

LINNIER TELLS OF SHOOTING

Says He Intended to Wound, but Not to Kill Sergeant Yours.

JUDGE McPHERSON REBUKES A SOLDIER

Court is Misinformed as to Conduct of Lieutenant Maps at the Trial and Result is Short-Lived Sensation.

Lina Linnier, a private soldier of Company I, Twenty-fifth Infantry, was arraigned before Judge McPherson in the United States circuit court yesterday charged with the murder of Sergeant Robert Yours of the same company at Fort Niobrara April 1st.

The taking of testimony began shortly after 2 o'clock in the afternoon. About twenty witnesses were examined, including the defendant.

Linnier on the Stand.

The defendant, Lina Linnier, in giving evidence in his own behalf, said: "I knew Sergeant Yours from August 27, 1902, to April 17, 1903. I served in the Philippines two years, seven months and seventeen days. Before that I was a member of Company C, Twenty-fifth Infantry, and served in Arizona. I first enlisted in 1898 at Memphis, in the Tenth Immune regiment, and have been five years in the army.

"I saw him reach under the head of his bunk something and then I fired. I only intended to shoot him low down, about the hips, and not to kill him. I did not intend to shoot unless he came at me. He did not come at me, but reached under the head of his bunk and then I fired. I loaded the gun myself to make him take back what he called me."

The only evidence presented by the defense in addition to that of the defendant was to show that Sergeant Yours was in the habit of swearing, at the members of the company. There was no evidence that he ever struck or threatened any of the soldiers.

The testimony of the prosecution was to the effect that Linnier shot Yours shortly after coming into the barrack room. No one heard any conversation between them. Linnier was immediately arrested with the gun in his hand. After he fired the first shot he sprang another cartridge into the gun. Yours was killed almost instantly, dying in the hospital a few minutes after he was shot.

Lieutenant Maps, commanding the company, testified to the exact character of Sergeant Yours, as a strict disciplinarian and a good soldier generally.

The testimony was concluded at 4:15 yesterday evening and adjournment was taken to 9 o'clock this morning for argument.

Rebuke to Lieutenant Maps.

During the trial Lieutenant Maps, commanding officer of the company to which Linnier and his victim belonged, was asked to sit by the attorney for the government for consultation. Lieutenant Maps had already given in his evidence.

Attorney Macfarland, counsel for the accused, overheard Lieutenant Maps make a remark that he thought referred to one of the witnesses for the defense then on the stand. He immediately appealed to the court and protested against the officer injecting himself into the case, to the prejudice of the defense. Judge McPherson thereupon administered a rebuke to the officer, saying: "Such conduct is in the highest degree reprehensible and ungentlemanly, and I wish you to understand that the civil courts of the United States will not for a moment tolerate such business. The military of the United States is strictly and absolutely subordinate to the civil power of the government."

Lieutenant Maps arose and stated that the court had been misinformed and that he did not do anything to deserve the rebuke. "I was invited by the district attorney to take a seat by him to answer a few inquiries regarding the case, as I was the officer who originally investigated the case."

District Attorney Summers stated in explanation that Lieutenant Maps had been invited to take a seat by him, and the remark that Attorney Macfarland had overheard, and to which he had taken exception, did not refer to the witness then on the stand, but to the prisoner, and was in direct reply to a question the district attorney had addressed to him.

The explanation of Mr. Summers was satisfactory to Mr. Macfarland and he apologized to Lieutenant Maps and the court for causing the unpleasant incident, and the rebuke was withdrawn.

Cavalry Troop Outing.

This afternoon two platoons of the South Omaha cavalry troop will proceed to Pikes lake, where they will camp until Monday morning. The camp will be under military discipline and the embryo soldiers will be taught something of life in the field. It is expected that excursions of this sort will occur frequently in order to get the new men familiar with field duties. While no orders have been received, the troop expects to go to Fort Riley, Kan., in August for the fall maneuvers.

Extending Lighting Lines.

Preparations are being made by the Thomson-Houston Electric Light company to extend its lines into the eastern part of the city and supply lights in residences where gas lamps are now being used. For some months residents in the eastern portion have been asking for improvements in the lighting line and now that all labor troubles have been settled as far as electric workers are concerned, the company is ready to commence the erection of lines.

Will Plank Streets.

