the population of these counties is something like 300,000. You know that thousands coming from farther east or west will pass over the electric. You know of many national as well as state occasions held in Omaha.

You know the express business will be unusually large along this line. You know of the many towns along the line to be lighted with electricity.

You know the thousands of rural homes that will abandon the oil lamps and install the up-to-date electric lights. Notice the freight proposition. This road will easily serve a territory ten miles in width and 159 miles in length, or a territory of 1,017,600 acres. In 1906 this territory produced over 40,000,000 bushels of grain. Raised over 40,000 hogs, and over 20,000 cattle, to say nothing of the horses, sheep and 8,000 tons of freight.

You know that it is worth \$400.00 a share today. You know the Aurora and Elgin electric road out of Chicago started at \$25.00, today it is \$140.00. You know that thousands have been made by investing a few hundred in these propositions.

You know that history repeats itself, Opportunity never does. Many valuable opportunities have been lost by simply waiting and putting off. Don't do this. Let the other fellow do that.

You know that with all the above in view it does not require a scientific mind to realize the immense earning that will be derived from this road. Invest now and let your dollars work for you. The stock is issued fully paid and non-assessable. Our preliminary work is complete and permanent work started. Write for booklet. Mail all orders to.

OMAHA @ NEBRASKA CENTRAL RAILWAY 320 First National Bank Building, Omaha, Neb.

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SUNDAY AT THE THEATERS

"The Holy City" at the Burwood an Unquestioned Success.

DRAMA HAS DEEP RELIGIOUS TONE Deals Reverentially with Persons and Incidents Connected with Life and Work of Jesus of Nazareth While on Earth.

"The Holy City," a spectacular drama based on incidents of New Testament history, was offered at the Burwood yesterday to the intense satisfaction of two of the largest audiences ever assembled in that theater. It would not be surprising if this play would do for Omaha what it did for Kansas City—make a new record for number of consecutive performances. It was played three consecutive weeks in Kansas City during the winter, and was immensely successful all during the long run.

It is reasonably certain that unless it is offered here for longer than a week many people will be disappointed. Eleven performances, even though the house be packed at each, as it was yesterday, will not give all the opportunity to review the magnificent spectacle Manager Woodward has prepared.

People in the Play. The dramatic action of the play centers around Mary of Magdala, Barabbas, Judas and Calaphas, although many other names are familiar to all are introduced, and the stage is peopled at times by a veritable multitude. The chief episodes are the conversion of Mary, the betrayal of Jesus, the arrest of Barabbas, the hearing before Pilate, the remorse of Judas and the crucifixion. The dramatist has approached the topic in a most reverential manner, and this has not been altered in setting the piece on the stage. The presence of Jesus is indicated merely by the beam of pure white light, adopted as an excellent and appropriate expedient, and referred to by Mr. Kirke as "the glory of the Nazarene."

At times, in fact, the drama partakes largely of the nature of a religious service, and one can easily forget that it is a theater, and imagine that a company of devout worshippers has gathered. The closing tableau, in which the company, headed by Mary and Barabbas, converted and converted, is led in singing the anthem, "He is Risen, Alleluia." This is a most impressive and fitting finale to the drama.

Love Interest of Drama. The love interest is between Mary and Barabbas, and this is cleared of its dress.

AN OLD EDITOR Found \$2,000 Worth of Food.

The editor of a paper out in Okla., said: "Yes, it is at times marked by the deepest Nuts food, it was worth more than \$200 doctor bill to me, for it made me a well man. I have gained 35 pounds in weight, my strength has returned tenfold, my brain power has been given back to me, and that is an absolute essential for I am an editor and have been for 25 years."

"My pen shall always be ready to speak a good word for this powerful nutritive food. I had of course often read the advertisement regarding Grape-Nuts, but never thought to apply the food to my own use, until, in an extremely and sickening mood, the thought came across that it might fit my case. The statements in regard to the food are absolutely correct, as I have proven in my own case. One very fortunate thing about the food is that while it is the most scientifically made and highly nourishing, concentrated food I have ever known, it has so delicious a taste that it wins and holds friends."

"There's a Reason" Read "The Road to Wellville," in page.

and made a beautiful sentiment by the influence of the Master on the lives of the two Calaphas natural affords the protagonist, and Judas is his tool. Martha, Lazarus, Zacharia, Peter, John, Pilate and others known and a few characters needed to fill out the story participate in the spoken parts of the drama, while an unusual number of supernumeraries crowd the stage at times, furnishing most vividly energetic mobs, either excited to a fierce demonstration or fleeing in terror from the unknown but apparent wrath. Miss Hudson leads this aggregation at the house of Pilate, where Barabbas is demanded, and "Crucify Him!" resounds whenever the name of the Nazarene is mentioned. She reminds one of the "petite" models of the days of the commode in Paris—a fury incarnate. But her zeal is merely a part of the realistic work of all.

