ANSWER TO WATER COMPANY

ounty, Throngt Slabaugh and Fink, Files Besponse in Federal Court-

DENIES TERMS STATED OF LOCKE CONTRACT

Makes Complete Denial of the Allegations Set Up by the Company in Bill of Complaint.

County Attorney W. W. Wednesday afternoon filed his answer in influence of hounr when he registered his district court Wednesday morning, with the United States circuit court to the name, and Night Clerk Frieder says that amended bill of complaint of the Omana for that reason he told the man particularly Water company against the county of about turning off the gas when he took Rush in charge of the prosecution and At-Douglas, Nebraska, Robert O. Fink, treas- him to his room. About 5.30 o'clock in the torneys R. C. Noleman and C. C. Barber urer, and others.

deny that in the year 1880 a contract was see into Kuchar's room. He saw the man 7.500 acres of public lands some twelve or made between one Looke and the City of lying on the bed with his clothes only Omaha to build a water works plant on partly removed. Stretching a plank across the complaint, but admits that the said and discovered that Kuchar was dead It was sold and transferred to the com- appeared to have removed his coat and has instituted proceedings to appraise and bed. condemn the property of the plaintiff, or Kuchar had evidently purchased a new that the franchise or other property of suit of clothes as the store tag had not the complainant is taken without compan- been removed. He was freshly shaved. sation whatever; denies also that value of He is about five feet ten inches high; has the franchise and that the right of the curly chestnut hair, brown mustache and company to do business in the county of clear complexion. He is about 30 years old Douglas has no value and that to value In his pocket was found a return ticket ment, in that they did not describe the such right at \$1,000,000 for taxation is to Tekamah and a letter which had been lands alleged to be illegally fenced and that fraudulent or without justification and sent to him at Decatur. He did not inspecifically denies that no other property dicate his residence when he registered of the same class has been so valued and at the hotel. Coroner Bralley took charge that such valuation of said property as of the body, and telephoned to the postaforesaid is a violation of the constitution | master at Decatur and received an answer of the state of Nebrasks.

Denies Story of Politics. Denial also is made that "politicians and others interested adversely or otherwise to complainant or who hope to profit thereby, seek to injure and harass the company for purposes of depriving it of his business and plant." Denial also is made that a valuation of \$1,122.000 in 1904 was est running, most durable and convenient unjust or improperly placed thereon, but of any Look for the red 8, 1514 Douglas that whatever valuation was placed thereon St., Omaha, Neb.; 435 North 24th St., South was by the assessor in his official ca- Omaha, Neb. pacity; that such assessment was not made for fining said water company and driving it out of business and compelling it to sell. Denial is also made that the defendants appeared before the board of equalization For meeting of National Educational Ase'n. and county commissioners urged an in- on June 29-30, July 1-2, agents of the Penncrease in the valuation of the water com- sylvania Lines at Chicago will sell roundpany's property from \$3,125,600 to \$4,000,600, trip tickets at rate of \$22.35 via Pt. Wayne statute. It charges a joint offense and not or that such increase had been made in order to cater to public sentiment and the Good returning until July 19th, and with clamors of newspapers and agitators, or privilege of extension to August Rist. Take that such board and commissioners was advantage of this opportunity and spend importuned and requested by one. R. your vacation on the seashore. For infor-Beecher Howell, and others in private audi-

or filed for such increased valuation. offered certain moneys to the treasurer of will be pleased to sell you ticket and check Douglas county in full settlement of cer- your baggage through. tain taxes upon the company's property, but it is denied that the water company has tendered all of its taxes justly due the county.

court has any right, power, authority or for them to have some practical business jurisdiction to entertain or to pass upon plainant's amended bill of complaint filed herein. Defendants also deny each and every allegation contained therein, not bereinbefore specifically admitted or nied, and ask that this action be dismissed with reasonable costs. The bill is signed by W. W. Slabaugh,

county attorney, for the county of Dougas, and Robert O. Pink, treasurer. DUE TO THE ELECTRIC SHOCK

Coroner's Jury Files Cause of Death of John Zimmerman, Who Was Killed Tuesday.

The corener's jury investigating the death of John Zimmerman, who was killed by an the salesman a pride in the business he is was talking to the district attorney and electric shock by coming in contact with a live wire at Elighteenth and Vinton streets Tuesday afternoon, returned a verdict that the young man came to his death as a result of an electric shock sustained while standing on the street corner waiting for a car; that the wire was the property of the ers and students. Omaha Electric Light and Power company, and it was this that was the direct cause of the death of young Zimmerman.

