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LIGHT ON THE CORN CORNER

Failure of Exchange to Enforce Rules the Cause of the Rumpus.

MR. JAQUITH EXPLAINS THE TROUBLE

True Inwardness of the Various Moves Pointed Out by the Chief Factor in the Various Transactions.

OMAHA, June 11.—To the Editor of The Bee: There have been various statements, rumors and interviews in the papers relative to Jaquith's so-called corn corner.

I am president of the Exchange Grain Company. They are strictly a cash grain house. Every bushel of grain that was purchased for future delivery, that I have been connected with was for me, for my own individual account, or for the account of a few personal customers who made purchases through me as their broker.

And although there has been a concentrated movement, as every grain man knows, to cripple or break Jaquith, I have been perfectly able to pay for all receipts for grain tendered and I desire to state that instead of the fight being over and the differences settled, the real conflict has just begun, and I desire to refer you for full information as to the correctness of my statements wherein I stated that I had purchased and paid for something that I did not get, to the records of the directors' meeting of the Omaha Grain exchange, at which I requested and demanded that the directors enforce section 4 of rule 4, of the rules and bylaws of the exchange governing warehouses and elevators, which reads as follows:

"Warehouse and elevator receipts to be regular shall bear date of the day on which the property called for therein shall have been taken into store and shall specify the car number and initials, and shall be for the same grade and kind of property as inspected by the proper inspectors. Any elevator or warehouse violating the provisions hereof shall be declared irregular."

The records show, and the one regular elevator president and operator who was present at the meeting, admitted and was forced to admit the violation of this rule, because it was proven by their own written receipts. But the board of directors failed to enforce the rule, which is mandatory, although such president and operator had admitted that the receipts were not in compliance with the rule which compelled me to go to the courts to seek protection.

If authentic information is desired concerning the action of the exchange, its board of directors, as well as the action of the grain committee, I would refer you to the call of a special meeting of the board of directors on June 4, 1904, and to my letter of June 4, submitted therewith, and both on file in its office.

June 4.—To the President and Board of Directors of the Omaha Grain Exchange: Gentlemen—Since your corporation was organized, you have designated the Union elevator of the Council Bluffs Elevator company, and the Merriam elevator, operated by Merriam & Holmquist company, as regular elevators of this exchange, and the receipts of said elevators, as to the delivery of property. You also appointed a grain committee, and on that committee placed F. S. Cowgill, who is interested as a stockholder and officer in the Council Bluffs Elevator company, and one Nathan Merriam, one of the owners of the Merriam & Holmquist elevator, known as the Merriam elevator.

There is stored a great quantity of corn in the Merriam elevator, which was, when inspected into said elevator, the property of the Merriam elevator, and the Union and Merriam elevators have issued, since the organization of this exchange, a great number of warehouse receipts for No. 2 corn, and the same were delivered through your exchange to me.

Because of these facts, Nathan Merriam, as one of the owners of the corn inspected into the Merriam elevator, was, and is interested, in maintaining the elevator receipts issued, and having the corn inspected out of his elevator, No. 2, and F. S. Cowgill, as stockholder and officer in the Union elevator, is interested in having the corn loaded out of the Union elevator graded as No. 2 corn, if possible, in order to maintain the warehouse receipts issued for No. 2 corn.

Under the circumstances, you could expect them to act in no other manner than as interested parties. I have purchased for May delivery, from the Omaha exchange, No. 2 corn to the amount of about 40,000 bushels, of which I now own warehouse receipts for the amount not loaded out and accepted by me, under protest.

Early in May Mr. G. E. Barnes appealed to the grain committee on five cars containing 500 bushels of No. 1 corn, loaded by the Merriam elevator, and when the grain committee met to act upon the appeal, I, as a matter of fairness, though not directly interested myself, demanded that, inasmuch as Mr. Merriam and Mr. Cowgill were interested parties, and I am indirectly interested, none of us should act on that committee, as I did not believe it right that a judge should try his own case, either as a member of a committee or in a court of justice, but Messrs. Merriam and Cowgill insisted upon acting, and the committee sustained the appeal as to one car, Mr. Merriam voting, of course, No. 2 on all cars, as you would naturally expect one interested to do.

Mr. Barnes was thereupon compelled to take the corn and shipped it to a feeder in the state of Iowa, who, I am informed, rendered a vigorous protest and claimed that he had been swindled, and that he would buy no more corn in this market, and that such deals would ruin the Omaha market.

On May 14 and May 16 I called for an appeal from the inspection of a number of cars loaded out of the Merriam elevator, at which time, being an interested party, and knowing that Mr. Merriam was an interested party, and that Mr. Cowgill was interested upon acting, as I now know, that neither of us should act, but Mr. Merriam insisted upon so doing. Merriam, Cowgill and Lyons voted No. 2 on all of the cars, and I voted No. 2, and Mr. Twamley voted No. 3 on certain cars and No. 2 on others.

