KENNEDY JURY CANNOT AGREE

New York Doctor's Guilt of Reynolds Murder Still Undetermined.

PRISONER, THRICE TRIED, SHEDS TEARS

When Ordered Back to Tombs is Only Cheered by Attorney Moore's Plans to Have Indictment Quashed.

NEW YORK, June 16 .- The twelve men, who since 12:15 o'clock yesterday afternoon, at the conclusion of the judge's charge, considered the evidence in the third trial of Dr. Samuel J. Kennedy for the murder of "Dolly" Reynolds, reported to Judge Newburger at 10:25 o'clock this morning that they were unable to agree on a verdict. The judge at once discharged the Jury from further service and re-

manded the prisoner to the Tombs. When the foreman of the jury announced the inability to agree Dr. Kennedy seemed unable to comprehend the situation. Then the tears came to his eyes and his face showed the effort he was making to control himself and crush his disappointment. But the smile that had been marked through most of the trial came back quickly and grew brighter as he caught the eye of Dr. Moore, his attorney. Immediately after the adjournment of court the attorneys for the defense saw Judge Newburger in regard to their next step in behalf of Dr. Kennedy. The judge said that they should see District Attorney Philbin as to whether he would agree upon what course to be pursued. He said that he (the judge) would be out of town tomorrow, but that they could appear before him on Tuesday to make whatever motion as the company has already secured a they desired. Mr. Moore will ask District Attorney Philbin to move the quashing of the indictment and if the latter does no take this step to free Dr. Kennedy, Mr. Moore himself will make that motion, arguing that the state has shown twice its inability to convict his client of the crime streets. These arches will be constructed Topeka & Santa Fe, to which probably will and the old idea that disagreements are equivalent to acquittal ought to prevail in this case.

Five Rollots.

On the first ballot taken the six who were willing to vote in advance of a discussion of the case stood two for acquittal, three for conviction of murder in the first degree, one for conviction in the second degree. The other gix put in blanks.

The first formal ballot resulted: For acquittal, 6; for conviction, 6. The next ballot stood: For acquittal, 7; for conviction, Thus the jury stood until the sixth ballot was reached, when the result was: For acquittal, 8; for conviction, 4, and four after which the lodges and visitors joined in more ballets resulted the same way, ten in all being taken.

Emiline C. Reynolds, better known as "Dolly" Reynolds, was found dead with her head crushed in a room at the Grand hotel August 16, 1898, where she had gone with a man answering Dr. Samuel J. Kennedy's description, according to the testimony of witnesses. In the dead woman's corset was found a check for \$13,000 signed 'Dudley Gideon" and indorsed by "Samuel J. Kennedy." The police theory regarding this was that it was in payment of alleged winnings at the races.

The evidence showed at the trial of the case in the criminal branch of the supreme court in the spring of 1899 that the woman's skull had been crushed with a piece of lead pipe, alleged traces of which pipe on Dr. Kennedy's clothing were alleged to have been discovered by the

Dr. Kennedy was convicted and sentenced to be executed at Sing Sing. The court of appeals on November 20, 1900, handed down a decision granting a new trial to Dr. Kennedy and he was prosecuted before Justice Fursman during the part of last year for the second

This trial resulted in a disagreement. District Attorney Philbin transferred the case to general sessions and assigned Assistant District Attorney Osborne to prosecute it. The third trial began May 6.

South Omaha News

A great deal of dissatisfaction was expressed yesterday at the result of the work of the tax commissioner. When the people who framed the new charter advocated the election of a tax commissioner there were some who were disposed to complain at what was called a needless expense. Those interested insisted that by having a tax commissioner the valuation of the corporations would be raised, thus compelling the big concerns to pay the same proportion of taxes as the small home owners.

One property owner who has large landed interests in the heart of the city said last evening "As a tax commissioner Fitzgerald has proven himself a failure and I learned today that there is some talk of holding an indignation meeting for the once. He said there was every indication Jarvis, relates the St. Louis Republic, one purpose of adopting resolutions censuring Mr. Fitzgerald for the manner in which he made the city assessment. When the tax commissioner section of the charter was brought up last winter the packers were called together and at first they were disposed to fight the project, but they finally agreed to stand for double the valuation of 1900. Fitzgerald has not turned in the valuation as virtually agreed upon, although I am sure be was aware of the agreement of the packers. As a result the city will be compelled to put up with another high levy. It was expected that there would be a high valuation this year and a low levy. Unless the Board of Review makes radical changes in the assessment the levy will be not less than 60 mills."