Mayor Koutsky announced last night that today the paved streets in the business portion of the city would be flushed. A detail of three firemen with hose and three

FIRE SALE is RAGING BENNETT'S BARGAINS FOR EVERYBODY

Great Fire Sale in FIRE, WATER! SMOKE CLOTHING DRY GOODS SMART JEWELRY SNAPS

Feather weight felt hats, in black, brown and pearl that sold up to \$1.50, Fire sale 69c. Just the thing for hot weather. Straw hats worth up to \$1.00, Fire sale 50c. Shirts, soft, with collar or without, shirts that sold up to \$1.25, on sale Saturday, fire sale 59c. Union Made Men's and Young Men's Suits. Special make and styles, values up to \$20, Fire sale price 10.00. Union Made Men's and Young Men's Suits.

CROCKERY SNAPS. Pint Mason jars, dozen 39c. 6-piece decorated toilet sets 1.38. Theodore Haviland 100-piece dinner set, \$35 value, sale price 19.75. 7-piece Floron blue berry sets, regular value 75c, sale price 39c.

The fire sale prices in our dry goods department has brought the crowds all the week. Saturday must be the banner day. For Saturday we will make some new cuts that cannot fail to create a sensation. Silk skirts, walking and dress lengths, Saturday morning, elegant styles—\$14.50, \$12, \$10.50, \$9.90, \$9.50 6.95. Women's tailored suits, \$4.95—only a few of those \$10.50, \$12.50, \$15.00, and \$18.50 suits—on sale. They ought all be sold Saturday at 4.95. Women's shirt waist suits, handsome patterns, percale, perfect fitting, at 98c. Soiled handkerchiefs—you know they will wash, worth up to 25c each—Saturday 3 for 25c. Slightly soiled neckwear, a lot of very pretty pieces, all new, prices less than half, from \$1.25 doz. to 19c. Women's wash waists, the finest collection of waists ever shown at the prices—will go on sale Saturday morning at 98c.

Pyrography A Genuine Leather SUIT CASE. Rafts of "Burnt Wood" on Sale. Our Pyrography department is the complete outfit Chicago or New York. Our fire sale prices are more like GIVING THAN SELLING. Glove and Handkerchief Boxes, stamped 35c. Shirt Waist Buttons, plain 21c. Card Size Photo Frame 14c. Candlesticks, two styles 29c. Nut Bowls—6-inch—stamped 29c. Nut Bowls—8-inch—stamped 49c. Nut Bowls—6-inch—stamped 73c. Siding Book 69c. 7-inch Fruit Plate—stamped 23c. 11-inch Fruit Plate—stamped 49c. All Sizes, \$3.00 in the Trunk Department MAIN FLOOR.

4 dozen beautiful rope bead chains and girdles, tassel ends, in black, white and blue, regular \$1.50 chains, Saturday 89c.

Snaps in the Drug Dept. Perfumed Talcum Powder 3c. Violet Perfumed Ammonia 15c. Household Ammonia—Strong, per bottle 5c. 8-lb. sack Sea Salt—for the bath, per sack 20c. Whisk Brooms—a large variety—\$8, \$5, \$3, \$2, \$1.50, \$1.00. An 8-oz Solid Back Hair Brush, black bristle, only 6c. Poison Fly Paper—4 sheets for 5c. Sticky Fly Paper—4 double sheets, per box 5c. 15 DOUBLE SHEETS—8c. Persian Insect Powder—per lb. 39c. Paris Green—Full weight, per lb. 20c. Peterman's Roach Powder—per box 20c. Powdered Borax—per lb. 12c. Colgate's Perfumes. FANCY BLOSSOM, NEW MOON, APPLE BLOSSOM, ITALIAN VIOLET, LILY OF THE VALLEY. 25c Per Ounce. Baldwin's Plum Blossom—per ounce 45c. Paper Poudre Books—per lb. 22c. Pink of Perfume—per lb. 39c. Bennett's Tooth Powder—per lb. 14c. Moth Balls—per lb. 8c.

