

NO INCREASE IN CREAM RATE

State Railway Commission Denies the Request of Railways.

BRIEF IN EXPRESS RATE CASE

Commission Orders Railways Not to Charge More Than Twenty-Five Cents Minimum on Small Shipments.

(From a Staff Correspondent.)

LINCOLN, Aug. 30.—(Special.)—The State Railway commission has refused the request of the railroads to put in a higher schedule of rates for the transportation of cream, and at the same time it has not passed on the request submitted by Attorney Halmer for the central creameries. The schedule put in by Mr. Halmer is the schedule of the Rock Island road, which contains the lowest rates on cream of any railroad in the state. The commission left open the question of fixing rates so that it can at any time if it sees fit take up the matter and order a rate of its own making if it decides to request the Rock Island rate. The railroads desired to make the proposed increased rate operative September 1, and they will be notified officially tomorrow of the refusal of their request. This is the case in which the commission gave the railroads and the central creameries a ten day hearing.

Attorney General Thompson will file in the federal court at Omaha tomorrow a demurrer in his own behalf and an answer on behalf of the members of the railway commission to the petition of the several express companies for an injunction against the commission and the attorney general to prevent them from enforcing the provisions of the Sibley law.

The answer will be signed by the attorney general, as the attorney for the commission, and the members of the commission will not sign it. They could not refuse upon an answer, Commissioner Williams agreeing to stand for this part to be filed. "That defendants deny that they intended or at any time threatened to subject complainant to a multiplicity of suits, or subject it to innumerable penalties and irreparable injury, and deny that they threatened such action until the constitutional validity of said act could be determined by said supreme court of Nebraska in said cause might be lawfully removed."

Commissioners Winnett and Clarke were writing to sign the answer, holding that to admit the charges of the express companies that they intended to "begin innumerable suits and do the express companies irreparable injury" would be admitting that which is not true. Among other statements in the answer are the following:

Further answering said paragraph seven of complainant's bill of complaint, defendants admit that they would be under obligation by contract for the payment of large sums of money to railway companies by virtue of which they would be under obligation to pay the railway companies, over whose lines it transmits its business, is by reason of the collective interest which the complainant company, its officers and shareholders have in said railway companies, and that they are interested in the companies, their officers and stockholders have in the complainant company, and that such large sums of money would be paid in disregard of the interest of the public and the reasonableness of the charges for the service performed by complainant, and in order to carry out and effectuate the collective interests.

Further answering said paragraph eight of complainant's bill of complaint, defendants deny that the rates in force January 1, 1907, had been fixed from time to time with due regard to commercial conditions and the rights of the public and the character of the service performed; deny that the same are competitive; that they have been reduced from time to time; and that the same are unreasonable, unconscionable and a greater compensation than under all the circumstances and conditions are just, either to the public or reasonably remunerative to complainant.

The railway commission has issued an order instructing agents of railroads not to charge more than 25 cents, the minimum charge on small package shipments. Some of the roads have been charging 40 cents. No order was issued regarding the arrest of station agents because the majority of the commission thought such a proceeding at this time not justifiable, as the Burlington, at least, has agreed to make a refund of overcharges.

Relief in Railroad Tax Case.

Attorneys for the Union Pacific, John N. Baldwin and Edson Rich, have filed a second brief in the supreme court in the case where the Union Pacific asked for a mandamus to compel the State Board of Assessment to answer questions as to the value placed on stocks and bonds of other roads held by the Union Pacific, and as to the deductions made in the assessment of the Nebraska property by reason of these outside holdings. The answer of the board to the suit was that it would be impossible for the board to answer such questions, as each member arrived at his conclusions in his own way and therefore the conclusions of the board is a compromise between the various members. The railroad's brief said in this regard:

LAST DAY OF THE LAST MONTH OF SUMMER

will be signalized here by offering all that's left of summer merchandise at prices which bear so little relation to value as to leave no apparent resemblance whatever.

The items below—though very plainly stated—read like fiction, but over this signature they're the TRUTH.

