

SARLINGALETA (NATURAL APENTA CARBONATED) IN SPLITS ONLY. A Refreshing and Pleasant Aperient for Morning Use.

YEAST GUILTY, SUTTON FREE

Verdict in Land Case Forecasted by the Court.

DEFENSE FIGHTS STILL MORE

Attorneys Will File Motion for Arrest of Judgment—Jury Asks Clemency and Government Severe Sentence.

The jury in the case of the United States against Perry Yeast and Harry Sutton came in with a verdict at 10:25 Thursday morning, finding Yeast guilty on the first count, and not guilty as to the second and third counts; Harry Sutton not guilty as to all of the three counts. The verdict was practically forecasted by the court.

The jury added to the further recommendation of clemency to its findings. The attorneys for the defense at once gave notice that they would file a motion for "non obstante veredicto," or arrest of judgment, and were given to February 1 to file the motion.

The maximum penalty in cases of conspiracy is two years imprisonment and \$5,000 fine or both. The minimum penalty is not fixed by statute, and may be anything from one day's imprisonment to life in the discretion of the court.

It is understood the government will insist upon a stiff sentence. Perry A. Yeast and Harry Sutton, cattlemen and ranchers of Deuel and Grant counties, were indicted for conspiracy to defraud the United States out of use, title and possession of a large quantity of public lands in those counties by means of false, fraudulent and fictitious entries, using as such entries a number of old soldiers' and soldiers' widows from the Quincy (Ill.) soldiers' home.

Suborning Perjury Also.

The additional charge of suborning perjury was alleged in the indictments in the matter of final proof, the specific cases being those of the entries of Mrs. Cledra Hodges and Mrs. Martha Wheeler, who had been persuaded to go onto the lands in Deuel county and remain there for about two months prior to final proof and for which they were to receive and did receive \$1 per day until the final proof was executed.

It appeared during the trial that Yeast had trafficked in soldier's declaratory statements, selling them to various ranchmen for various considerations running from \$10 to \$25.

The defense held all through the trial the entrymen had the right under the rulings of the land office to dispose of their declaratory statements at their discretion and that no crime was involved in these transactions, and that they stood in the same relative position with relinquishments. On the other hand, the government held, the declaratory statement was the initial part of the proceeding of conspiracy, the entrymen at no time intended to go onto the land nor did they and that by the filing of a declaratory statement the entryman exhausted his right to a homestead filing, the same as if he had relinquished the entry.

LAST OF THE NOVEMBER TERM

New Panel for Minor Cases May Be Called for February.

With the conclusion of the Yeast and Sutton land trial, the active term of the November term of the federal courts has closed. It is possible a new panel of the federal petit jury will be called for February to dispose of some minor cases. The calendar of the court is crowded with railroad cases, of which there are a dozen or more, embodying the violation of the law by which live stock is kept in transit on trains over twenty-eight hours without feed or water.

There are also several minor postal violation cases, one or two minor land cases, and a number of other cases. The court has returned to Omaha, Circuit Clerk Thumpp and Deputy Marshal Nickerson have returned to Omaha.

Judge T. C. Minger and Assistant District Attorney A. W. Lane have returned to Lincoln, there being no further immediate business before the federal courts requiring their attention.

POSTAL SAVINGS BANKS AND LOAN AND SAVINGS ASSOCIATIONS

NEBRASKA ASSOCIATION LEADS OFF

Having more time than is usually allowed when new terms are plentiful, a reporter called at the office of the Nebraska Savings and Loan association to have a few minutes' social chat with the secretary. Being asked what the present outlook was for home building during the year 1908, the secretary said he was more than pleased with present indications, so much so that they are now inviting loans, which is sixty days in advance of what was expected. He also added that they are the first since the late financial flurry, to call on prospective home builders to make applications early.

Building material will be more reasonable than it has been for some years and many new homes will be in course of construction in a short time. At this point Mr. Christie, the secretary, exhibited a bunch of applications with plans attached for many beautiful homes. It was also learned that the Nebraska association has paid off all its obligations that are due, had declared a 9 per cent dividend December 31, 1907, and all members desiring it, had been paid such dividend in full, placed in the reserve fund \$2,000, and have an undivided profit of over \$300,000.

The secretary, warming up to the subject, "that our association is nothing more or less than a postal savings bank under state control. The deposits of our members are absolutely protected by mortgages on the cream of city real estate only, and the borrower has the same protection, as well as knowing his mortgage cannot be peddled when the company he is doing business with grows short of ready money."