At tonignt's meeting of the council some arrangements will be made for securing rooms for the meeting of the Board of Review. On account of the indignation expressed at Fitzgerald's actions it is possible that the board may decide to increase the valuation of the corporations.

In speaking of this matter another well known property owner said: "Unless the Board of Review rectifies the errors made by the tax commissioner the business men will go into the courts and endeavor to secure an equitable adjustment of taxes. Although I supported Fitzgerald for office when he was a candidate, I will say that he is certainly a disappointment."

Members of the council are decidedly sore at the result of the assessment and some interesting developments may be looked for shortly. The charter gives the tax commissioner three months in which to complete his work. It further provides that he shall devote all of his time to the city in lieu of a salary of \$1,500 a year. Duties other than those described in the charter may be provided for by ordinance. More than likely an ordinance will be introduced tonight detailing Mr. Fitzgerald as a clerk in the treasurer's office. The treasurer needs more help and as Fitzgerald has the reputation of being a good accountant his services will be of considerable value to the treasurer. Taxes become delinquent twice & year, now, in stead of once and, consequently, a great many more receipts have to be written. A member of the council who called a

Constination

Headache, billousness, beartburn, indigestion, and all liver ills are cured by

Hood's Pills Sold by all druggists. 25 cents. The Bee office yesterday afternoon said: Don't worry, Fitzgerald will be compelled to devote all of his time to the city. He expects that he can hold his job as secretary of the building and loan company and be tax commissioner also, but you may depend upon it that he will be required to devote all of his time to the city. The council may by ordinance fix the salary of the tax commissioner and it would not surprise me any if a radical change in the ommissioner's salary were made before

It is expected that the Board of Review will meet on Tuesday for the purpose of organizing.

Woodmen Return

The seventeen members of the drill team of Modern Woodmen camp No. 1095, who went to St. Paul, returned yesterday. Although this team drilled three or four times a week for several months in order to compete for the prizes at the annual reunion no exhibition drill was given. Owing to dissatisfaction the team decided that it was useless to go on the grounds and compete for any of the prizes. Members of the team assert that the awards were virtually made by the judges beforehand and this caused quite a number of teams to drop out of the contest. The members enjoyed the trip greatly and regret that the conditions were such that they could not enter the competitive drill.

Pontoon Bridge Stock. The subscription books of the Pontson Bridge and Ferry company will be closed today. An officer of the corporation stated last evening that \$19,000 had already been parties to the agreement, but it is undercommence operations was \$12,000. The company now has a first-class ferryboat in view and will, it is stated, commence operations shortly. It appears that there is no necessity for city ordinances governing the landing of ferryboats here and county license and permission from the government this is all that is required.

Street Fair Matters.

to be erected at Twenty-fourth and M streets and at Twenty-seventh and in sections, so as to place them in position he added before long the Chicago, Rock a day or two before the fair opens. Sou- Island & Pacific. venir buttons of the occasion are being distributed to citizens and strangers and however, will be the real dictators and dia contract has been let for the posting of bills, etc. Some startling posters have been secured and these will be distributed to all over this section of the state. Every Mr. Morgan. effort is being made by the managers of the fair to bring a big crowd to the city.

Memorial Services. The local lodges of Odd Fellows held memorial services yesterday afternoon. Services were held at Laurel Hill cemetery. public services at the temple, Twentyfourth and M streets. Rev. Dwight Jenks of Omaha and Mrs. C. L. Talbot of this city

were the principal speakers. Magie City Gossip.

The city council meets tonight. Miss Jessie Rice spend the summer. Jessie Rice has gone to Indiana to

Henry Lewis will return today from an extended southern trip. The P. E. O. society meets with Mrs. M. Carl Smith this afternoon. Mrs. P. H. Shields, 2209 M street, is re-covering from a severe illness. Bishop McCabe will preach at the First Methodist church on Sunday. July 7.