- MAIN FLOOR
All Summer Wash Fabrics, Probably 5000 Yds. Goods up to 15c... 5c
Women's 50c Underwear... 29c
Children's 50c and 35c Hose... 19c
Men's \$1.00 Shirts... 39c
Men's 50c Underwear... 29c
Men's 25c Neckwear... 10c
BASEMENT
Odds and ends of China—Plates, Cups, Vases, etc.—worth up to 50c... 10c
SECOND FLOOR
Corset Covers, worth 25c to \$1, just to close out all garments mussed from showing, 35c, 19c and... 5c
Gowns, worth up to \$3.00... 98c
Waits—Just to Close—Worth up to \$2.00... 50c
Out-Alls—Just to Close—Worth up to \$3.00... \$1.00
Mussed From Showing—Worth up to \$6.00... \$2.00
Saturday night, 8 o'clock, 50c Men's Silk Neckwear... 25c
Next Week Begins the Big Blanket Sale
THOMAS KILPATRICK & CO.

MCKIBBIN THE STANDARD OF HAT VALUE \$3 McKibbin Hats Sold everywhere

one of their inability to answer the questions propounded by the relator is a confession that in valuing the immense properties owned by the relator in the state of Nebraska the respondents were merely guessing at its value and did not arrive at the same in any exact or mathematical manner. In other words, the admission made by the respondents is to the effect that they did not know how to value and assess the properties of the relator and that they were, therefore, incapable of performing the duties required of them as an assessing board.

Checking Outgoing Officers. Land Commissioner Eaton and Martin Dimery, secretary to Governor Sheldon, have gone to Kearney to check up on the industrial school, which changes management tomorrow. E. B. Sherman, succeeding Superintendent Hayward, Chief Clerk Edmund Maggi has gone to Omaha to check up on the Institute for the Deaf and Dumb, which is taken charge of by Superintendent White, who succeeds Former Superintendent Ryan.

Object to Clemency for Clarke. Street railway employees of Omaha to the number of 28 have petitioned Governor Sheldon not to disturb or commute the sentence imposed upon Harrison Clarke for the murder of Edward Flury, a street car conductor. The petitioners say "Clarke had a fair trial; no just man denies it. Under the law; no just man denies it. Under the law; no just man denies it. Under the law; no just man denies it."

Youngers Asks New Trial. George Youngers, colored, convicted and sentenced to the state penitentiary for twenty years for criminal assault upon a 12-year-old Lincoln girl, is trying to get a new trial. His attorney, James L. Caldwell, appealed to the supreme court for a reversal and a new trial today, filing a brief in which he claims the negro was not given a fair trial. He says Youngers was forced to stand trial before he had time to prepare his case; that men stood around the court room with a rope threatening to hang the defendant if not convicted, and that the defendant was not properly identified.

Territorial Pioneer Meeting. Territorial pioneers of Nebraska held their meeting at the university tonight, the program consisting of addresses by Dr. George L. Miller and Governor Sheldon. The speaking was interspersed with songs and instrumental music. The old settlers will be taken over the city in automobiles tomorrow.

State Politics Warm in Gage. BEATRICE, Neb., Aug. 30.—(Special.)—With the primary election drawing near, the politics in Gage county is the subject of many, and considerable interest is being taken in the outcome. For the office of supreme judge the friends of M. B. Reese and Samuel H. Sedgewick are working hard for their respective candidates, and both sides seem certain of victory. It would be hard to predict the outcome of the contest. The Weekly Times, edited by Colonel W. S. Tilton, is whooping it up for Reese, and in this week's issue prints a picture of Mr. Reese occupying a quarter of a page of the paper. The Extra time is supporting Sedgewick. For county offices there are contests to speak of except for district clerk and sheriff. The candidates for district clerk are L. E. Ashenfelter, Henry A. Miller and John R. Quinn, the latter being the present incumbent. For the office of sheriff there are John W. Jackson, R. B. Jones, J. Monroe Land, S. E. Moore, Louis Steece and A. J. Trude. From present prospects the vote next Tuesday will be far ahead of what was anticipated.

