

## LOGAN LAMBERT IS HELD

Man Who Assaulted Father Schell Bound Over for Felonious Assault.

PRIEST TELLS STORY OF THE ATTACK

Effort of Prisoner to Secure Discharge Not Successful and Former Liquor Trader is Looking for Bail,

DAKOTA CITY, Neb., May D .- (Special.) -Logan Lambert, the Homer ex-saloon keeper, who on the afternoon of April 16 last assaulted Rev. Father Joseph Schell, livery barn, in this place, and broke his near that town are all right. jaw in two places, from the effects of Residents and land owners in the southwhich he has just recovered, had his pre- western part of the city are feeling very from one-half to one and one-half mills. liminary examination before County Judge anxious about what the Platte will do in J. J. Eimers on the charge of assault with the next stage of high water. Where it Intent to commit great bodily harm, and first left its banks west of town it began was bound over to the district court in the to cut a well defined channel several feet ination of five candidates for aldermen sum of \$700 bonds, which it is thought he in depth and extending some distance to-who had been recommended. The vote was will be able to furnish.

the state, being Bob Homan, the barn attendant who witnessed the assault; Rev. For a distance of half a mile the banks gruntled republicans. Father Schell and Dr. Rouse of the St. are low and sandy and afford little resisoseph hospital, Sloux City, who attended Father Schell. The witnesses corroborated dike is put in extending along the upper each other as to the assault. Rev. Father Schell's testimony was to the effect that he had come to this place to attend county court, being interested in a case that was is almost impossible to pump out the on trial, as did also Lambert. Father flooded cellars in the section south of the Schell and Lambert met several times during the day, and at noon they shook hands together and passed the time of day. At is taken out Steps will probably be taken the conclusion of the trial of the case after dinner on that day Father Schell and build an embankment or put in some went to the barn to get his rig.

### Prient Tells of Assault.

Just as he entered the barn Lambert followed him in and said: "Father Schell, I want to speak to you a moment in regard hesitating in thought, said: "I think-" ground unconscious.

him by the clothes and threw him back on | will be great. the ground, each time kicking him in the face, until shame caused him to quit. From the barn the priest went to the nearest house, which was that of Deputy United States Marshal John F. Sides, where he was washed up and from there taken to the train to the Sioux City hospital, where he remained until a short time since. While being kicked on the floor of the barn Father Schell discerned what he took to be a billy in the hand of Lambert.

Lambert's Hand Damaged. The only witness placed on the stand by the defendant was Dr. D. B. Stidworthy of Homer, who testified that on the evening of the fight he made an examination of the hands of Lambert and found the knuckle of the third finger of his right hand broken and the hand badiy swollen. attorney for the defendant, William P. Warner, pleaded the court for a dismissal authority that the change will occur June of the charge on the grounds that a simple assault had only been proven, which was

resisted by County Attorney J. J. McAllis ter and his associate counsel, R. J. Millard, ex-county attorney of Cedar county who proffered his services to Father Schel The court overruled the motion after heated argument on both sides. Owing t the large attendance at the trial County Judge Eimers was compelled to use the large district court room. District Court Reporter Herman Freese of Pender was present and took down the proceedings. Lambert, in company with Sheriff Hansen, has gone to Homer with the hope of securing bondsmen.

LOWER ELKHORN IS RISING Large Amount of Land Near Nickerson is Flooded.

FREMONT, Neb., May 17 .- (Special.)-The

wards the city. This was dammed up light. The high man was A. H. Hutton, But three witnesses were introduced by by earth and fascines. A little to the recently republican candidate for mayor, south of that another channel was started. tance to the force of the water. Unless a part of this strip the high water of next spring will flood the southern part of the city worse than it did Sunday night. It tracks. The ground is so saturated that the water seeps in almost as fast as it shortly to organize a protection district part of Fremont.