Frank Merrill returned yesterday fro week's vacation spent at Noble's lake Mr. and Mrs. Henry C. Richmond have returned from an extended western trip.

Rev. J. A. Johnson of the Methodist church leaves today for Kansas City to attend the wedding of his niece, Miss Zetia Roseberry. Roseberry.

A reception will be tendered to Miss Bertha E. Clark on Tuesday evening at the Methodist parsonage. The Epworth league is to have charge of the affair.

Children's day exercises were observed

WILLIE COTT SERIOUSLY HURT

Taken Home Bleeding and Unconscious by Two Men, Who Fail to Give Particulars.

Willie, the young son of George Cott of the Martin-Cott Hat company, was severely injured last evening while bicycle riding. The manner in which he received the injury is unknown, but it is supposed that he fell from his wheel and struck the pavement or a curbstone.

The boy was taken to his home at 2226

Mason street by two men at 7:30 o'clock. The mother was home alone and became so excited over her son's condition that she failed to inquire about the accident or demonstrated beyond question that the adask the names of the men. He was un- vanced woman of the twentieth century conscious and had a severe contusion on stands ready at a moment's notice to take right side Blood was flowing freely from the right ear and his condition was serious. Dr. W. A. Edmiston was called at of a fracture at the base of the brain, but R. M. Fagan, a student at the Iowa State that this could not be determined for some time. The boy regained consciousness later. but seemed dazed and became greatly excited when spoken to. He could not tell what had happened.

The police station was notified and detectives were detailed to ascertain, if possible, the manner in which the injury was

PERSONAL PARAGRAPHS.

J. P. Elmore of Alliance, Neb., is in the William D. Sisson of Beatrice, Neb., is at the Millard hotel.

Nebraskans at the Murray: H. H. Church, Lincoln: Al J. Walker, Clay Center; Frank J. Burns, Exeter.

Mrs. Fred Temple of Lexington, Neb., is in the city visiting the family of her sister, Mrs. J. W. Rabb, of 1319 South Thirty-second street.

Nebraskans at the Merchants: A. H.
Brown, Lincoln; James Nevils, Albion; William H. Pruner and family, Kennard; G. O. Harrison, Kennard; W. H. Carruthers, Lincoln; A. H. Shepard and son, Ansley; S. F. McNichol, O'Neill; Frank Howe, Blair; J. H. O'Shea, Lincoln; Mrs. A. L. Laney, Humboldt; F. H. Heuermann, Arlington; E. J. Long, Schuyler; C. Kennedy, Kearney; E. E. Abbott, Lexington: F. H. Young, Genoa; A. P. Cully, Loup City.

PARTITION OF THE PACIFICS

Destiny Settled for All the Roads Leading to the Ocean.

HARRIMAN RULES WEST OF CHICAGO

His Consolidation Represents Fifty. Five Thousand Miles of Track-

Southwest of St. Louis Left for Gould. CHICAGO, June 16 .- The Tribune tomor-

row will say: That the Harriman combine has secured control of the Chicago, Milwaukee & St. Paul and that a composite agreement has been made to perfect a community of interests among roads that have tracks enough to twice belt the globe is generally accepted in railroad circles. The sudden departure of Mr. Harriman for the east, accompanied by President John J. Mitchell of the Illinois Trust and Savings bank, was announced in support of the statement that Mr. Mitchell and others bankers would furnish the funds for the completion of the Milwaukee & St. Paul transfer.

result of the recent controversy over control of Northern Pacific stock which drove short holders to cover at \$1,000 a share. A few small roads out of Chicago are not raised and that all the company needed to stood they will consent to anything that will maintain rates and end the squabble that has been kept up in the past among the various western lines.

west, northwest and southwest from Chicago to the Pacific coast will be controlled in future by the following interests: Lines west of Chicago to the Pacific coast, by Harriman, Kuhn, Loeb & Co. and the Rockefellers; lines northwest from Chicago, by Work is progressing rapidly on the arches | Hill and Morgan; lines southwest from St. Louis, by Gould and the Rockefellers; lines southwest from Chicago, by the Atchison,