Miss Lang is Mary, and is intensely earnest in her portrayal of the part. It does not give her such great opportunities as usually fall to the lot of the heroine, but it does call for a constantly sustained effort, increasing in pitch until the climax is reached in the fourth act, after Calvary. Again, in the closing act, which is not anticlimactic, she leads the action. Careful study of the role, and her experience in Kansas City during the long run of the play there, enable Miss Lang to make the performance impressive. Miss Hill is the home-loving and housekeeping Martha and also splendidly cast.

Share of the Men. Mr. Davies quite dominates the play as Calaphas. He makes the high priest earnest in defense of the law and the traditions of his order; tireless in pursuit of the Nazarene, and determined in his cutting off. He makes the apostles and their faith, and persists in an effort to stamp out heresy; many notable examples for the conduct of Calaphas may be found in the annals of Christendom. Mr. Kirke makes of Judas a despicable, covetous, avaricious wretch; quite the opposite of the high patriotic type pictured for us by Paul Heyse in "Mary of Magdala." The frenzy and finally delirium of remorse from which Judas suffered immediately before he committed suicide are most energetically portrayed by Mr. Kirke. George Arvine has Barabbas in his care, and makes him a very likeable sort of chap. For the purposes of the play, Barabbas is divested of some of the attributes that brought him so near to crucifixion, and is made more of a rebel against Rome than a mere robber of passing travelers; he becomes a patriot rather than a footpad. His meeting with Mary is casual, in the course of her trade as a courtesan, but he follows her, and through her influence comes under the spell of the Nazarene, and professes his faith in the new religion.

It is well wrought out and most logically presented by Mr. Arvine. John Todd as Pilate has a brief but illuminating opportunity, and rises fully to the occasion. His splendid welcome back last night continued until he stilled the audience with the same gesture he used on the mob, although he smiled on the audience. Will Davis as Peter is good, as are also Mr. Birch as Zacharias and Mr. Arnold as Calchou, a Roman centurion.

Stage Settings and Music. The stage settings is elaborate and interesting in detail. It is the most extensive ever seen at the Burwood, and adds greatly to the effect of the play. Incidental music has been appropriately provided by Director Hoffman.

Owing to the length of the drama, it is absolutely essential that the curtain go up promptly in the evening at 8:15, and in the afternoon at 2:30. As the first act is a "dark" act, it is impossible to seat people during the time the curtain is up. About 30 found this to be true last night, and had to stand during the entire first act. If you want to be seated for the first act, you must be at the theater before the curtain goes up this week, although the curtain goes up this week.

"The Little Outcast" at the Krug. The usual large Sunday audience greeted the Emore Stock company Sunday afternoon and evening in their presentation of the four-act melodrama, "The Little Out-

cast." A number of songs and dances are introduced in the third act by Miss Eleanor Meyers, which are well received. Miss Lydia Powell takes the title role in a pleasing manner. Oia Pomeroy gives a vivacious characterization of Bob, the newsboy. Robert Daylock takes the part of Paul Weston and William Kerby as Toddy Foster won the hearts of the audience. The play will continue Monday, Tuesday and Wednesday, with the usual matinee.

"Fra Diavolo" at the Boyd. The Beggar Prince Opera company appears at the Boyd during the first half of the third week of its engagement in Auber's romantic opera, "Fra Diavolo." The audience yesterday afternoon and evening were disappointed in the absence of Miss Ethel Balch from the cast. Miss Balch has been ill and was unable to appear yesterday. The management promises she will be on hand tonight and the remainder of the week to sing the part of Zerlina.

With Miss Balch in the cast to sing the half dozen or more sweet songs that fall to the part and to add her voice to the chorus parts, "Fra Diavolo" ought to prove one of the most popular of the remainder of the week to sing the part of Zerlina.

Miss Balch's place in the cast yesterday was taken by Miss Jessie Mayhew, with moderate success. Not all of the real music is given to Zerlina, however. Mr. Huntington as Fra Diavolo dignified as a marquis is given splendid opportunity to use his voice, both alone and in the lead of chorus parts. With Mr. Rouse, who sang the part of Lorenzo, Zerlina's lover, he sings a duet of high merit. Mr. Rouse is also given plenty of chance to use his rich tenor, particularly in "Victoria" with the chorus and in some pretty love songs. The closing number of the second act, sung by Messrs. Huntington, Rouse, Peck and Murray and Misses Mayhew and Forrest, proved one of