PLATTSMOUTH, Neb., May 17 .- (Speto my case in the courts at Omaha." Platte river are disappearing, additional judged a deed to some land acquired by the reports of damage as a result of the over- governor to be a mortgage despite the con-Father Schell replied. "All right," suppos-reports of damage as a result of the over- governor to be a mortgage despite the con-ing Lambert to be his friend. "I want to flow have been received here. On the tention that it was absolute and gave the talk to you privately," said Lambert, and, premises of H. M. Marks, a farmer residing power to dispose of it. The land was being followed by Father Schell, they pro-seeded to a stall, about half way back in water surrounded the home and the family but he testified that Samuelson had rented the barn. Upon arriving there Lambert had considerable difficulty in reaching a the land of him and acknowledged the said: "Well, Father Schell, what do you place of safety. Mrs. Marks, who was bed-transfer of title. During the campaign an think of it?" Father Scholl, partly turning fast at the time, had to be carried to the effort was made to show that the govaround from Lambert and looking down, home of a neighbor. At this place some ernor had taken unfair advantage of a the boy the district court properly directed of the stock was also drowned, and a large debtor in holding the land under a deed a verdict in favor of the city of Omaha. but he never finished the sentence, for a field of corn will have to be replanted, intended to be a mortgage. blow from Lambert's fist felled him to the Many other farmers along the river in On attempting to arise Lambert grabbed the damage, especially on the bottom lands. as follows:

> gang which inflicted the blows on the Japaering, thanks to those who came to his

rescue. The other members of the gang will be released from jail on promise of leaving the county. Change in Bank Ownership. BROKEN BOW, Neb., May 17 .- (Special. -An important business transaction took place this week when F. M. Rublee disposed of his interests in the Commercial bank to W. A. George, one of the leading citizens of the town, consideration un

known at present. It is understood on good

1. Mr. George intending to incorporate for

## MILWAUKEE FILES PROTEST

Objects to Taxation by State on Its Trackage Rights in Omaha.

OLD FIGURES SUIT THE ROCK ISLAND

Supreme Court Sustains Contention of Governor Mickey in Case Which Figured in Late Campaign.

(From a Staff Correspondent.) LINCOLN, May 17 .- (Special.)-Today the State board granted a hearing to Tax Commissioner Dudley of the Milwaukee railway, which was recently notified that under an opinion of the attorne; general t is taxable in Nebraska, although it uses the Omaha terminals of the Union Pacific. Dudley objected to the jurisdiction of the board, said that the company owned no track in the state, and urged that the addition in the value of the track due to its use thereof ought to be taxed to the Union Pacific.

The governor informed him that as a natter of equity, the board believed these easing lines ought to be taxed, although the commissioner tried to make a disfinction between its enjoyment of trackage facilities, and an out and out lease. The embers of the board drew from him the fact that the Milwaukee sleepers and chair cars were operated across the state. Dudley was given ten days to get the

iata required by the board. It was inti-

nated that the work of assessment might e completed the first week in June. Tax Commissioner Maher for the Rock sland appeared and asked the board to cave the valuations at the figures for 1964. Then the main line was assessed at \$9,500. He said the company would not enter any protest if those figures were

Apportionment Less. The May temporary school fund appor-tionment as announced today by Treasurer

Mortensen is \$389,540.05, as compared with \$443,000 a year ago, when the high water Elkhorn river is higher this morning than mark was reached. The slump is atat any time since the rise began. Near tributed in part to the failure of the the priest who is interesting himself in be- Nickson hundreds of acres are under water Union Pacific and Burlington to pay taxes, half of the Winnebago Indians, in Easton's and the roads are damaged. The bridges and also to the fact that the uniform halfmill levy will not yield as much on the new valuation as the old levies ranging

Municipal League Wins. In the primaries held yesterday the Municipal league scored a victory in the nomwho was beaten by the democrats and dis-

Medica in Session. Three brands of doctors are in session in the city. The homeopaths of the state are holding their thirty-second annual session. The eclectics are holding their thirteenth annual session with a good attendance. A number of distinguished physicians from other states are in the city. The dentists are still in session. Clinics and special lectures occupy their time. Governor Mickey Wins Suit.