The inquest was conducted by Coroner Brailey, Attorney J. C. Kinsler, representng the Electric Light company, and Attorney E. W. Simeral, for Joseph Zimmerman, father of the dead boy. The inquest began at 2 o'clock Wednesday afternoon and the examination of the witnesses was not concluded until nearly 9 o'clock in the evening. The jury was less than five minutes reaching a verdict. City Electrician Michaelsen testified at

the inquest, stating that he had examined the . fre which killed Zimmerman, and from suc fexamination he testified that fully ,300 volts passed through the body.

The dead young man will be buried from Bt. Joseph's church, Sixteenth and Center streets, Friday morning at 8 o'clock. Interment will take place in the German Catholic

BEATS BOYS OUT OF MONEY Culprit Who Follows Show is Caught at His Game and Im-

prisoned.

Frank Stace, a culprit who follows the Gentry Bros. show, was arrested at the act of either piece. show grounds, Eighteenth and Douglas streets, Tuesday evening by Officers Shields and Edghill on a charge of obtaining money under false pretenses. Staca was soliciting 10 cents each from boys at the grounds. saying that he would get them into the show for that amount, which he failed to do. The management of the show aggregation learned of the operations of Stacs and

TRUSSES

called the officers and his arrest followed.



Stockings Batteries Supportera Rubber Goods Deformity Braces

We have our give personal at-TRUSSES For Men.

Women and Children.

Ofe H. J. Penfold Company 406 Farnam St.

Wednesday morning he was sentenced to LAND FENCERS ARE ON TRIAL fifteen days in the county jail by Judge Berks. A representative of Gentry Bros. appeared against him.

DEAD WITH GAS TURNED ON J. F. Knehar Found Lifeless in Room at Windsor Botel by Cierk

John P. Kuchar, thought to be of Decatur, Neb., registered at the Windsor hotel 522 South Tenth street, at 1:30 o clock Wednesday morning, was found dead in his room at 6 o'clock Wednesday evening. The gas was turned on full and his death Slabsugh was from asphyxiation. He was under the evening an effort was made to discover The answer is quite long and states in why Kuchar did not leave his room. By effect that "defendants for further answer looking across an air well the cierk could the terms alleged in the amended bill of the air well the cierk raised the window fense presented a motion in quash the inwater works plant was built and deny that and that the gas was turned on full. He plainant; denies that the city of Omaha shoes and sat down on the edge of the

that Kuchar was not known there, although the postmaster suggested that the the country. Additional inquiries will be made today

A Machine for Wemen

should be the best obtainable. The Singer sewing machine is acknowledged the light-

Asbury Park, N. J.,

and Return. With Stop-Over Privileges.

route, and \$21.35 via Pan Handle route. mation relative to choice of four routes ences, without any complaint being made via the Pensylvania Lines, call on or address Thos. H. Thorp, T. P. A., 26 U. S. It is admitted that the complainant has Bank Bldg., Omaha. Your home agent

For Teachers and Students. for pleasant employment during the sum-The defendants further deny that this mer months. They feel that it is necessary experience to properly balance their train-

> becoming lop-sided. time. There are, however, unlimited oppor- it made as an indictment in severalty." practical and usually more profitable. qualifications that must always be con- States courts as ample and sufficient. ous-that is, the article must be actually worth to the purchaser the price charged. It should not be exclusively a luxury, but a necessity, either in the business or house- their allies against the homesteaders and hold of the purchaser. The work should settlers prevails even today as it was be dignified and of a nature that will com- years ago in the early cattle history of the mand the respect of the people, thus giving

following. Salesmanship or agency work with The a couple of newspaper men; Twentieth Century Farmer of Omaha, each summer to a large number of teach-

Announcements of the Theaters.