The Nebraska Savings and Loan association was organized July, 1885, and moved to its present quarters, Room 108, Board of Trade building, July 1, last year. It receives deposits of 10 cents to \$500 at any time, and pays 5 per cent, compounded, semi-annually. It offered by the best business men the city affairs. Any one desiring of starting an account will not make a mistake by trying the Nebraska association.

You can avoid pneumonia and other serious results from a cold by taking Foley's Honey and Tar. It stops the cough and expels the cold from the system as it is mildly laxative. Refuse any but the genuine in the yellow package. All druggists.

Airbrake Inspector Killed. NORTH PLATTE, Neb., Jan. 9.—(Special Telegram.)—Bert Hollingsworth, an air brake inspector on the Union Pacific, was accidentally killed here last night about 9 o'clock while performing his duties. He was run over by a switch engine and his body almost entirely cut into small pieces. He was single and had a brother here.

MERCHANDISE IS DEFINED

Attorney General Does Not Agree with the Express Company.

ROAD BALKS ON INSPECTION

Supreme Court Refuses to Hear Barker Case Further and Indications Are His Last Resource is Exhausted.

(From a Staff Correspondent.)

LINCOLN, Jan. 9.—(Special Telegram.)—Attorney General Thompson, answering questions of the State Railway commission, has given an opinion holding that the Sibley act in referring to "merchandise" means merchandise in its general sense and not as used in the classification by the express company or article which provides for reduction on all commodities of merchandise in the broad sense, including butter, eggs, cured and fresh meats, fruits, vegetables, commodities which Commissioner Williams claimed were not covered by the act. Mr. Thompson finds that the act does not provide for the reduction of merchandise as there contended by Commissioner Williams. The attorney general upholds the contention of Commissioner Clarke as expressed in a warm discussion at a recent meeting of the commission. Mr. Williams had asked the commission to ask for a reduction on the rate of transportation of such commodities. The matter was referred to the attorney general.

The attorney general finds that the only class of merchandise to which the 25 per cent reduction in the Sibley law does not apply is to merchandise which is transported in advance, and the carriage of merchandise consisting of cream, milk or poultry contracted to be carried for a special rate, where the contract was in force when the act in question took effect, and for the transportation of merchandise where the rate on a particular shipment in force January 1 did not exceed 15 cents.

Balks on Oil Inspection.

Whether the state law intends that oil shipped to the state and used by company or individual which does not offer it for sale should be inspected or not will be the point in question in a friendly suit by State Inspector Allen against the Burlington Railroad company, which has refused to pay a bill for inspection of oil at its shops in Lincoln. Some time ago the state oil inspector sent a bill to the Burlington railroad for a considerable sum for inspecting the oil used at its shops in Lincoln. State Oil Inspector Allen received a letter from General Manager G. W. Holdridge today in which Mr. Holdridge said the company refused to pay the bill, and did not believe that the law providing for the inspection of oil intended that such oil as was shipped to the state and used by company or corporation, and not offered for sale, should be subject to any inspection. Mr. Holdridge suggested that if the oil inspector desired to test the law on the point, he would be glad to have a friendly suit brought against the Burlington Railroad company for the collection of the bill.

Protect on Increased Rates.

The State Railway commission received a request today from the Independent Telephone company of Kearney, asking permission to advance the rates for telephone service. The proposed rates would give the company \$100,000 in place of \$2 for business telephones, and \$2 instead of \$1.50 for residential telephone service. Frank Beaman of Kearney telephoned to the commissioners that he had written a letter protesting against such an advance in rates and fully setting forth his objections. The Railroad commission on January 9, at its date for hearing the protest against the change in rates.

Reese Site with Court.

Judge Reese is sitting with the supreme court for the first time today, though he took the oath of office several days ago. Judge Sedgwick left for his home yesterday. Ward has been sent to the supreme court proposing J. W. James of Hastings as a successor to Judge Ames of the Nebraska supreme court commission. Judge Ames has resigned, the resignation taking effect January 2.

Telephone Company Wins.

The judgment of the district court of Cass county dismissing an application of the city of Plattsmouth for an injunction restraining the Nebraska Telephone company from the use of streets was sustained today by the supreme court. The city of Plattsmouth passed an ordinance requiring the telephone company to put its wires on Main street under ground. The company alleged that the street is not congested and the poles and wires not dangerous to pedestrians. The court holds that a city after having invited investments by the passage of an ordinance granting the use of streets cannot arbitrarily impose by subsequent regulations, without necessity or the demands of public convenience, additional burdens upon the company, which are clearly beyond the reasonable exercise of the police power.