Little Interest in Primary. FREMONT, Neb., Aug. 30.—(Special.)—Not much interest is being taken in the primary campaign here and from present indications there will be a light vote polled. More interest is shown over the district judge situation than the rest of the ticket. The lineup on the republican side appears to be Abbott of Fremont and Jack Martin of Central City against Hodson of Schuyler and Stires of Columbus on the opposing side, although many of Abbott's next door neighbors are supporting Stires. Abbott will get a large vote here. On the democratic side it is conceded that Hollenbeck will have a walkover for a re-nomination. This end of the district appears to be for Thomas for the other man. On the county clerk, both sides are some applicants for clerk of the district court and county assessor.

Legal Fight Over Children. BEATRICE, Neb., Aug. 30.—(Special.)—Deputy Sheriff T. H. Burke returned yesterday from Hildreth, Frank county, Nebraska, bringing with him the adopted son and daughter of L. B. Dyer of this city, for whom Dyer secured a writ of habeas corpus last week in the district court. The children were placed in the custody of Sheriff Trude until Judge Kellogg passes on the case.

Dr. Miller Anti-Pain Pills are sold by your druggist, who will guarantee that the first package will benefit. If it fails, he will return the money. Never sold in bulk.

Commercial club of Lincoln, the program contemplating a ride about the city, entertainment and luncheon at Capital Park. The formal meeting will begin at 8 o'clock Friday evening at the university chapel, when will occur the formal addresses of welcome and responses, followed by an informal reception.

A special program of entertainment is provided for Saturday, which will include a night-seeing trip around the city to the state farm, Collevue View and then again to Capitol Beach at noon, where a banquet will be served, followed by toasts and responses, with H. H. Wilson as toastmaster.

LEARN OF TWO-CENT FARE

Colonel J. J. Ryder and Commissioner Williams on Stand.

LINCOLN, Neb., Aug. 30.—(Special Telegram.)—The two representatives of the Kansas Railroad, Secretary E. C. Shiner and Attorney G. F. Grattan, came to Lincoln to learn of conditions with respect to the 2-cent fare law, today took the depositions of Chief Deputy Labor Commissioner J. J. Ryder and Railway Commissioner J. A. Williams. None of the Nebraska railroad men appeared to voice any objection to the 2-cent fare law, which was secured. Attorney Hurd of Topeka, representing the Kansas railroads, was present, but did not cross-examine or make any endeavor to reveal more than the witnesses gave.

Mr. Ryder identified maps of Nebraska and testified in general about the topography of the state, while Commissioner Williams went on the stand and swore that the Nebraska roads had accepted the 2-cent fare law, after which he was recalled to testify that in their cross petition in the suit of the state on file they attacked the law's constitutionality, which fact he had forgotten in his first testimony. This will constitute the investigation made by the Kansas men.

Railway Commissioner Clarke is in favor of prosecuting some of the railroad agents who still insist on charging the 6-cent minimum rate on shipments. It has come to the board that some railway agents are still making the charge, and if it is persisted in it is more than likely that they will be hauled up for an example.

Governor Sheldon has appointed Dr. Frank Osborn, formerly assistant superintendent of the Institute for Feeble-Minded Youth at Beatrice, to be assistant in place of Dr. Johnson.

No arrangements have been made by any of the railway officials in Omaha to go to Lincoln to be interviewed by G. F. Grattan, attorney for the Kansas State Railway commission. It was stated by the Union Pacific that no summons had been received by that road to appear in Lincoln.

At the Burlington headquarters it was stated that it had not been decided whether any one would be sent to Lincoln for this purpose.

TAPT PASSES THROUGH ALLIANCE

Arrives at Early Hour, but is Greeted by Many Friends.

ALLIANCE, Neb., Aug. 30.—(Special Telegram.)—Secretary Tapt was an early morning visitor through this city this morning, and notwithstanding the hour was greeted by many of his ardent admirers in the northwest. He expressed regret that his plans made it impossible for him to speak at the state fair, as it would have afforded him much pleasure to meet the Nebraska people at this time at the home of Mr. Bryan.