Carpets, Furniture. WE ARE CUTTING AND SLASHING EVERY TRACE OF FIRE, SMOKE AND WATER DAMAGE—GOOD AND SLIGHTLY DAMAGED BY SMOKE AND WATER GO AT MARVELOUS REDUCTIONS. CARPETS. Traveler's samples of fall carpets very low in price—1/2 yard samples of velvet, Axminster and Brussels carpets, used by the saloonmen of a large wholesale house, damaged so not to reveal size for full—1/2 yard—your choice Saturday morning 69c. WILTON RUGS. These are copies of very fine imported rugs, Persian and Turkish patterns, size 7'x9'—only 1.28 a small lot, at each. GRASS MATS FOR PORCH AND SUMMER USE. 16x28 inches 50c. 20x24 inches 90c. 24x27 inches 1.15. 36x27 inches 1.35. China Matting—yard 8c. or furniture, covering 18 inches wide, all colors, variety of patterns, at yard 69c. Special value in full-size Swiss matting, dotted and figured, at 98c. FURNITURE. \$4 Kitchen Cabinet—Sale price 3.98. Bed Springs 69c. \$5.50 Italian Rockers 3.65. \$12 Italian Chair 2.95. \$7.50 solid Oak Polished 5-Drawer Chest 5.25. \$4.00 Bedroom Suite 22.00. MOST HALF PRICE TO CLOSE OUT.

Law and Porch Swings. The most attractive line in the city. See them. Their prices will please.

Pianos Seventy of them Being Sacrificed. GET THE PRICES

AFFAIRS AT SOUTH OMAHA

Taxpayers Are Speculating on Amount of This Year's Levy.

SOME EXPECT NINE MILLS WILL BE RATE

Much Depends on Result of Bond Election and Taking Up of Floating Debt—Magic City Gossip.

Taxpayers are beginning to speculate on what the 1903 levy will be. Of course no definite estimates can be made until the Board of Review completes its work and the exact valuation of city property as returned by the board is known.

As far as the levy for this year is concerned, the members of the council are all at sea. A great deal depends upon the result of the bond election and the amount of the decrease or increase in the total valuation. Should the overlap bonds be defeated, some provision will doubtless be made in the appropriation ordinance to take up at least a portion of the overlap. Then up at least a portion of the overlap in one year and thus do away with the paying of interest on the warrants outstanding. Should the overlap be paid in one year the taxes must necessarily be considerably increased as compared with former years.

With the voting of overlap bonds it is thought that the city can get along nicely on about the same levy as last year, 9 1/2 mills. The rapid growth of the city naturally increases expenses in all departments, and the overlap has been gradually growing on account of the disinclination of the city authorities to levy enough taxes to meet the obligations falling due. Some financiers deem it safe to predict that the levy this year will not exceed 9 mills, and property owners sincerely hope that this prediction will come true.

Cavalry Troop Outing.

Extending Lighting Lines.

Will Plank Streets.

Mortality Statistics.

Expensive Beer Drinking.

TO DRIVE DOPE FIENDS OUT

Chief Donahue Says People with Drummy Habits Must Quit Omaha.

THEY MAKE TROUBLE FOR THE POLICE

Many of the Fiends, Says the Chief, Steal in Order to Purchase Drugs, and They Are Dangerous in Other Ways.

Along with the thieves, women, people addicted to the drug habit must go. This is the second edict of Chief Donahue. Thursday the police arrested and sent out of the city four men who for months have been confirmed morphine fiends.

Recently the chief ordered all the opium joints closed and owing to the fact that all the fiends have been driven out of their usual haunts the number of victims are apparently rapidly increasing.

"It may be," said the chief, "if we can get these people out of the city and in some way force them to the country, where they will have to work in harvest fields, and cannot get their particular drug, they will break the habit. But I do not know the best way to fight the evil. These people are certainly more to be pitied than censured, when they once get the habit, without a special treatment by a physician and a long time in a hospital, it seems impossible for them to break loose. If it were possible to send the worst cases to the hospital and make them take the treatment, I believe it would be a good thing and would save many a man from absolute ruin."

Dangerous Class of People.

"We have to do something with these fiends, however, for they are dangerous. They give us more trouble than any class of people. They steal everything they see loose and in order to get their poison they would not hesitate to commit murder. We have arrested them and thrown them in jail, but that seems to do no good. As soon as they get out they begin again and steal clothing, carpenter's tools and nearly anything. I do not believe the habit in Omaha is growing to any extent, though it seems that way. From the fact that we have closed their dens we see more of them on the streets and we arrest more of them, but most of them are old timers."

J. B. Mosley, who has had the habit for years and who has served over 100 jail sentences for petty larceny committed while under the influence of drugs, was sentenced to jail yesterday for thirty days. Mosley was arrested in a basement at Fourteenth street and Capitol avenue while cooking opium. Residents in that vicinity saw the light in the basement and thought the man was a burglar. "The arrest of Mosley," said the chief, "shows how dangerous these people are. He was in that basement, half crazy and if someone hadn't seen the light it is more than probable that the building would have been set on fire."

You Take no Risk.