> J. Pierpont Morgan and E. H. Harriman rect the policy to be pursued by these combinations, thus establishing the "community of interests" which has been the plan of

The railroads interested in the Harriman consolidation, with their mileage, are the

| following: | |
|---|----------------|
| Road. Total Mi June 20, Atchison, Topeka & Santa Fe | 1899. 6,916 |
| Southern Pacific | 7,614 |
| Northern Pacific | 4,439 |
| I Unicago, Muwaukee w St. Paul | 6.191 |
| Chicago & Northwestern Chicago, Burlington & Quincy | 7 180 |
| Missouri Pacific | 5,324 |
| Great Northern Chicago & Alton | 5,127 |
| Wabash | 2,326 |
| Potes | |

DEATH RECORD.

Rev. John L. Dyer of Denver.

DENVER, June 16 .- Rev. John L. Dyer, one of the most famous preachers who has figured in the history of the west, died here today of paralysis of the throat, after a lingering illness. Rev. Mr. Dyer was born in Franklin county, Ohio, in 1812, moved to lilinois in 1831 and served through the Blackhawk war. "Father" Dyer, as he became known, began preaching in Wisconsin in 1849, and was the oldest, if not the last of the old Methodist "circuit riders." Coming to Colorado in 1861, he met with many thrilling adventures in his travels in this state and New Mexico, and through his zeal in preaching the gospel to the widely separated and almost inaccessible earned the sobriquet of "The Snowshoe Itinerant." He is the author of a book bearing that title. His picture is among those given a place in the dome of the state capitol, as a testimony of his lifework and a pioneer in the winning of the west.

General William Gardner. MEMPHIS, Tenn., June 16 .- General William Montgomery Gardner, a veteran of the Mexican and civil wars, died here tonight, aged 78. General Gardner graduated from the military academy at West Point in the class of 1846.

FRIEND AND PROTECTOR.

Remarkable Pluck and Skill of an lown Girl. All men should mightily rejoice because

the lower back part of the head on the a protecting interest in masculinity which means much for the safety of what was once known as the sterner sex. But for the pluck and skill of this Miss

university, at which Miss Jarvis herself is PICTURE a freshman-or freshwoman or freshgirlwould now be gathered to his fathers. The two were out boating together and a sudden squall upset their little craft, throwing them into the water. Fagan being unable to swim. Miss Jarvis bravely went to his rescue, swam with him to the capsized boat, which he then clung while the girl steered the whole outfit to shore, swimming at the stern of the boat and pushing it and young Fagan ahead of her.

To a fair-minded person masculine abuse or ridicule of the new woman will seem anything but graceful or decent after a reading of this feat performed by Miss Jarvis of Iowa City. Life will lose many of its terrors for man if woman thus fits her self to be his savior in times of sudder peril. The significance of the Iowa in

CHILDREN HAVE THEIR DAY

Little Folks of Hanscom Park Methodist Church Indulge in

The celebration of Children's day, which, on account of rain, was postponed last Sunday, was observed yesterday morning at the Hanscom Park Methodist Episcopal church. The Sunday school room was decorated with cut flowers and the American flags. A large platform was erected in the front of the church, upon which were seated the members of the Sunday school classes, under the direction of the superintendent and his assistants. The must for the occasion was furnished by Miss Allen's orchestra, which accompanied the vocal numbers and rendered several selections during the ceremonies. The choir of the church was pressed into service and rendered several selections, among them being the "Gloria" from Mozart's "Twelfth Mass," and the "Hallelujah Chorus" from Elijab.

Those who took part in the program were William Armstrong, Lillian McDonald, George Clark, Juliet Carter and the pastor of the church, Rev. Clyde Clay Cissell. Prizes were awarded the children for their collections to aid in paying the church debt. Everyone who turned in \$1 The meeting of the western officials with got a button bearing a picture of the Mr. Harriman is believed to have been the church and the legend "I Have Have You?" The cash prizes ran up to \$10.

Amusements

Ferris Stock Company.