Bishop Weekley Makes Address.

BEATRICE, Neb., Aug. 30.—(Special.)—At the opening session of the United Brethren conference yesterday the ministers submitted their annual reports, which showed the church to be progressing. At 10 o'clock Bishop Weekley of Kansas City delivered a very stirring and helpful address, taking for his subject "America's Greatest Need." Rev. Edgar Knapp of Dayton, O., returned missionary from Japan, followed Bishop Weekley with an interesting address on foreign missions. The afternoon devotional service was conducted by Rev. J. A. Hayden, after which the report on temperance was read and adopted. The bishop then gave an earnest exhortation to the pastor to fight against the latter talking on the "sons of pioneers." The speaking was interspersed with songs and instrumental music. The old settlers will be taken over the city in automobiles tomorrow.

Work at Sugar Factory. FREMONT, Neb., Aug. 30.—(Special.)—The receiver of the Standard Beet Sugar company has a force of men employed working out the brown sugar left over at the close of last year's run. Another gang is at work cleaning and overhauling the machinery. As soon as some of the litigation over it between the receiver and the bondholders is settled the building probably will be dismantled and moved to some place in the western part of the state, where plenty of beets can be secured. The plant is likely to get it, though there are a good many locations offered and nothing definite can be decided upon at present.

Old Settlers Celebrate.

ATBURN, Neb., Aug. 30.—(Special.)—A pioneer home coming picnic was held at the old town of Brownville yesterday. A very large crowd was in attendance. Old pioneers from all over Nebraska and surrounding states were in attendance. People from Omaha, Lincoln, Hastings, Holdrege, Beatrice, Nebraska City, Falls City and Plattsmouth were there. The program was entirely in charge of the old pioneers. Several hours were devoted to short

TEACH YOUR BOY TO VALUE HIS PERSONAL APPEARANCE

Reduction Sale of Boys' School Suits. A Uniform Reduction of 20% on any boys' or child's suit in our store. Please Remember THAT EVERY GARMENT IN THIS STORE IS MARKED IN PLAIN FIGURES—YOU SIMPLY SELECT THE SUIT YOU WANT AND PAY US 20 PER CENT LESS THAN THE REGULAR PRICE. THE BERG CLOTHING CO. 152 & DOUGLAS

at Hildreth. It is said he has never adopted the children. It is understood Quiver and several persons at Omaha will fight the case, which will be disposed of in the district court soon.

PACKING PLANT FOR ALLIANCE

Ground Purchased and Buildings to be Erected at Once.

ALLIANCE, Neb., Aug. 30.—(Special Telegram.)—The final arrangements have been made for the purchase of thirty acres of land on the old Burlington extension just west of town by the Alliance Packing company, a corporation composed of Alliance business men and recently incorporated. It is expected that all the buildings will be up by January 1, at which time it is hopefully believed that meat will be a much cheaper commodity than at present.

Bishop Bonanum Wins Suit.

BEATRICE, Neb., Aug. 30.—(Special.)—Judge Reeder of Columbus, who officiated at the late case of Bishop Bonanum, who brought suit in the name of the trustees of St. Vincent's parish to obtain possession of the church property from Rev. William Murphy, and who recently took the case under advisement, today forwarded his decision to District Clerk Gwartzney, finding in favor of the bishop and against Rev. Mr. Murphy on all questions in controversy. Rev. Mr. Murphy was enjoined from further entering the church, from acting in the capacity of priest of the parish or from collecting fees that belong to this parish, and from in any way interfering with the church property or the services held therein. This case has been in court for ten years and has been stubbornly contested by both the bishop and Rev. Murphy.

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A Nurse's Story

If you are a sufferer from headache, neuralgia, or pain from any cause you should read the following letter from a nurse.