that is so attractive to those who love the theater as the combination of E. H. Sothern and Julia Marlowe in a round of the classics. Marlows, Sothern and Shakespeare is certainly an attractive trio and, supported by Frohman, it means art in its highest and best sense. The tour of the co-stars has been a veritable triumph from the beginning and the work they have done is most satisfactory from every standpoint. On Friday evening they will begin their engagement at the Boyd in "Much Ado About Nothing." to be followed by "Romeo and Juliet" at a mattnee on Saturday and "Hamlet" on Saturday evening. In these pieces each of the stars finds a role that is worthy the efforts of genius and to which each brings peculiar qualifications. The productions are elaborate and the company in support is a remarkably strong ne. Owing to the length of the performance, the pieces being put on in full, the curtain will rise at the evening performances at 7:45 and at the matinee at 1:45 It is especially desired that the public take note of this fact and be on hand promptly at the beginning of each performance, for the management positively announces that no one will be seated during the opening

Lace curtains. Over 1.500 pair of odd lace urtains at Half Price and less-think of \$42.50 curtain for \$17.50. A \$35.00 Saxony Brussels, the finest curtain made at \$17.50. ORCHARD & WILHELM CARPET CO.

Standard Trust Company E. F. Pumphrey, J. H. Conrad and Ed M. Martin have filed articles of incorporation with the county clerk for the Standard Trust company. The capital stock is \$190.600, half preferred and half common. The company is to begin business in Omaha as a regular trust company on July 1 and is to continue under its articles for fifty years. Mr. Pumphrey is to be president. Mr. Conrad vice president and freasurer and Mr. Martin secretary.

Condition of the Sick. Edward W. Nash is reported as continu-ing to slowly improve and hope for his recovery now appears to be well founded. He continues to take nourishment and to he continues to take nourishment and to be slowly regaining his strength.

In Frederick Rustin is not suffering from any unusual symptoms in his attack of typhoid fever and no fears are felt but that he will rapidly become convalescent after the fever has expended its force.

Teamster Under Load. Tom Carroll, a teamster. IES Seward street while hauling a wagon load of earth to the dump at the corner of Sixteenth and Mason streets, drove too close to the edge of the dump and the wagon upset. The load of earth fell on Carroll, hadly bruising him on the right side and loin. He was taken home. His condition is not considered dangerous.

Building Permits. The city building department has issued permits to E. A. Wiggenhorn for a \$2.26 frame dwelling at all South Thirty-fifth street and to S. S. Sieuman for a \$1.806 frame dwelling at Thirty-fourth and Douglas.

Mortality Statistics. The following births have been reported to the Board of Health during the twenty-four hours ending at moon Wednesday Mrs. E. Carney, 1702 Webster, girl. W. E. Kynett, 1808 Burdette, girl. Oscar Horn, 418 South Nineteenth, girl.

Action Against Indicted Cattlemen Begins with Krause Brothers' Case.

MOTION MADE TO QUASH INDICTMENT

First Step of Attorneys for Defense is to Pick Technical Flaws in Bill Returned by Grand Jury.

The hearing of the land fencing cases begun United States District Attorney Baxter and Special Assistant District Attorney of Alliance as autorneys for the Krause brothers. Harmon and John, who are it dicted for illegally fencing approximately more miles northeast of Alliance.

At the outset the attorneys for the dedictment against the Krause brothers as "informal, incomplete and unlawful" As to the main part of the indictments, Judge Munger, after deliberating for some hours, overruled the motion, but sustained it as far as it related to some minor counts in the bill. The court's action had no deterrent effect upon the proceedings Mr. Noleman, who made the first argument on behalf of the motion to quash, attacked ten of the fourteen counts in the later indictment, in that they did not describe the the pleading falls to show that the lands described are public lands of the United States. Another objection is that John and Harmon Krause are jointly charged with this alleged offense, that they should be that each of them should have been apman might be working for some one in prised specifically of the offense for which told by the boys and claimed that the oats they were indicted

Legal Phases of Indictment.

Mr. Barber, also counsel for the Erauses. discussed the legal phases of the indictment, especially in regard to the meaning of the word "entry" as applied to the taking of public sands, also as to the technical value of the statutory terms "lawful claim or color of title." and "asserted rights." He further held that illegal fencing could not be applied to unsurveyed public lands not subject to entry and that an asserted right must be made by the United States as a special proposition in the indictment "The indictment," he held. "is fatally defective in that it did not follow the an offense in severalty. It does not specify that the defendants had by firing of guns, and threats and intimidation prevented people from settling on or crossing the lands occupied by the defendants."

Special District Attorney Rush, on behalf of the government, took the view that the indictment was ample to cover the charges alleged. The meaning of the word "entry" as applied to the taking up of governmen lands is broad enough for any understanding. Stripped of its legal verbiage, it meant every step in the acquirement of public Many teachers and students are looking lands, including the preliminary steps down to the execution of the final proof.