"Taken from Life," a genuine English melodrams, was put on at the Boyd last It was asserted tonight that all the roads night by the Ferris Stock company. The piece is of the typical British sort, in which the villain is damnable, the hero to heavenly and talks in husky undertones; all sorts of difficulties, while she waits as did Penelope for the return of Ulysses, and even gives one the impression that she knows just how the affair is going to turn out. Of course there is a stableyard scene, law. and a live horse, and a lot of talk about the "darby," but the bulk of the play hinges around an estate and the love that makes one man virtuous and another a criminal Five acts are needed for its unfolding. and everything comes out well in the end. The members of the company find themselves well fitted with the several parts. and yesterday succeeded in pleasing two assemblages whose size was limited only by the capacity of the theater. Manager Bear has placed some ventilating fans in the lower part of the auditorium, and will be able to supply plenty of cool fresh air at all times.

Krug Park The weather favored Krug park yesterday and the second largest crowd of the season attended the big family resort. The scene was one of animation and joy all through the afternoon and evening. All the swings, seesaws, settees and chairs Total 55,592 were in constant use and suggested to the management an increase of paraphernalia of this nature to accommodate the fine-day attendance.

The big tent of Morris' dog and pony circus was completely filled with enthusiastic admirers of the trained animals at both performances. The dogs and ponies are prime favorites with the women and children, and the circus is one of the first attractions to receive their patronage.

The band gave two concerts, which were thoroughly enjoyable, the program being among the very best that has been rendered by this popular organization. A dozen more monkeys were received yesterday and were moved into their new quarters. This happy family now has over twenty members and is one of the interesting features of the park. The monkey Xmas proved so very funny that many requests have been made be arranged for the monkeys next Saturday

It is getting to be a popular thing to make up parties to spend the evening at it is indefinite and uncertain; second, be many features strongly recommend it for these events.

TO CELEBRATE THE FOURTH

Side German Dramatic Club in Making Elaborate Preparations.

The South Side German Dramatic club is arranging for a celebration of the Fourth of July at Byron Reed's park. Twenty-first and Martha streets, the proceeds of which Miss Caroline Jarvis of Iowa City, Ia., has are to go to St. Joseph's school. Afternoon and evening programs will be enacted. comprising music, drills and other attractive features, concluding with fireworks in the evening. The societies of several of the Catholic churches will participate in the rendition of the afternoon and evening exercises, which will be conducted chiefly by the children of St. Joseph's school.

DRAWS CROWD

Omaha People Flock to Lininger Gallery to See "Return of Spring."

Callers at the Lininger art gallery were more numerous Sunday than usual on that day, as many were drawn thither to see the newest addition to the art treasures of the gallery, Bouguereau's "Return of Spring." The picture was shown on the north wall of the gallery. It is impossible to detect any trace of the mutilation of the canvas by Carey Judson Warbinton. as it has been completely restored and shows not the slightest blemish

Chamberlain's Colic. Cholera and

Is the best and most popular medicine in use for bowel complaints. It never fails and is pleasant to take. Mr. R. Woodward of Rosslyn, Ky., says: "I have handled Chamberlain's Colic, Cholera and Diarrhoea Remedy for twelve years, have never sold a bottle that did not give perfect satisfaction and it is the best selling diarrheea medicine that I handle." For sale by all

Mixes Up Excursion Rates and Politics.

Tim Ormsby and the desk sergeant were line on the Kirksville division he gets to business with a red seal an' purple tape discussing excursion rates, when Tim took name the head clerk o' the city recorder's oceasion to illustrate a point with a narra- office.

Tim Ormsby Talks

is pretty good," he said, "but one time I talkin' politics with the main works." gets a ride free an' a torch throwed in. It's down in Missourie. About forty miles ing now," said the desk sergeant. "In these out of Jefferson City I swings onto a way days of trusts and combines competition is freight and jist as she strikes the toboggan a thing of the past." on the down grade and hits a thirty-fivemile clip here I sees the brakey comin'. Tim. "Why, right here in Omaha compe-'It's all up with you, Timothy,' I says, an' tition is honed down to a razor edge. When I can see myself turnin' double handsprings

down the cinder path. over to show him where to kick, but he about combines. Look at that Redell case says, 'That's all right, pard. You've got a -soon as it gets out that he's to be canned through ticket. The main works wants to everything in town from the city council to see you back in the caboose, an' here's a th' park commission and from th' trustees Havana de stinko for you."