In using Dr. King's New Discovery for Consumption, Coughs and Colds. It cures all lung troubles or no pay. 50c, \$1.00. For sale by Kuhn & Co.

ANSWER OF MATERIAL DEALERS

Sunderland Brothers State to Court Why They Did Not Deliver Sand.

THISTLES AND DANDRUFF.

An Interesting Parallel and a Valuable Deduction Therefrom.

Cutting down thistles no more relieves the land of thistles than does scouring the scalp of dandruff. In each case permanent relief can only come from eradicating permanently the cause. A germ that plows up the scalp in searching for the hair root where it saps the vitality, causes dandruff, falling hair and baldness. If you kill that germ, you'll have no dandruff, but a luxuriant suit of hair. Newbro's Herpicide is the only hair preparation in the world that cures dandruff, falling hair and baldness by killing the germ. "Destroy the cause, you remove the effect."

Send 10 cents in stamps for free sample to The Herpicide Co., Detroit, Mich.

KRECH IN HIGHER POSITION

Becomes President of the Equitable Trust Company of New York.

Alvin W. Krech, who was connected with the Union Pacific receivership, has recently resigned as vice president of the Mercantile Trust company to accept the presidency of the Equitable Trust company of New York, in the place of William T. Cornell, resigned. Mr. Krech was born in Missouri and became prominent in the railroad construction business. He moved to New York in 1866, and assisted largely in the reorganization of the Baltimore and Ohio and Union Pacific railroads. In 1896 he became connected with the Mercantile Trust company of which he became the vice president in 1899. The vice president of the Equitable Trust company are James H. Hyde and L. L. Gillespie, and the secretary and treasurer is F. W. Fuller. The capital is \$2,000,000 and the surplus \$2,500,000.

MUST WAIT FOR NEW MAINS

City Engineer Gives Opinion that People Cannot Force Water Company.

HYDRANT REMOVAL WOULD NOT DO IT

Opinion is that Company Could Not Be Compelled to Extend Mains More Than Once for the Same Hydrant.

In the opinion of City Engineer Rosewater Councilman Zimmerman's proposal to have unused fire hydrants transplanted to localities where they will be of service is not practicable. The engineer, who is thoroughly conversant with the contract made twenty-three years ago between the city and the water company, says the agreement prohibits such removals, unless the hydrants are to be placed along some water main already constructed. One of the chief objects of removing the hydrants is to secure the extension of mains in localities unprovided with water. The question of fire protection enters, of course, but at every location where a new hydrant is demanded there is no main. The water company might waive the right to refuse to change the hydrants, but this, it is clear, will not be done, as it would require expenditure for mains and since the municipal ownership proceedings began the company has ceased to make extensions or improvements in the pipe system.

City Engineer's Opinion.

"The contract, as has been said before, is a good contract—for the water company," said Engineer Rosewater. "It provides that for every 264-foot extension of mains a fire hydrant must be established, for which the city pays \$60 per year. This provision, of course, applies to new hydrants not specified in the contract. Now, in my opinion, the city cannot compel the water company to change the location of the useless hydrants because it would entail an extension of mains. The matter of the city bearing the expense of the removal cuts no figure. The fact of the matter is that you can't compel the water company to extend its mains twice for the same hydrant, no matter where it is located."

Should Mr. Rosewater be correct a great many property owners will be disappointed, as it was hoped to have the hydrants changed and water supplied before the end of the summer. The requests for new hydrants and extensions number more than two score, and some of the communities are in bad condition to resist fire. It appears that they must wait, however, until the city has formally taken over and is operating the water works.

New Travelers' Post.

The Nebraska officers of the Travelers' Protective association will go to Norfolk Saturday morning to establish there a new post, to be Post #7. The older posts being A in this city, B in Fremont, C in Lincoln, D in Nebraska City and E in Grand Island. The work of installation will take place Saturday evening. The travelers living in Norfolk have been for some time working up interest in the association with the idea of forming a post.

BEERS YOU CAN HAVE EVERYWHERE.

ALL FIRST CLASS SALOONS AND RESTAURANTS KEEP IT.

THE CHRISTIAN MOERLEIN BREWING CO. CINCINNATI, O.

HILLER LIQUOR CO. Wholesale Dealers and State Agents. OMAHA, NEB.

Restores Vigor

Horsford's Acid Phosphate

A teaspoon in a glass of water, taken when exhausted or depressed from overwork, insomnia, poor digestion, or summer heat gives tone and vigor to the entire system.

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