"For some time I have felt it my duty to write you. I was having my doctor twice every week for headache. All he did for me was to give something to ease the pain. Sometimes the pain was so severe that I could not speak, and members of my family stood over me and gave me medicine every fifteen minutes until I was relieved. A sample of Dr. Williams' Anti-Pain Pills fell into my hands. I read the circular very carefully, and found my case described exactly. The next time my head began to ache I took the Pills according to directions, and I felt I was getting better, so I sent to the druggist for a box and took them until I was so much better that I was about the house all the afternoon. I have not had a doctor for headache since. When I met you some time after I wanted to how I was, and I told him what I had done, and he replied: 'If you have anything that will help you stick to it,' and so I have. Being a nurse I have recommended them to a great many of my patients. One case I will mention. I saw a doctor go to a neighbor every week for months because she had such awful headaches, but for a long time I dared not suggest anything to her. One day I met a friend who gave her a box of Anti-Pain Pills, and she used them and has had no doctor since. She said, 'Why didn't you tell me about them before?' I could tell you of many similar cases." MISS JOSEPHINE BROWN, 270 W. Genesee St., Auburn, N. Y.

Miles Medical Co., Elkhart, Ind.

speeches by old timers. The musical program consisted of piano music furnished by Miss Marie Hoover and Miss Alice Hill. Miss Pearl Minnick also rendered several vocal selections. This is the first time any attempt has been made at any kind of a celebration in old Brownville for many years, and it met with such success that it was a surprise to everyone. It is estimated that 300 people attended from Auburn.

Nebraska News Notes.

AINSWORTH.—J. D. Hill defeated Ainsworth at base ball, 3 to 0.

BEATRICE.—S. E. Giddings of Filley has purchased the feed yard of N. B. Pierpont and will assume charge September 1.

AINSWORTH.—E. S. Micker, state bank examiner, is here and has examined the banks in Ainsworth. He went from here to Johnston.

BEATRICE.—Fire caused a small damage in the coal bins belonging to R. Davis early yesterday morning. The prompt arrival of the fire department saved the bins and is being put in place.

PLATTSMOUTH.—The case county prohibitionists have named this ticket: county treasurer, A. H. Hildreth; county clerk, Frank Ingram; commissioner, William Wade; clerk of district court, J. M. DeLoach; sheriff, A. Hildreth.

NEBRASKA CITY.—Michael Flann and wife were driving last evening in the northern part of the city when a young son of seven years fell from the car and fell, the wheels passing over his left leg, breaking it just above the knee.

BEATRICE.—Henry Thore, 39 years old, living four miles east of Odell, had his left eyeball punctured by a spike. His father was working on a windmill tower and fell, the spike passing through his eye. It is thought the sight can be saved.

PLATTSMOUTH.—Peter J. Hansen passed away in his home in this city after a long illness. He was born in Ash Grove, Wis., on August 12, 1860, and came to Plattsmouth in 1876, where he has since resided. He is survived by a widow and four grown children.

BEATRICE.—Mr. and Mrs. H. A. La Selle entertained a company of friends in honor of Dr. and Mrs. J. Johnson, who are soon to leave the city for Omaha, the doctor having resigned the position of superintendent of the Feeble-Minded Institute.

DAVID CITY.—Nearly one inch of rain has fallen in this community in the last two days and is being put in place. The corn crop, which has been suffering, will also start falling again, which has been brought to a halt by the ground being so dry.

OAKLAND.—W. H. Myers, who has been the principal of the public schools here for the last seven years, has resigned his position this week to become assistant superintendent of the State Industrial school at Kearney, to which place he has just been appointed.

BEATRICE.—Funeral services for the late John McLaughlin, the Burlington freeman who was killed at Ashland a few days ago, were held yesterday afternoon from the Methodist church at Wymore. Interment was in the Wymore cemetery, where the father of the deceased was buried years ago.

PLATTSMOUTH.—The local Catholic Sokol society is making great preparations for the state annual tournament, which will be held in its hall in this city on Saturday and Sunday, September 1 and 2. A special train will be run from Omaha to this city Sunday to accommodate a large number of delegates from distant parts of the state.