Jay Gould bought this road an' turned it Fourth o' July, cause it's against the law into a charity bazaar?' " 'No,' he says, 'but they's a 'lection down don't go.

here to Sedalia, an' if the main works o' "'We'll pull off that job,' says the board this train lands more o' you languid Larries o' rapid fire commissioners, with neatness in town than the conductor o' that glacier an' dispatch, an' give him a license to quit

"And that's why I rides into Sedalia on a "Yes, one-and-one-third fare round trip horse-hair cushion, smokin' a torch an'

"Yes, but there's none of those snaps go-

"Oh, cut it out! Cut it out!" exclaimed you see concerns so keen for a job o' work that they'll do it for glory an' crateage "Well, as the brakey comes up I stoops throwed in, don't hand me no mess o' talk o' th' church to th' arbitration committee 'How's this?' I says, breakin' open the o' th' iron works sends in a bid. Redell torch to see what it's loaded with. 'Has tries to get 'em to stave it off till the to fire a man inside th' city limits, but it

onto it for less than any other house in the Omaha territory.' "Mr. Girlie, which is Redell's trainer reaches for th' ink to draw up th' contract when in steps the city council an' raises

"'We ain't in the fire business exclusive, Mr. Girlie,' they says. 'It's only a side line with us, an' we carries a large stock of other goods, but we sin't goin' to They can't no cheap skate be underbid. of a fire commission tell us where to get off. So we'll give your man clearance papers an' write 'em out on a typewriter cost him a cent. All we asks is that season ticket o' his to watch the newsies make base runs out behind th' city hall. An. by the way,' they says, 'if that man o yours has got any o' that lyddite profanity on tap that he used to put out fires with you might have him charge a few o' them Babcocks with it an' leave 'em in the

'An' so the rapid fire commission lost the an' that's why it's out now lookin for a job settin' up pins in a bowlin alley."

COMMISSIONER

Decision of Eupreme Court Awaited to Determine if He's Constitutional.

LINCOLN OFFICEHOLDER IS AT STAKE

ase is Believed to Affect Omaha as Well. Because Language of the Charter is identical in the Two Cities.

(From a Staff Correspondent.) LINCOLN, Neb., June 16 .- (Special.) --Decision of the supreme court in the case involving the constitutionality of the office of the city tax commissioner is awaited

with interest by all taxpayers of Lincoln, but it is a singular fact that only two large corporations in the city are actively, engaged in the effort to knock out the office. If the law is allowed to stand, alk property owners will probably be called upon to pay a greater amount of taxes in future years than they ever have before, but they are not very loud in denouncing the change.

In his argument before the supreme court this week, City Attorney Strode will insist that if the section of the Lincoln charter, which creates the office, is declared unconstitutional, this decision will apply, not only to Lincoln, but to Omaha, for he says that the section in question is a recommissioner section of the Umaha charof this case. Mr. Strode has outlined his argument in a brief, which will be filed in case is on the call for this week's sitting where the heroine steers her way through of court and unless something unforescen occurs, it will be heard on scheduled time. The Lincoln Gas company and Lincoln Traction company are supposed to be the corporations back of the fight against the

On Constitutional Grounds.

Opening his address, City Attorney Strode "The right of the city tax commissioner to his office, as understood by counsel for defendant, is questioned on the ground that the provisions of the new Lincoln charter, creating the office of tax commissioner, are unconstitutional. Other provisions of the charter than that creating the office of tax commissioner are not involved in any way in this suit.