The supreme court in the case of Oscar permanent structures which will keep the Samuelson against J. H. Mickey, which Platte from cutting off the southwestern played such a large part in the last gubernatorial campaign, decides that the judgment of the lower court was based on incial.)-While the flood conditions along the sufficient evidence. The lower court ad-

In the opinion which was prepared by

will be great.

Fined for Assaulting Jap.

LEXINGTON, Neb., May 17.—(Special Telegram.)—Frank Karnes, a member of the gang which inflicted the blows on the Japanese boy here Monday, had his trial before Judge Turton today. He was found guilty and fined \$75 and costs. The boy is recov-

World-Hernld Denied Rehearing. The supreme court entered an order this afternoon denying the application of the World Publishing company of Omaha a rehearing in its case against County Treasurer Fink of Douglas county involving the publication of the delinquent tax list, The court recently decided adversely to the company and the present ruling is on a motion for a rehearing.

Barker Must Hang.

The supreme court has overruled the notion for a rehearing filed by the attorneys for Frank Barker, the Webster ounty double murderer, sentenced to hang June 16. The forty-day limit in which the motion could have been filed expired Tuesday. Wednesday morning counsel for Harker submitted an application for leave to file a motion for rehearing. The court allowed the application to be filed, but overruled it as intending to delay the carrying out of the former decision.

User of Stock Pass, Passenger. The court has adhered to its former Railroad company against David C. Trover error from Hamilton county, Judge Barnes dissenting. Proyer, while traveling on a given against the railroad. The supreme court holds that under the evidence the company was a matter for the jury to determine and that the evidence is surficient to warrant a finding that the defendant company was guilty of actionable which was the proximate cause of the injury complained of. The court says that it cannot be said as a matter of law that the plaintiff was guilty of contributory negligence so as to preclude a recovery. The court holds that ; person while traveling on a freight train on a stock shipper's pass for the purpose of attending to the live stock being shipped. sustains the relation to the carrier of pas senger, but in a restricted and modified

Stock Yard Not Common Carrier. In the case of the Burlington railroad empany against Powers, error from But ler, the court reverses the judgment of the lower court on the ground that the evidence is insufficient. The cause is remanded for further proceedings. This was an action for damages, the plaintiff alleging that the railroad company's pens at the town o Thedford were decayed and fotten and were unfit for use and that the plaintiff's cattle broke out of the yards and he was forced to expend considerable money in employing herders to search for the animals, thus causing delay in shipment. A verdict for \$250 was given in favor of the plaintiff in the lower court. The court holds that a railroad company which constructs yards by the side of its track to facilitate the loading of stock is not re sponsible as a common carrier for stock placed in such yards for subsequent shipment, but subject to the right of the shipper to remove the stock from the pens for feed and water before the shipment is actually made. In such a case the liability of the company is no greater than an

ordinary depositary or bailee Had Right to Try Crossing. The supreme court holds that Nels Math sien was not guilty of negligence in attempting to cross the street car tracks at Twentieth and Leavenworth streets in Omaha when he saw a car approaching and believed that there was sufficient time for him to get over the track before the car arrived. His estimate of the distance proved a little faulty and the car struck the rear wheel of his wagon. The case hinged on the plaintiff's judgment of distance, the Omaha street railway company, defendant, alleging that the plaintiff was guilty of negligence. The court holds that the question is not whether the plaintiff ought not have seen the car at a greater distance, but whether he was guilty of negligence in attempting to cross with the car at the distance it actually was when he saw it.