And on May 14 I called an appeal on ten cars loaded by the Union elevator and on May 16 the committee met, Messrs. Merriam and Cowgill, operators of elevators and interested parties, voted No. 2 on all of the cars, and I voted No. 4 on some of the cars on account of its being badly damaged and rotten. Before this inspection I requested that Cowgill and Merriam, being interested parties, and myself being interested, should not act on the committee, but as Messrs. Merriam and Cowgill insisted upon acting, as I now know, to protect their interests, I had no other alternative than to act, but refused in many instances to vote on much of the corn. Mr. Twamley, who I understand had no interest in the grain either as buyer or as an

elevator man, voted No. 3 on six of the ten cars. Being outvoted as I was, though I did not receive what I had purchased and having previously paid my money for the warehouse receipts delivered by four exchanges there was no other alternative than to accept the corn under protest, which I did. And thus I have continued to appeal from the inspection of corn loaded out of the Union elevator and the Merriam elevator at a great expense of appeal money, time, labor and demurrage charges made by the railway company.

In all I have made about twenty appeals from the inspection of cars from the two elevators in question, and as chairman of the grain committee demanded in each case that Merriam, Cowgill and myself should not act, but they insisted upon so doing, and in no case has Messrs. Merriam and Cowgill voted other than No. 2 on any car of corn loaded from either of the two elevators mentioned, all of which was done over my protest coupled with the demand by me that they refuse to act on the grain committee in any matter wherein they or either of them were interested, directly or indirectly, as owners of grain so sold, or as operators of the elevators out of which the same was loaded.

The unfair and prejudiced action of Messrs. Merriam and Cowgill on the committee in all matters where they were interested, has at times been so obvious and odious to Mr. Twamley, who could have no interest in the grading of any cars of corn appealed by me, and who has upon every appeal protested, insisted and demanded that no interested party or parties should act upon the appeal committee wherein they were interested, and has, at different times for the reasons above mentioned, refused to act further on the committee.

The culmination of this outrage, committed by Messrs. Merriam and Cowgill, wherein and whereby they insist upon acting on a committee, and deciding grades wherein they are interested, to my detriment and personal loss, and the disgrace of all that is fair, just, right and equitable, led me, on June 2, to absolutely refuse to further act on the grain committee, in any inspection wherein I am interested as buyer or seller, and Mr. Twamley, who is, I believe, endeavoring to maintain the inspection of this exchange at a proper grade, thereby enabling it to grow and flourish as a grain market, to absolutely refuse to further act on the grain committee during the inspection of any grain wherein any member or members of the grain committee are interested as buyers, sellers, or as operators of an elevator from which it was loaded.

I have called for an appeal from the inspection of a number of cars now loaded from the Merriam elevator, and will appeal from a number to be delivered from the Union elevator in the near future, and inasmuch as I will not sit as a judge upon my own case, and Mr. Twamley will not act in the inspection of said cars so long as Messrs. Merriam and Cowgill are interested as operators, insist upon acting on the grain committee and upon the inspection of said cars, the grain committee, as provided by the exchange, is no longer in existence for the inspection of the corn now loaded and to be loaded from the two elevators in question.

I now insist and demand that your honorable board of directors provide a grain committee for the inspection of all the cars appealed, and for all appeals of cars in the future, by some manner, and that such committee shall be composed of members for said inspection who are disinterested, and not interested in maintaining corn at a certain grade, either as buyer, seller or elevator operator, from which the same is loaded, and will appeal. I do this because I believe in fair dealing between members of this exchange, and that this exchange should not be a party to the placing of any member of the exchange in a dual capacity, wherein his personal interests as a buyer or seller, dictate, or control his conduct and duty which he owes to this exchange, and to other members thereof.

I would have you remember that it is established rule of justice and of law, that where a person occupies a relation in which he owes a duty to another, he shall not be in any position which will expose him to the temptation of acting contrary to the fair and impartial discharge of that duty which he owes to the other.

The interests of Nathan Merriam and Cowgill, as herein before set forth, places them in a position on the grain committee of this exchange wherein they are exposed to the temptation of acting contrary to the impartial discharge of their duty on the committee, in being the duty of said committee to render a fair and impartial judgment as to the quality and grade of the corn appealed, and to be appealed, and places Messrs. Merriam and Cowgill in a position where they are subject to the temptation of serving their personal interests by maintaining the warehouse receipts from said elevator as to grade and regularity and it is idle to say to expect them to perform their duty on the grain committee fairly and impartially toward me or the public where they are interested.

Where any person's selfish interest, directly or indirectly, is such as to influence the impartial discharge of his duty, or to prevent him from acting on such committee to give those who have an appeal before such committee a square deal. And I therefore, as a member of this exchange and interested in the exchange's success, and as a large buyer from this exchange, and in the interest of fair dealing, demand of your board of directors a fair and impartial grain committee, composed of men who are not interested, directly or indirectly, to act upon the cases of corn that I have appealed of my appeal from the Union elevator of the Merriam elevator, that I may thereby be enabled to receive fair treatment, and only fair treatment from this exchange and its regular warehouses. And I further assure you that if my demand is not complied with, I will be compelled to seek redress elsewhere, in order that I may have a fair inspection of the grain for which I am paid in full, and request immediate action one way or the other, at your hands.