City Extended Its Power.

In the case of Joshua M. Gray against the city of Omaha, the judgment of the district court is affirmed, the supreme court holding that an ordinance passed by the Omaha city council, making it unlawful for any person to construct artificial stone asphalt walks on the city streets, is reasonable and valid. Where there is no express power granted to a city to license the business of sidewalk building, it cannot be implied from the grant of authority to construct and repair walks in such manner as the mayor and council may deem necessary.

Kell Divorce Held Null.

The decree of divorce given in favor of Mrs. Kell is reversed and remanded with directions to dismiss the action. The reversal is on account of the fact that neither of the parties to the action had resided in this state either continuously since marriage or continuously for six months immediately preceding the filing of the petition. In such cases the district court is without jurisdiction. The defendant at the time of the marriage was a minister.

No Respite for Barker.

The supreme court today, in effect, notified Judge F. G. Hamer that it would take no further action in the case of Frank Barker, whose death sentence was yesterday affirmed and the day of execution fixed for the 17th of this month. Judge Hamer, who is Barker's attorney, has four times secured a stay of execution since the case was convicted of murdering his brother and sister-in-law, appeared before the court this afternoon in an endeavor to secure a modification of yesterday's decision. He contended that the affirmation in the insanity proceedings was irregular and that a bill of exceptions would lie. The court would not permit Mr. Hamer to file any motion and while rendering no formal order intimating that under the law it could do nothing further in the case.

Kruger Case Reversed.

The supreme court has reversed a judgment for damages obtained by Mette Kruger against the Omaha Street Railway company. The girl, who is under 14 years of age, became frightened and jumped off of a moving car. The court holds it to be the duty of a street care conductor to use due care and diligence under such circumstances to prevent a frenzied person from alighting from a moving car, but in this case the court erred in instructing the jury that the plaintiff might recover damages even though she was negligent in acting as she did. The instructions are held prejudicial.

Gage County Wins on Law Point.

The motion for a rehearing filed by John H. Sparks is overruled. Mr. Sparks operated in Gage county as a bridge contractor and was prosecuted for obtaining money by false pretense, as he had received pay a second time for the same services. He was acquitted and the county of Gage took the case to the supreme court on error to set the law point involved, and an opinion was given in its favor the next day. Mr. Sparks then asked for a rehearing, alleging that it is not competent to prove that about the same time he obtained double payment of similar claims in the same manner without affirmative proof that in such other cases he knew at the time of receiving such second payment that the claim on which he received it had already been paid in full. The court overruled this objection raised by Mr. Sparks.

CALL FOR STATE CONVENTION

Chairman Hayward Announces Appointment of Counties.

(From a Staff Correspondent.)

LINCOLN, Jan. 9.—(Special.)—Chairman Hayward of the republican state committee has issued the following call for the republican state convention on March 12:

Pursuant to the call of the national committee, December 27, 1907, the republican electors of the state of Nebraska are hereby called to meet in convention in the city of Omaha, Nebraska, on Thursday, March 12, 1908, at 2 o'clock in the afternoon, for the purpose of selecting four delegates-at-large to the national convention to be held in the city of Chicago on June 16, 1908, for the nomination of candidates for president and vice president of the United States.

The basis of representation of the several counties shall be as follows: Adams, 1; Banner, 1; Boone, 1; Boyd, 1; Brown, 1; Buffalo, 1; Burr, 1; Cass, 1; Chase, 1; Colfax, 1; Columbus, 1; Connelley, 1; Cuming, 1; Deuel, 1; Dawson, 1; DeWitt, 1; Dodge, 1; Douglas, 1; Fillmore, 1; Franklin, 1; Furnas, 1; Gage, 1; Hamilton, 1; Harlan, 1; Hayes, 1; Holt, 1; Hooker, 1; Howard, 1; Jefferson, 1; Kearney, 1; Keith, 1; Keya Paha, 1; Lincoln, 1; Logan, 1; Loup, 1; Madison, 1; Merrick, 1; Mitchell, 1; Nemaha, 1; Nelso, 1; Nuckolls, 1; Osage, 1; Pawnee, 1; Perkins, 1; Pierce, 1; Platte, 1; Polk, 1; Red Willow, 1; Richardson, 1; Rock, 1; Saline, 1; Saunders, 1; Scott, 1; Sherman, 1; Sigourney, 1; Spalding, 1; Stanton, 1; Thayer, 1; Thos. Cook, 1; Thurston, 1; Union, 1; Valley, 1; Washington, 1; Wayne, 1; Wheeler, 1; York, 1; Total, 925.