Omaha Not Liable for Boy's Death. The city of Omaha is held not liable for the death of Austin Reeder, a 9-year-old boy, who was drowned in a pond near the intersection of Seventh and Center streets. The pond was formed by an embankment made in grading Sixth and Center streets and because of that fact the boy's father sued the city for damages on account of the death of his son. The court holds that some direct connection between the injury tiff may recover. Because there was no nouncement of the gift of that sum by direct connection between the negligence

Porter Must Pay it Back. Former Secretary of State Porter must Cass county suffered from the flood, and Commissioner Albert the law is stated repay the state \$923 collected by him as fees for recording brands during his term of office, according to the decision of the supreme court affirming the judgment of the district court of Lancaster county. The court adheres to a former decision in the case in which it held that the law giving Porter the fees was unconstitutional as adding to the emoluments of office. In the former trial the case was reversed because against whom there was no cause of action because the official in accepting the li-

> Couple Missing Again. BEATRICE, Neb., May 17 .- (Special Telegram.)-Frank Hanscom and Mrs. Fred Ortman of this city, who figured in

> an elopement here some time ago, have

stock shipper's pass, sustained personal injuries. In the lower court judgment was question of the alleged negligence of the

now raised. the judgment included the bondsmen, Lincoln Commercial club excursion train legal fees acted outside the duties of his from the train was presented with a neat office. Under the law Porter was to have address, as a souvenir, enumerating the 20 per cent of the fees. The court in the different enterprises in and around Sutformer decision held that he would not ton, as well as a short statement setting be held liable for that portion which he forth its claims for recognition by the jobhad paid to the recording clerk in his bing trade. A large number of carriages

News of Nebraska.

BEATRICE-A class of twenty-five will graduate from the Beatrice High school this year. STELLA-Hon. John M. Brockman was taken suddenly ill Sunday and is in a critiagain turned up missing. The authorities

To the Insuring Public

The Penn Mutual Life Insurance Co., of Philadelphia.

On the 7th day of December, 1904, by its Board of Trustees, unanimously adopted the follow-

"BE IT RESOLVED by the Trustees of The Penn Mutual Life Insurance Company of Philadelphia, Pa., in order that its policy-holders may have full and exact knowledge of its business management and of the security and character of its investments, that the President of the Company request the Insurance Commissioner of Pennsylvania, together with the Insurance Commissioners of Massachusetts and Wisconsin, either in person or by deputies, to make a full and complete examination of the affairs and investments of the Company, as provided for by law, said examination to be made as early as can be arranged after the closing of the accounts of the Company for the current year."

The request of the Trustees was granted, and on the first day of February, 1905, the examination was begun, and concluded on the 24th day of April. The official representatives of the three departments, with their assistants and appraisers, in all some fifty persons, covered every detail of the business management and the character and security of the Company's assets. The complete and detailed report of the examiners is too voluminous for publication in the press, but has been printed in pamphlet form and will be furnished on application to the Home Office of the Company in Philadelphia, or to any of its authorized agents in the United States.

The condensed findings of the examiners are included in the following:

# COMMENTS OF THE COMMISSIONERS

FHERE WERE PREPARED and submitted to the officers of The Penn Mutual Life Insurance Company such questions as were deemed necessary for them to answer. Attached hereto the same may be found as a part of this report."

"AS CALLED FOR in the resolution adopted by the Board of Trustees of the Company, a FULL AND COMPLETE examination of the Company was made. and its affairs subjected to the CLOSEST POSSIBLE SCRUTINY."

"THE FINDINGS SUBMITTED by the examiners show that the net surplus of the Company, as of December 31st, 1904, should be \$4,490,498,66 instead of \$4,231,261.22, MAKING A SURPLUS LARGER by \$259,237.44 THAN CLAIMED in the annual statement of the Company. All of the Company's assets have been appraised by competent experts employed in this examination, and the increased surplus shown arises from the CONSERVATIVE VALUATION of assets by

"THE CHARTER OF THE COMPANY, granted February 24th, 1847, provides fully for its operation on a purely mutual basis, and it HAS NO CAPITAL STOCK. The I rustees are elected directly by the body of policy-holders, NO PROXY VOTING being permitted; and the officers are, in turn, elected by the Trustees, no one of whom is eligible to official position."