Before taking up the argument counsel for the state, we desire to direct the attention of the court to the fact that the provisions of the new charter of Lincoin creating the office of tax commissioner were practically word for word from the provisions in the Omaha charter, with the exception of sections 34, 35 and 36, which refer to return of assessments, filing of and enthusiasm marked. Prof. H. R. Patschedules with the clerk and the oath of the tax commissioner. Assessments have been made and taxes levied under the provisions of the Omaha charter for years. "Millions of dollars of revenue have been collected under its provisions and, presumably, thousands of dollars remain uncollected. The revenues of Omaha, as well as Lincoln, depend upon the validity of these provisions. If this law cannot stand under the constitution, then Omaha and

Lincoln will be left financially strandedwithout revenue and without the means or ability to provide. So we urge upon the utes. Many gardens and much low land court at the outset the gravity of the were covered, but comparatively little damsituation and the importance of the questions presented. This law should not be declared unconstitutional unless there be substantial violation of the constitution. Upon the validity of this law depends the financial welfare or ruin of two cities, and it is not fit time or place for foolish. frivolous or trivial objections.

s for the Claim. "It is claimed on the part of counsel for the state that this law is unconstitutional for the following reasons: First, because the Krug. Its splendid illumination and cause it violates the principles of equality and uniformity in taxation; third, because it is special legislation, and, fourth, because it violates section 11, article iii, of the constitution to the effect that no bill shall contain more than one subject and the same shall be clearly expressed in its title, and no law shall be amended unless the new act contain the section or sections so amended, and the section or sections so

mended shall be repealed." Mr. Strode takes up the first objection urged by the attorneys who are fighting the office and gives an extended argument to show that the section relating to the tax commissioner's office is not in any way indefinite or uncertain, but he insists, on the contrary, that the argument of the opposition counsel in this relation is de-

As to the objection that the act violates the principles of equality and uniformity in taxation, the attorney continues: "If 'fair cash value and fair value' do not sean substantially the same thing, then the charter, which requires both real and personal property to be assessed at its 'fair cash value' complies with the constitution and the revenue law which permits real property to be assessed at its 'fair value' and personal property at its 'fair cash value' is the law which makes the discrimistitution. The constitution requires uniformity, the city charter provides for uniformity; the general act does not-argues for plaintiff-and, therefore, the charter is unconstitutional, but in point of fact the terms 'salable value,' 'actual value, 'cash value' and the like mean the sails

thing. Word Cash Makes Difference. The attorney for the defendant had rgued in this connection that there was a substantial difference between "fair cash value" and "fair value," and in his brief e pointed out the fact that under the general revenue law personal property is to be valued at its "fair cash value," while real property is to be valued at its "fair value." One of the principal objections is that the act is unconstitutional because the tax commissioner is required by himself and his deputies to assess all property within the city of Lincoln at a "fair cash value," except the property of railroad corporations, and that he is not permitted to value. Section 40 of the revenue act provides that the State Board of Equalization shall value

and assess railroad property at its actual value for each mile of road or line. This aluation the tax commissioner is required by the statute, under which he claims authority to act, to accept, while all other property within the city is to be valued at its "fair cash value." On the other hand it is plain that the exception in the city charter is wholly superfluous, that the exception is constitutional and that if it inconstitutional the unconstitutionality attaches to the general revenue act, and not the city charter, and the exception alone is

void. Otoe County Institute SYRACUSE, Neb., June 16 .- (Special.)-The institute that has been in session the past week closed Friday afteroon with a spelling contest. Two hundred words were given. The teachers were enthusiastic in their praise of the management of County Superintendent Eliwanger. The instructors were: Superintendent J. W. Searson of Wahoo, Superintendent W. N. Delzell of Syracuse and Prof. Robert Hunt, instructor in Lincoln High school. Superintendent Searson conducted the reading, school management, history and the beginners' roundtable. Prof. Hunt had the grammar and geography. Superintendent Delzell, secretary of the institute, instructed in arithmetic and civics. The institute was one of the liveliest and best attended ever in

Otoe county, there being 114 enrolled. Rushville's Rush of Rain. RUSHVILLE, Neb., June 16 .- (Special.)-Rain has become so common here that the people cease almost to notice it. Yet it means a great deal, not only this year, but production, word for word, of the tax for the next season's crop also. The ground is thoroughly sonked, the creeks are runter, with one or two trivial exceptions, ning and the grass and hay are growing which do not enter into the consideration rank. There has never been so much mots ture in the history of the county as it is having now. Heavy showers and all-night the supreme court tomorrow morning. The rains are the rule and all farmers and stockmen are jubilant. It is said that even if there is a dry season next year corn will be raised in abundance, and if there is a reasonable amount of rain a good crop is