It is recommended that no proxies be allowed and that the delegates present from the county for which they are designated to cast the full vote of their delegations.

Attention is called to the method provided for by the resolution of the state committee of the republican party, which in each county, where desired, an opportunity to express their preference for candidates for the national convention, which plan of expressing said preference has been forwarded to each county chairman for forwarding to the national committee, and which rule is as follows:

Credentials of delegates to conventions shall be filed with the secretary of the state central committee at least five days before the date of the convention. The secretary to said call of the national committee and the laws of Nebraska, the secretary of the county committee, are instructed to proceed in the usual manner to name a time and place for holding their respective county conventions for the holding of said district conventions as have been provided by this committee for the state convention.

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THE BRANDEIS BANK GUARANTEE EVERY DEPOSIT

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Money Can Be Withdrawn Any Time Without Notice.

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THE GREATEST CLOTHING SALE In Omaha's History

ANY MAN'S SUIT in Our Stock

ACTUALLY WORTH \$20, \$25, \$30 and \$35

All the Men's Rogers-Peet Suits, \$12.50
All the Men's Hirsch-Wickwire Suits, \$12.50
All the Men's Renwick System Suits, \$12.50

All the Men's Full Dress Suits, \$12.50
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BOY GETS TRADE AT KEARNEY

Willie Doyle is now printer at the Industrial School.

WRITES HOW HE LIKES PLACE

Deprived of One Leg, This Newboy Was Sent to Corrective Institute and Shows Great Results.

After having tried the Kearney Industrial school for two years, Willie Doyle has written a testimonial letter to his mother in Omaha in which he declares he would use no other. In fact Willie goes so far as to say it is the only genuine, up-to-date properly conducted school of its kind, that it is all wool and a yard wide, is "the candy" and "everything else that stands for good."

Willie was a former Omaha newsboy and boot black. An accident had deprived him of a leg. But the other leg with the aid of a crutch carried Willie around as fast as necessary and faster than most of the other newsboys and boot blacks with the common slouch of legs could run. When a man stood on a corner of the street and whistled to a crowd of newbies on the

There's quite a Row about Unsanitary Bakeshops

We don't know how bad or how good they are. The papers say some startling things and the health boards are stirred up.

It seems an opportune time to say that the most nourishing bread in existence is not in the shape of bread at all, but is composed of granules.

That's GRAPE-NUTS. No bread in the world is so nutritious, for Grape-Nuts food is made of entire wheat and barley and goes through various processes of baking, during which the starch part is turned into a form of sugar to be seen glistening in minute particles on each granule of Grape-Nuts. The food is the easiest to digest in the entire list of all foods and it will pay to use it in place of white bread and observe how well you feel.

The factories are the world's standard for cleanliness and sanitary conditions. Scores of visitors are escorted thru the factories each day and see just how Grape-Nuts and Postum are made and how immaculately clean every nook and corner is.

Come, you all are welcome. If you can't come, send a postal with address carefully written and we'll mail free the beautifully illustrated book "The Door Unbolted."

It takes one all thru and the pictures show the interesting machines at work.

Grape-Nuts food and Postum are never touched by human hands in the process of making.

There's happy health with Postum and Grape-Nuts, and

"There's a Reason"

Postum Cereal Co., Ltd., Battle Creek, Mich.

CAMPION RELEASED FROM JAIL

After Years in Jail Seward County Man Goes to Law.

SEWARD, Neb., Jan. 8.—(Special.)—William Campion, who was convicted here in 1902 on a paternity charge, and who has spent most of the time since in jail because he refused to put up a bond to support the child, has just had his case dismissed by Judge Corcoran of the district court upon his payment of the costs, amounting to \$200, and providing for the support of the child.

Campion's case attracted wide attention because of the action of Governor Mickey in pardoning him and the refusal of the court authorities to recognize the pardon, because the case was not a criminal one. The courts held the governor had no authority to issue a pardon in a case of this kind.

Campion has been in jail since his trial in 1902, except a short time when he escaped and went to Canada. He was found and brought back. The young woman in whose behalf the case was started has since married and the child is 4 of 7 years old. Judge Corcoran today fined A. J. Til-

NEBRASKA NEWS NOTES

BEATRICE—The Red Men held a largely attended meeting last evening and installed officers for the coming year.

BEATRICE—The stockholders of the Hoag Farmers Elevator company will hold their annual meeting next Monday afternoon.