"The indictments are sufficient. The defendants are distinctly told that they have unlawfully enclosed certain lands. A joint the cause of action set forth in the com- ing and to keep them, so to speak, from indictment is just as effective as an indictment in severalty. Two or more defendants It is practically impossible for them to may be charged jointly in an indictment obtain an office position for so short a and such indictment is just as effective as tunities as salesmen or solicitors, and this Authorities were cited by the government kind of work, if well selected, is more attorneys showing the full effect and force of joint indictments and that they are in In selecting this work there are certain variably recognized by all the United

> Little Incident on the Side. An incident occurred on the side after the hearing Wednesday morning wherein the should possess some element that makes it implacable hatred of the cattle men and west. A man from the vicinity of Alliance

took occasion to remark in the hearing of "The homesteaders up there are nothing Neb., has all of these qualifications and is but a set of scoundrels and blackmatiers usually profitable. They give employment and they ought to be made to suffer for it. They are always trying to blackmall the

The remark rather surprised the district attorney, coming from the apparently re- Wednesday Nothing in many seasons has been offered spectable source it did, but he made no reply to it.

> To Consolidate Indictments. After Judge Munger acted on the first, the motion of Attorney Noleman to quash the indictments against his clients, the

Krause brothers, a motion was made by the attorneys for the government that the indictments be consolidated against the Krause brothers. After some little discussion the motion was granted, as regards the first and second indictments, but in regard to consolidating the third indictment, found May 17, the judge took the matter under advisement until Thursday morning. This action was taken on the ground that the attorneys for the defense claimed to have not read the third indictment sufficiently to familiarize themselves

with it. Upon motion of the government attorneys the three indictments against Bartlett Richards and others included in the indictment, were consolidated, and trial will proceed on the consolidated indictment.

Attorney Noleman pleaded another mobrothers, that they be furnished a bill of particulars in each of the cases against them, also a complete list of the witnesses Pischer, state secretary and chairman of who are to testify against them. Mr. Noleman stated that such a step would be a saving to the government, as by this means and with the consolidated indict-Judge Munger overruled the motion, and ing to the government."

HASSMAN PLEADS GUILTY

Confesses to Second Charge of Burglary, but Court Investigates Before Sentencing.

L. J. Hassman appeared before Judge Day Wednesday morning and entered a plea of gullty to the second charge of burglary with which he is charged jointly with Guy Nestle. Hassman already has been cor victed on one charge of burglary. Judge Day reserved sentence until he can more thoroughly inform himself of all the facts in the case. Nestle will be put on trial on the charges

against him at an early day. He is the one of the trio who turned state's evidence. but it is hardly expected he will escape a penitentiary sentence altogether.

COUNTY SHOW TO PORTLAND Exhibit of Douglas County at St

Louis May Now Be Sent to Lewis and Clark Fair. The Board of County Commissioners have given permission to the state commissioners for the Lewis and Clark exposition to take to Portland the Douglas county exhibit which was at St. Louis. The exhibit is now

packed and stored at the county hospital.

without expense to the county.

It must be taken to Portland and returned

AT THE PLAY HOUSES

Ferris Stock Company at the Boyd. Yesterday afternoon the Ferris stock cor pany changed its bill at the Boyd, putting on the first farce comedy of the season Turned Up" is an English creation that has been somewhat Americanised, and is compounded of a number of very laughable situations. It gives the several members of the company great scope for their abilities as funmakers and was well received by the large audiences that assembled at the theater yesterday afternoon and last night. It will be repeated this evening for

OATS BELOW MARKET PRICE Man and Pive Boys Inder Arrest for Louting Illinois Central

Freight Car.

Samuel Krizelman of 186 Chicago street and five boys, all under If yours of age. were arrested Wednesday evening of charges growing out of the stealing of about five bushels of oats from an Illinois Central freight car. George Hudson of 60 North Thirteenth street, Edward Norto of 1815 Webster street, Joseph Brown of 421 North Enghteenth street, James Hicks of Fourteenth and Leavenworth streets and Edward Penn of Thirteenth and Webster streets are the boys and they were turned over to Decention Officer Bernstein.