NEBRASKA CITY.—When the fight against issuing a saloon license to Bernard Carls at Dunbar was commenced last spring Carls incurred suit against Harry J. Z. Tussey et al. and wanted \$5,000 damages. These suits have been dismissed by the plaintiff, but why he took the step no one knows.

DAVID CITY.—Sheriff West went down to Lincoln Wednesday with a warrant for William Daraby, charging him with wife desertion. He was arrested in the evening with his prisoner, who was given a hearing in county court. He waived his preliminary and was bound over to the district court term in November under a \$300 bond, which he furnished.

ST. PAUL.—Another train accompanied by a severe electrical display, fell here last night. The precipitation here was 6.71, making 1.56 for the two nights, and leaving the ground very wet. At Elba during the storm the lightning struck the store of John Grutsk, which burned to the ground with contents. The adjoining building of Charles Kolik was severely scorched, but was finally saved.

BEATRICE.—The Sunday school picnic held at Ellis yesterday afternoon was strongly attended. About a score of one hundred was served in the grove, and the remainder of the afternoon was devoted to outdoor games. The score of the game between the married men's team by the score of 18 to 6 and the old players won from the prospect. Ellis leads by the score of 19 to 6. Beatrice won the lawn tennis game from Ellis.

BEATRICE.—Among the "items of interest" concerning the Edward County case, was the burning of the balloon just before the aerostat was to make his ascent. The dislocation of a shoulder of one of the Staplehurst ball players, the failure of the string of horses from Lincoln to reach here in time for the races and the fall from a horse of a jockey, who incidentally suffered an injury to his foot from the horse's hoof.

BEATRICE.—Word was received here yesterday from Kansas City stating that A. P. Wyatt, until recently a resident of Beatrice, was struck by a street car at that place the other day and severely injured. He was out and bruised about the head and one leg was fractured so badly that amputation may be necessary. Mr. and Mrs. Wyatt have been living in Nebraska City since leaving Beatrice and recently he took a position with the Kansas City Southern railway as traveling auditor. He was mail clerk on the Burlington

between Nebraska City and Holdrege for years.

DAVID CITY.—Mrs. Anna Koutnik of Omaha, who formerly lived in Lincoln, was arrested at Brownville. In 1873 she was elected county treasurer, which office she held for two terms. In 1882 he moved to Sheridan, now Auburn, and entered again in the mercantile business. In 1888 he formed the firm of A. H. Gilmore & Sons, which was recently incorporated under the name of Gilmore, Armstrong & Co. Mr. Gilmore laid out two additions to Auburn and had always been active in the upbuilding of the town. Mr. Gilmore is survived by a widow and the following children: Albert D., Walter A., Paul A., Eugene A. and Grace A. The funeral services will be held from the home tomorrow and interment will be in Sheridan cemetery.

ALBION.—Three heavy rains have fallen here the last week and the soil is now thoroughly soaked. Farmers are busy engaged in getting the ground ready for winter wheat. While snow will not be a full crop, yet it will be far from a failure.

ALBION.—District court convened yesterday. Judge Hanna presiding. Nothing requiring a jury will be tried. Several divorce cases have been disposed of and court will adjourn tomorrow.

ALBION.—Ed McDonald, a resident of the town, was arrested yesterday on the charge of stealing a truck and its contents. He is now in jail awaiting his preliminary.

ATBURN.—Andrew H. Gilmore died here

A great many men of discriminating tastes feel a little backward about selecting Fall Hats. We are ready to show you what is like—Come in, try on as many as you like—if you haven't time to come in, look at our big corner window—it doesn't show nearly all the styles, but will give you some idea of what you'll want later on. Our moderate prices still prevail. \$1.50 up to \$5. The Berg Clothing Co. 152 & DOUGLAS

\$25 TO PORTLAND Every day, September 1 to October 31, 1907, you have the privilege of this low one-way rate to Portland, Seattle, Tacoma and other points in the Northwest, via the Union Pacific the short line to Portland, running daily fast trains. Inquire now for any further information and make berth reservations at CITY TICKET OFFICE, 700 & 720 DOUGLAS 1220 FARNAM STREET.