BEATRICE—W. C. Black yesterday purchased the W. A. Waddington farm adjoining Beatrice on the northeast for \$12,000 or \$125 an acre. This is the highest price ever paid in this county for land.

PLATTSBOUTH—The stockholders of the First National bank of this city have elected their officers: G. E. Dovey, president; F. E. White, cashier; vice president, H. N. Dorey, cashier; C. G. Fricke, assistant cashier.

BEATRICE—Yesterday in the county court, Judge Spafford officiating, occurred the marriage of Harry Leslie Ray of Crab Branch of this city, to Miss Bertha DeWitt of this city. The bridegroom and Alfred L. Keefe and Miss Jennie Bradley, both of Blue Springs.

BEATRICE—B. Smith, proprietor of the dairy farm southwest of the city, yesterday sold eleven head of Jersey cattle to John W. Wigan for \$1,000. He received \$10 per head, and the stock was shipped to Mr. Wigan last night.

BEATRICE—The marriage of Frank DeWitt of this city, to Miss Bertha DeWitt was solemnized yesterday at the home of the bride's parents, Mr. and Mrs. Ruben DeWitt, five miles southwest of Beatrice, Rev. Mr. Moser officiating.

BEATRICE—Word was received here yesterday that the former Beatrice boy, had been promoted to the position of private secretary to the governor of Nebraska, the Nebraska division of the Rock Island road.

PLATTSBOUTH—There have been fourteen divorces granted in this county during the last year and seventy-two marriage licenses issued. Fourteen men have been sent from the county for treatment under the dispensation law since it became operative.

PLATTSBOUTH—The county commissioners appointed Dr. Butler of Weeping Water county physician, and awarded the contract for the construction of the new bridges to the Nebraska Construction company, Glenn E. Smith of Lincoln signing the contract for the company.

BEATRICE—Charles Ford, who received a severe clubbing recently by Officer Sorensen who was arrested him after he had escaped from the county jail, was removed from the county jail yesterday to the county hospital for treatment under blood-poisoning and may not recover.

PLATTSBOUTH—Word has been received that Miss Jennie King, a sister of Mrs. A. V. Livock of this city, passed away Tuesday afternoon in Jacksonville, Ill. She was 75 years of age. Miss King had frequently visited in this city and in this county.

BEATRICE—The Beatrice Gas and Power company yesterday paid into the city clerk's office the amount of \$112, which was due the city as 2 per cent of the company's receipts. During the last five months the company has earned according to the statement filed with the city clerk yesterday, over \$125.

BENEDICT—The stockholders of the Benedict Lumber and Fuel company, consisting of about 100 business men and farmers, met this afternoon and received the report of the board of managers. Earnings were 20 per cent, payable 8 per cent dividend to the stockholders and netting 12 per cent in the reserve fund. This company was formed within the last year and the showing is a good one.

BEATRICE—Chairman Campbell of the county board yesterday received from Mrs. Ellen Beaman, an inmate of the poor farm, a note of the Beaman family for \$5 and equal to about \$24 of American notes. The note was sent by sister of Mrs. Beaman, who lives in England, at the time of the financial flurry a few weeks ago. Chairman Campbell will secure the cash on the piece of paper and turn it over to Mrs. Beaman.

GENEVA—Last night the Modern Woodmen lodge celebrated the twenty-fifth anniversary of woodcraft. Over 30 people, mostly the members and their families, were in attendance. There was a good program, the speakers being H. W. Wilson, chairman for the evening; Conard Bradley, H. E. Smith and P. B. Donahoe. There was vocal and instrumental music and also some dancing. The evening closed with a social.

PLATTSBOUTH—The following changes were made in the court house at noon Thursday: County Judge H. D. Travis is succeeded by A. J. Boswell, who appointed his sister, Miss Gertrude Boswell, assistant county judge. Judge Travis removed his family to the new building, next to the district judge, succeeding Judge Paul Jensen. Judge Travis has appointed his son, Earl R. Travis, court reporter. Miss Mary Foster succeeds George J. Farley as county superintendent of public instruction. Mr. Farley will again assume control of the Evening News. Frank E. Scheller succeeds W. D. Wheeler, who has made one of the best county officers living.

\$30 and \$35 Suits to Measure, Saturday FOR \$15.00 Fit and Workmanship Guaranteed. This is the grandest merchant tailor sale ever attempted in Omaha. Don't buy ready-mades when such values as these are offered you. Come early Saturday. MacCARTHY-WILSON TAILORING CO. Phone Doug. 1895. 204-206 S. 16th St.

See Want Ads—They bring results.