The boys told the police that Kriselman gave them sacks and promised to pay them To cents for each sack of oats they would bring him. The boys admit breaking into the car and taking the oats. There was about a bushel in each of the five sacks. These sacks, or what are claimed to b the sacks, were found in the back part of severally charged with the offense and the barn of Krizelman and were covered up. He denied all knowledge of the story were purchased in the ordinary course of business. Krigelman and the boys will be charged with burglary.

At 1:30 o'clock this morning three additional boys were arrested. Their names are Clyde Framton, who lives on Leavenworth street between Fourteenth and Pifteenth; LeRoy Patterson of Thirteenth and Cass. and Willie Jackson, corner of Thirteenth and Chicago. Edward Norton is the only white boy. It appears from the story told by Willie Jackson that the gang of boys was fairly well organized and have been doing a great deal of stealing from freight cars. Hudson is said by the Jackson boy to be the leader. Jackson's work was cut out for him by the other boys. He did most of the breaking of the seals and admits breaking more than he can remember

The Jackson boy identified Krizelman According to the stories of the boys Krizelman was ready to buy anything they brought to him that was of value and that when they did not bring much he would give them suggestions and meet them and get the stolen goods. Kriselman said last night that there are others who bought from these boys and more arrests will be made today. Krizelman said he had been in Omaha for three years and that he came this city from Russia. His name does not appear in the directory. Officer Dinneen of the Illinois Central is co-operating with Detective Mitchell in getting at the inside operations of what they consider a regularly organized school of thievery.

FERRYMAN HOLDS HIS OWN Switchman Injured in Yards Critical Condition, but No Worse Than at First

The last reports from the various hospitals where the injured of Tuesday afteroon's series of accidents were taken are favorable, except in the case of Frank P. Ferryman, the Union Pacific switchman who was injured by falling from a high furniture car in the east end of the yards about 11 o'clock Tuesday morning. The condition of Mr. Ferryman remains unchanged. "He is no better nor no worse" was the report from St. Joseph's hospital. It is thought there may be a bare possibillity for his recovery, but conditions are extremely discouraging.

J A Eckerman who was taken into the police station about 4 o'clock Tuesday morning suffering from a severe cut on the back of his head and a cut across his left eye, was taken to Clarkson hospital Tuesday afternoon and was resting easily

John Abrahamson, who was in a bicycle collision at Twenty-fifth and Farnam streets Tuesday afternoon and who had his collar bone broken as a result, was also removed to Clarkson hospital, was sitting up in his bed Wednesday noon and is not suffering greatly from his injuries. Michael Nittler, who fell from a street

car at Twenty-sixth and Leavenworth about 2 o'clock Tuesday, cutting a bad gash on the back of his head, was some better Wednesday morning at his home, Boulevard, where he was removed to after being attended by Police Surgeon Wigton.

DATE OF PURE FOOD SHOW August 14-24 Decided on as Time for Holding Demonstration at

the Auditorium.

The date for the Nebraska Retail Merchants association pure food show and industrial exposition to be held in the Auditorium building has been fixed for August tion on behalf of his clients, the Krause 14, running to the 18th. The committee in charge is made up of the following: William Wilks, president and chairman; H. the state committee, assisted by the following Omaha business men: Charles R Courtney, Julius Dreifuss, M. J. Howell, C. A. W. Johnson, J. Banto, J. E. Crisman, ments, the cases would be expedited D. Cross, H. Ellinghusen, Fred Armbrust. State Committee-J. Yungblut, president incidentally remarked that the attorney S. T. Davies, vice president; H. Fischer, "need not distress himself about any say- secretary and chairman; O. C. Thompson,

The show is financed by the merchants the circuit.

Gift for Emporia College.

Women's WAIST VALUES that are UNEQUALED Nebraska Clothung C

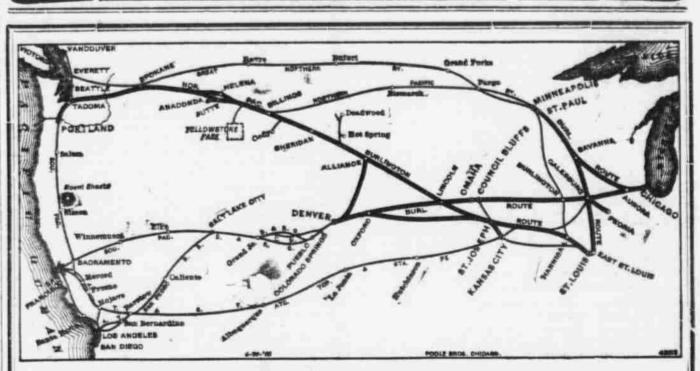
Supply Yourself With Summer Walsts.

