

ELEVATOR ROOM IN DEMAND

Blair of Broken Bow Will Fight the Burlington.

PARTIAL TO OTHER GRAIN SHIPPERS

State Board of Transportation Requested to Investigate the Difficulty—It Involves a Heavily-Contested Principle—Lincoln News Notes.

LINCOLN, Neb., July 25.—[Special to THE BEE.]—A complaint was filed with the secretary of the State Board of Transportation today in which Byron W. Blair, a grain dealer and shipper of Broken Bow, alleges unjust discrimination against the Chicago, Burlington & Quincy Railroad company.

Blair has been shipping grain from Broken Bow, but has been compelled to load his cars direct from the wagon, thus entailing a great deal of trouble and useless expense.

He has repeatedly applied to the railroad company for permission to erect an elevator on its right of way, but although the company has an abundance of room it has steadfastly refused to allow him to do so.

He alleges that the company's refusal is based on partiality to the other elevator companies at Broken Bow. He asks the board to take some steps to compel the railroad company to grant him the desired privilege.

The complaint involves one of the most hotly-contested principles that has ever come before the State Board of Transportation in the history of its existence. On October 7, 1889, a case almost identical was filed with the board, in which Farmers Alliance No. 285 entered a similar case against the Missouri Pacific. In that case the board of arbitrators listened to a large number of witnesses and valuable arguments from both sides.

They decided the case in favor of the complainant. The decision was based upon the broad principle that the railroad company "acquired its property for the purpose of erecting elevators upon it for the shipment of grain. It holds its property charged with public utility and just as long as it permits shippers of grain to build and operate elevators for the shipment of grain upon its line of road it will have to grant the same right upon the same terms and conditions to all other shippers of grain, so long as it is in the bounds of reason for it to do so."

The Missouri Pacific appealed from the decision of the board to the Nebraska supreme court and the latter sustained the board, all three members of the bench concurring. Not satisfied with the decision, the Missouri Pacific carried the case to the supreme court of the United States, where it is still pending.

Secured an Injunction. The stockholders of the old Capital Heights Street Railway company today made application for an injunction to restrain Receiver G. K. Brown from turning over the Lincoln City Electric line to its recent purchasers, and to prevent the purchasers from taking possession of or interfering with the portion of the road claimed by the plaintiffs.

The trouble arises from a former consolidation of the Capital Heights line with the Lincoln City company, the sale was never consummated and no money was ever paid for it. The old Capital Heights line extended from Twelfth and O streets to Eighteenth and South, and Twenty-second and M streets, and its stockholders fall to the Missouri Pacific for the payment of debts it never incurred.

Troubles of a Lincoln Firm. The foundry and machine shops of the Hall Brothers Range and Farmace company of this city are in possession of the sheriff, pending the settlement of partnership difficulties, the exact nature of which cannot be learned. The petition for the interference of the court was filed by M. Clark and J. H. Mockett, and it is believed that the difficulty grows out of a disagreement as to the management of the works. The company is not in an embarrassing condition financially, and will probably resume within a few days. It has been in successful operation for several years and has turned out thirty completed steel ranges each week. Its trade extends all over the west, and its reputation as a solid concern is well established.

Engaged in a Duel at Short Range. James Burke, a railroad switchman, and W. N. Cornell, a colored bartender at Iverson's saloon at 217 P street, engaged in a duel at close range this afternoon, which nearly resulted fatally for the former. Burke and a number of companions, all of whom had been drinking, raised a disturbance in front of the saloon and Cornell ordered them away, at the same time kicking Burke several times while his back was turned.

Burke returned an hour afterwards, and showing a bull dog revolver in close proximity to Cornell, fired at him. Cornell dropped down behind the bar, and securing his own weapon crawled around the side of the counter and fired two shots at his assailant. One bullet lodged in the back of Burke's neck, where it has baffled the search of the probe. It is thought, however, that Burke is not seriously injured. Iverson's saloon is the place where Charley Thomas was shot and killed by George Gaffney a few weeks ago.

Looking After Cook Island Interests. C. H. Thompson, right-of-way agent for the Rock Island, arrived in Lincoln this morning and has commenced buying more property for that company. Today he secured options on property south of the Twenty-second street, the route passing diagonally through what is known as the Davenport land to Handolph street. Mr. Thompson secured options on property in Heintz place, Hillside and the additions of Rollins, Zellberg and Ames. Acres property was also purchased of Messrs. Perkins, Wilson, Schell, Bonacum, Wolfe, Funk, Clark and others.

This renewal of activity is looked upon as an indication that the Rock Island proposes to push its operations in this city at once.

Rainmaker from Kansas in Demand. J. H. McMurtry and others today made a contract with W. B. Swisher, president of the Swisher Rainmaking company of Goodland, Kan., whereby the latter agrees to furnish at least an inch fall of rain within four days from the time he commences operations. A meeting was held at McMurtry's office this forenoon, and that gentleman reported this evening that the money required for the experiment had nearly all been subscribed. The professor, as he claims himself, will conduct his experiments in cloud juggling in the city, and it is possible that a temporary structure will be erected in Government square for the purpose.