> Costly Washout at Broken How. BROKEN BOW, Neb., June 16 .- (Special.) From a heavy rain part of the town was flooded by backwater, caused by the heavy grades across the Muddy on Fourth and Fifth avenues. Four two-foot tiles had been put in the fills on each of the streats where they crossed the creek, in order to let the water through, but they proved insufficient to carry the great volume of water, which piled up twenty feet deep until it reached the top of the fill, when it out its way through the grades the full width of the streets. The damage is estimated at \$1,500, besides the damage sus tained by flooding cellars.

Nancy Hanks a Feature. TECUMSEH, Neb., June 16 .- (Special.)-The annual teachers' institute was in this city last week. The attendance was large tengill of Lansing, Mich., was the principal instructor, assisted by Miss Catherine Cameron of Lincoln, Prof. C. N. Anderson and Prof. C. C. Danforth and County Superintendent Adkins of this city. Prof. Pat-

tengill's lecture on "Nancy Hanks and the

Nineteenth Century" was a feature.

Cloudburst at Tyndall. TYNDALL, S. D., June 16 .- (Special.) -A week of heavy showers culminated in a terrific downpour at noon yesterday. Two and a half inches of water fell in forty minage was done. There was some hail. The roads are very muddy.

Crete Woodmen Remember CRETE, Neb., June 16 .- (Special.) - Ivy Leaf camp, Modern Woodmen of America, held memorial exercises today. The camp is the largest fraternal organization in Crete. There were 150 neighbors in line. Dr. J. W. Triplett delivered the memorial address

New Church at Pierce. PIERCE, Neb., June 16 .- (Special.) -- The building committee of the Methodist Episcopal church has decided to erect a modern church in the place of the old building that was burned. With the insurance on the old building and money subscribed the fund available is \$2,700, and a \$3,000 structure will be built.

Breaks Both Arms at Adams.

ADAMS, Neb., June 16.-(Special.)-Frank McDoodle, a laborer, fell eighteen feet from the roof of the N. C. Shaw's new brick block last evening, fracturing both arms and receiving a cut across the forehead. He was trying to wheel a load of bricks along a ten-inch plank and lost his balance. Bears' Class Hungry for Honors.

PLATTSMOUTH, Neb., June 16 .- (Spe cial.)-The Plattsmouth Turnverein enjoyed a picule in Patterson's park this afternoon. The Bears' class gave a grand exhibition. This class will attend the Missourt Valley Turnbezirk in St. Joseph Mo., June 22 and 23 and expects to win all the honors of the senior class. Plattamouth Memorial.

cial.)—Platte lodge No. 7, Independent Order of Odd Fellows, observed memorial day in their hall and, accompanied by the nation and destroys the uniformity and, of B. & M. band, marched to the cemetery course, is the law which violates the con- and decorated the graves of their brethren today. Decorate at Table Rock.

PLATTSMOUTH, Neb., June 16 .- (Spe-

TABLE ROCK, Neb., June 16 .- (Special.) The Ancient Order of United Workmen and the Degree of Honor met marched to the cemetery and decorated the graves of members with floral offer-

FIRE RECORD.

Runkel Chocolate Factory. NEW YORK, June 15.-The chocolatfactory of Runkel Brothers was destroyed by fire early today. One of the firm esti mates the loss at \$250,000, which is largely covered by insurance. The factory em ployed 150 hands.

Blaze in a Brickyard Fifty dollars' damage was done the shed; over the klins at Corneer & Croft's brick, yards. Twenty-fourth and Dorcas streets after 12 o'clock this morning. While the firemen were working in response to a telephone slarm, someone unnecessarily sounded box 127 for the same little blaze.

AMUSEMENTS.

The Governor of Nebraska, his staff and 150 officials and friends from Lincoln

will attend the evening concert by

at the Pavilion, 16th and Capitol Ave. Monday Evening, June 17, 7:30 o'clock The party will be at the Ak-Sar-Ben Den at 9:30 p. m. Admission, 35c. Reserved Seats, 10c Extra. Matinee, 25c; Children, 15c.



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