"THE OFFICERS AND TRUSTEES exercise CONSTANT, INTELLIGENT AND FAITHFUL supervision over all features of the company's business. "THE REAL ESTATE HOLDINGS were examined by

competent appraisers selected in the various localities, with the result that the valuations obtained are \$387,699.76 IN EXCESS of those claimed by the "THE MORTGAGE AND LOAN DEPARTMENTS are well organized and administer their respective duties with commendable caution and skill.

THE LOANS ON COLLATERAL are amply margined. The stocks and bonds owned were carefully counted, and the market value ascertained through bond experts, with the result shown that the values claimed

by the company are conservative. 'IN ADDITION TO THE LEGAL REQUIREMENTS the company has voluntarily set aside \$1,062,679 in order to meet any possible contingencies in the way of lower interest rates or excessive mortality."

THE EXPENSE OF OBTAINING NEW BUSINESS has been kept at a normal figure, and no disposition has been found to unduly develop the writing of insurance upon Deferred Dividend Plans. On these the divi-dends are apportioned annually, and the interests of the policy-holders are fully guarded by the terms of the contracts and the practice of the company.

"THE AGENCY BRANCH, looking at the annual product of new business, has been conducted with due econ omy and with fidelity to the interests of policy-

THE SELECTION OF RISKS is in competent hands, as the very excellent mortality experience of the company indicated. The company is operating in practically all the states and territories of the United States, and on December 31, 1904, has upon the 'paid for' basis 140,798 policies outstanding, insuring \$882,016,287."
"Although an examination of this kind naturally inter-

feres with the routine work of the office, the officers and employes of the company rendered every assist ance within their power to the examiners, and cheerfully complied with all requests."

ISRAEL W. DURHAM, Insurance Commissioner, Pennsylvania. FRED'K L. CUTTING, Insurance Commissioner, Massachusetts, ZENO M. HOST, Insurance Commissioner, Wisconsin.

It is with pleasure and satisfaction that the Trustees and Officers have received and now publish the report of the Commissioners. In the future as in the past they will strive to fulfill the mission of A PURELY MUTUAL COMPANY confining their efforts to transacting business within the lines laid down in its Charter and By-Laws and in strict compliance therewith.

HARRY F. WEST, President

For full information relative to all forms of Purely Mutual Life Insurance, apply or write to C. Z. Gould, General Agent, 522 Bee Bldg., Omaha, Neb.

believe they left over the Rock Island cal condition. Dr. Burchard of Falls City for the east last evening. Sheriff Trude is sending out cards giving a description of the couple. Both Hanscom and Mrs. Ortman leave large families. Ortman is a prominent German farmer living north-

west of town. Gift to Donne College. CRETE, Neb., May 17 .- (Special Telebers are tonight rejoicing over the receipt of a \$10,000 gift to the college. Public announcement of the gift of that sum by James Whitcomb of Worcester, Mass., was made during the progress of the band concert on the campus this evening and was received with absence as the concert of the campus this evening and was stock, parents of the bride. received with cheers, college yells and a general jubilation. The gift came as a resuit of the solicitation of President Perry, who is at present in the east. It is to be used in the erection and equipment of the music conservatory, which had planned as a part of the new Lee Memorial chapel, and will bear the name of the donor. The entire building is to cost \$30,-000 and approximately half of this sum is

Sutton Greets Lincoln Men. SUTTON, Neb., May 17 .- (Special.)-The stopped here for thirty minutes this afternoon. Each representative as he alighted were provided and the club members took advantage and were shown about the city.

physicians.

WAUSA—Wausa met in a mass meeting last night and decided to celebrate the Fourth of July.