Suit for \$5,000 Damages was today commenced against the Union Pacific by the administrator of the estate of A. L. Caldwell. The suit arises from the fact that Caldwell, who was a motorman in the employ of the Lincoln Street Railway company, was killed at Hill and Fifth streets November 4, 1891, and the administrator alleges carelessness and negligence upon the part of the employees of the railroad company. The Lincoln Street Railway company is made a co-defendant.

The State bank of Brownville asks judgment against the North Life Insurance company for \$1,000 on a policy issued to L. L. McCor of Greenwood, Neb., on December 1. The bank held the policy as collateral.

Kosa Payne asks for divorce and alimony from her husband, whom she charges with cruelty and ill-treatment, with his debts amounting to over \$3,000 were filed against the bankrupt firm of Young & Elder today.

Dave Rodgers and Harry Lowry were this forenoon sentenced to sixty days in the county jail, the former for stealing a coat and vest from Attorney Mack's office at the Meville block. Lowry is the young fellow who held up a university student the other night and robbed him of \$7.05.

Louis Kinks was sentenced to the rock pile for talking politics when he was too drunk to distinguish a democrat from a republican.

A gang of seven toughs were sent to the city stone yard this morning for the crime of being drunk.

A man named Xavier Kostel was arrested for using unbecoming language in the presence of ladies. He will be heard in his own defense tomorrow morning.

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Substance of the Uniform Coupling Bill to Be Adopted.

RAILROADS GIVEN PLENTY OF TIME

Legal Description of the Instrument to Be So Broad as to Give No Particular Invention an Advantage—Washington Gossip.

WASHINGTON BUREAU OF THE BEE, 315 FOURTEENTH STREET, WASHINGTON, D. C., July 25.—Senator Callum's committee on interstate commerce has reported a substitute for the house bill to protect railroad employees by the adoption of air brakes and uniform couplers on all railroads. It is believed that the substitute will be adopted at the present session if it can be taken up for a few hours consideration. Senator Callum says today that he believes the bill could be passed in the morning hour some time during the week and passed. There will not be any trouble, he thinks, in securing concurrence by the house, as there is very little difference in the provisions of the two bills further than an effort on the part of the senate to measure to protect railroad corporations from any invention upon the part of patentees who may control certain inventions. The idea in the senate bill is to make the legal description of the uniform coupler and locomotive driving wheel brake so broad as to include all inventions down to any particular invention and defer the date of adoption of the inventions sufficiently to enable undeveloped patents to be perfected and yet not create the present danger to railroad employees beyond a reasonable period.

The senate bill compels interstate railroads to adopt the driving wheel or train brake so as to enable the train in January, 1893, and the date on which a uniform automatic impact coupling shall be adopted by all interstate railroad corporations is set at the first of January, 1893, and the date on which the law is to be enforced is set at the first of January, 1893, and the date on which the law is to be enforced is set at the first of January, 1893.

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The conference report on the sundry civil bill, which increases the date on this purpose. This is an increase of \$75,000 above the amount which the committee reported to the house, as a sample of its purpose, is being considered by the committee appointed to investigate the course of prices and wages for the past eighteen months. It is expected that the bill will be reported to the house in a few days.

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Take Good Care of the Children. If you have children you will be interested in the experience of Mr. John Cook of Pilot, Vermillion Co., Ill. He says: "Two years ago two of my family, a young man and a girl, had very severe and dangerous attacks of bloody flux. The doctor here was unable, after a week's time, to check or relieve either case. I threw the doctor overboard and began using Chamberlain's Colic, Cholera and Diarrhoea Remedy. Improvement was seen very soon, and my children were their dear-bodies. It is a grand, good medicine."

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THE SECRET OF ITS SUCCESS Is the Continual Addition of the Newest and Most Valuable Features.

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Then it enlarged and added to its menagerie department until no other animal collection in the wide broad domain of earth could compare with it, and then Mr. Barium added the hippodrome and museum and brought them to a state of superiority that taxed his ability. At this point James A. Bailey stepped in and kept up the march of improvement in each of these distinctive portions of the show, and secured a more ingenious and had paid their highest tribute, when he conceived the plan of blending the circus triumphs, too big for theaters and too costly for other shows, with his greatest exhibitions, and this latter has been improved until it has grown beyond the power of any other show, with his enlarged institution, instructive, entertaining and elevating in its character, literally gathering within its folds all and everything new and marvellous in the amusement spectacle, far, circus, hippodromic, museum, menagerie and scientific fields, the realization of all the showman's dreams, but the real achievement of Omaha September 14. The Omaha Bros. circus, with which all Omaha's families is a fair sample of all other shows coming here.

Among Military Men. Lieutenant Quay, son of Senator Quay, reported for duty as aide to General Brooks yesterday.

Leave of absence for one month has been granted to Captain John Kinzie of the Second infantry, now stationed at Fort Omaha.

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