The demand for these dainty, dressy Waists is unprecedented. Hundreds of women are selecting a summer supply because they are the greatest values known this season

WOMEN'S WHI TE LAWN WAISTS—Made of the best quality of white sheer lawn—nicely trimmed with lace and embroidery insertion—also fine tucks, with new large sleeves, the kind that sells for \$1.50. Thursday. WOMEN'S MANKIND GOLF SHIRTS—Just received by express, another lot of these women's favorities, in Shirt-ings, ginghams and new madras cloths, white

and colors-Here is where you get the correct Manking Golf Shirt-Thursday

WOMEN'S STYLISH LINEN WAISTS Strictly taflormade, with hemstitching and tucking—also half-inch pleats down front—all with new collars and new sleeves—walsts in this lot 1.90 worth \$2.00—Thursday WOMEN'S SWELL EMBROIDERED LINEN WAISTS—Made of the very best imported linens—handsomely embroidered in the new designs—also Persian Lawns—with "Venics" translage— Waists in this lot positively worth \$5.00, Thursday



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Hills and Northwest Nebraska-a tour of 8900 miles, embracing the best of the West for only \$86.00.

Burlington

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PUBLIC LIBRARY MATTERS P. L. Perrine Elected Vice President of Board to Succeed Victor

Rosewater.

P. L. Perrine was elected vice president the Library board last night in place Victor Rosewater, who resigned at the ast meeting. The board passed the following resolution complimentary to Mr. Rosewater:

Resolved. That in the resignation of Victor Rosewater as director of the Omaha public library, after eleven years service the board loses an efficient, active and congenial member, whose counsel and wide experience in library matters will be missed in the management of this institution.

The board silvesed bills to the amount The board allowed bills to the amount \$1.606.46. Miss Edith Tobitt, librarian, and Miss Margaret O'Brien, assistant, were granted leave of absence to attend the annual meeting of the American Library

PREFERS TO PLEAD GUILTY Prisoner Confesses to Minor Charge Rather Than Be Tried on

association at Portland July 7 to 14.

Bruce Rebridon was sentenced to ninety days in the county jull by Judge Day. He food show committee, which is handling a pleaded guilty to a charge of assault and circuit of shows. Omaha being the first on battery rather than go to trial on the charge of stabbing with intent to kill. The complaining witness was George Brooks. and the county attorney told the court EMPORIA Kan. May IL.—The board of trustees of the Emporia college (Presbyterian), amounted today that a Kansas tanker who declines to allow his name to be used, has given the college \$25,000. The use of the money is left entirely to the discretion of the board.

Every mother feels a

great dread of the pain

MILTON ROGERS-AND SONS CO.

Fourteenth and Farnam Streets.

SUBSTANTIAL PRICE REDUCTIONS THIS WEEK ON OUR RELIABLE SUMMER GOODS REFRIGERATORS LAWN MOWERS

BADGER REFRIGERATOR, latest improved, hardwood, galvanized capacity, reduced to 5.95

60 lbs. ice capacity. reduced to

ice capacity, reduced 15.85 BOHN'S new patent syphon system

refrigerator, reduced

Sole agents, also, for McCray and Opal Refrigerators.

2.89 3.19 Was \$2.86, now. PEERLESS, white enamel, 83 lbs. Grass Catcher, made

FAIRVIEW, three blades,

guaranteed to do better work, with less labor, than

any ever sold for same

2.68

money.

10-inch biades. was \$3.25, now

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and danger attendant upon the most critical period of her life. Becoming a mother should be a source of joy to all, but the suffering and danger incident to the ordeal makes its anticipation one of misery. Mother's Friend is the only remedy which relieves women of the great pain and danger of maternity; this hour which is dreaded as woman's severest trial is not only made painless, but all the danger is avoided by its use. Those who use this remedy are no longer despondent or gloomy; nervousness, nausea and other distressing conditions are overcome, the system is made ready for the coming event, and the serious accidents so common to the critical

Friend. "It is worth its weight in gold." MOIDEP'S bottle at drug stores. Book containing valuable information of interest to all women, will

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