YORK—Mr. C. J. Carlson and Mrs. G. F. Burk of this city were married last evening at the residence of the groom.

CHADEON—Herbert Lloyd Jenkins and Bertha Mae Philips were married at the residence of the parents of the bride at Hot Springs, S. D.

YORK—Mr. Carl R. Boston and Miss.

BEATRICE-Mrs. Maggie Pape, wife of

William Pape, living six miles northeast of Beatrice, died yesterday morning after a brief illness, aged 22 years.

CHADRON—The Ministerial association of the Chadron district of the Methodist Episcopal church was held in Chadron the past week, closing yesterday,
BEATRICE—Work on the Young Men's
Christian association building here is progressing rapidly. The building will be substantial and modern in every way. SEWARD-The Board of Supervisors met yesterday and approved the bond of the court house contractors, Marxen & Bokahr. The contractors say that work will com-

PREMONT—The May term of the district court convened this morning with only six cases, five civil and one criminal, set for trial. The first case up was dismissed without prejudice, as the plaintiff falled to

bing the store of L. Kropp in Wyoming precinct The prisoners are about 18 or 19 years of age. Young Applegate escaped from the state reform school only a few days before he was arrested for burglary. GENEVA—Yesterday the park committee of Ladies of the Equal Suffrage club, under the chairman, Mrs. Peter Youngers, begar work in the park. Mrs. Youngers is a landscape gardener and devotes much time and pains to the park work.

SEWARD—The Woodmen and Royal Neighbors, with their families, will participate in a strawoerry and ice cream sup-

SEWARD—The Woodmen and Royal Neighbors, with their families, will participate in a strawcerry and ice cream supper at the hall on next Friday night as a result of a contest for new members, the losing side serving the refreshments. CHADRON—D. C. Konkey, department revenue collector, with headquarters at Chadron, has resigned his position and will go to Broken Bow and engage in the hardware business. The new man, to take his place is not yet here, nor is his name known, certainly.

SEWARD—At the County Association of Sunday Schools, at Tamom, this county, in which thirty schools hold membership, the Rev. F. W. Leavitt of Seward was elected president, Miss Runnels of Millord, vice president, and Miss Maude Archer of Staplehurst, secretary and treasurer.

OSCEOLA—The band of the Second regiment, Nebraska National Guard, has secured the services of Prof. H. W. Wendling as their leader. Mr. Wendling is finishing up his college course at Doane, and after graduating will come to Osceola. He will be assistant principal in the Osceola High school.

High school, BEATRICE-The wolf industry has be-BEATRICE—The wolf industry has become quite an enterprise in Gage county
during the past few months, and most
every day a bunch of scalps are left at
the county clerk's office. Yesterday the
following named persons visited the clerk's
office and claimed bounties on scalps: C.
Wells, Elm township, eight; Herman
Koch, Grant township, five: Henry Ewers,
Hanover township, nine; Elmer Weimer,
Scilly township, nine.

without prejudice, as the plaintiff failed to put in appearance.

CHADRON—Charles James Norton of Amsterdam, N. Y., and Mrs. Mary Emily Norton of this city were married yesterday. This couple had been divorced, but the trial of life alone proved to each it was better to be united.

NEBRASKA CITY—The commencement exercises of the Nebraska City High school will be held at the Overland theater on Friday evening, May 25. An interesting program has been arranged. The class consists of sixteen young people.

NEBRASKA CITY—In the district court this morning Judge Paul Jessen sentenced Guy Applegate and William Roberts to serve two years each in the penitentiary. The young men had plead guilty to rob-



The morning of life is the time of abundance, profusion, strength, vigor, growth. When the sun begins to sink, then the hair begins to fade and the silvery gray tells the tale of approaching age.

What shall your mirror say, -sunrise or sunset? Rich, dark hair? Or faded, gray hair? The choice is yours, for Ayer's Hair Vigor always restores color to gray hair. And it checks falling hair, also.