I desire at once to order out a large amount of corn for which I now hold warehouse receipts issued by the Union elevator and the Merriam elevator as No. 2 corn, and now have about 100 empty cars waiting to be loaded, and only want the kind and quality of corn called for by the receipts which I now hold, and for which I am paid, and it is up to your honorable body to say whether or not I am to have a fair and impartial inspection by a fair and impartial committee.

I wish to say further that I have been the largest buyer from the Omaha exchange and have given more time and attention to the advancement of the interests of the exchange than any ten men connected with it, and have fought personal friends in my efforts to uphold the exchange and protect it from unfair dealing and rascality. This many of the directors know, and those of you who do not can ascertain the facts by inquiry from disinterested parties.

The failure of your board of directors to enforce your rules governing regular elevators and warehouses, warehouse receipts and the inspection department has caused me a great amount of work, annoyance, delay and anxiety and has placed me in an affected my credit and caused great expense and heavy loss, which I do not propose to stand. I repeatedly advised your president, secretary and manager of these facts and requested action to protect the exchange and myself, but as yet I have no knowledge of any action on the part of

your board to protect my interests or those of the exchange, and I now advise you that I shall use every legal endeavor to recover the full amount of all damages suffered. Very truly yours, A. R. JAQUITH.

June 6, 1904.—S. A. McWhorter, Vice President Omaha Grain Exchange, Omaha, Neb.: Dear Sir: As a director of the Omaha Grain exchange and chairman of the grain committee I request that you call a special meeting of the board of directors to convene at once for the following purposes:

- 1. To act upon a communication to be presented by myself.
2. To provide a grain committee composed of disinterested persons to inspect cars of corn loaded from the Union and Merriam elevators, from the inspection of which I have appealed, and to determine whether the cars loaded or to be loaded contain No. 2 grain as called for by warehouse receipts now owned by me by reason of purchase from this exchange.
3. To provide a committee to make a thorough investigation of the quality, grade and condition of the corn contained in said elevators for which said elevators have issued warehouse receipts as No. 2 corn.
4. To provide measures to protect the grain exchange and myself from further losses and expense because of improper grading and delay.
5. To provide measures to compensate the undersigned for loss and damage already sustained by reason of improper grading of corn which I was compelled to accept as No. 2 under protest. Yours very truly, A. R. JAQUITH.

That my demand in the letter read to the directors on June 6 for a fair and impartial grain committee was just and right was evidenced by the fact that at a following special directors' meeting held on June 9 they posted a rule drawn up by their secretary and attorney, which they contemplated adopting in an effort to provide a fair and impartial grain committee for future transactions. This action, however, as I had previously advised the directors, comes too late to afford me justice or relief for the abuses and injustices of the May transactions.

Referring to the articles published in the papers of even date relative to yesterday's transactions, will state that the true inwardness of this is that on account of the advanced rate which was effective at 11 o'clock the night of June 9, parties who refused to comply with the rules of this exchange, thought by holding off until the last moment that they could make me settle with outside parties instead of having receipts cancelled through the Grain exchange office, where they were purchased, in the manner as provided for by the rules. In other words, I think there are very few rules that the parties who have been connected with the deliveries on May purchases have not wilfully violated, and also violated every sense of business integrity and decency, which should be accorded from one member of this exchange to another.

To build up the Omaha market we must have elevators and good ones, and they will not be built unless we have a fair payment of rates, which gives Omaha a chance to be a market owing to its natural location as a gateway. Good elevators and proper grading of grain, out as well as in, will be the making of Omaha in this regard. A market, however, cannot be built up by delivering to buyers a low percentage of property than that which he has purchased. In the future, as in the past, you will find Jaquith using every endeavor to purify the grain market. It is fortunate for the grain exchange, and for this market, that the corn purchased for May delivery were delivered into the hands of a few parties who have the future welfare and interest of this market at heart more than the gain of a few dollars. For had the corn for May delivery gone forward to a general market, other than the market of the United States, say ten or twenty cars in each place, based on the Omaha inspection, as No. 2, it would have resulted in so much dissatisfaction and loss to the purchasers that it would have given this market such a serious blow that it could not have recovered from the effect in ten years.

Yours truly, A. R. JAQUITH.

DAY OUTLINES HIS COURSE

Hands Down Statement as to How Bingham-Broadwell Case Will Be Treated.

Judge Day in behalf of himself and Judge Sears, who have made a partial examination of the facts in the Bingham-Broadwell election controversy, handed down a partial opinion or statement of the methods by which they would be guided in the consideration and count of the ballots in dispute during the remainder of the hearing. He said the court would take the vote where there was an identifying mark the ballot would be excluded, but where the voter had made the cross after the name voted for in regular order the ballot would be counted regardless of other marks upon it. Where a ballot is written in pencil, and it is the manifest intention of the voter to vote for such name the ballot will be counted unless it shall appear that the name written on the ballot is that of the man casting the same. The court also will hold that where there are marks upon the back or margin of the ballot the court will not be concerned after the Dennison matter now occupying the attention of the court is off the docket.

Mendelssohn's "Hymn of Praise" by Innes and his band and great chorus of 60 voices at Auditorium tonight.

BIDS FOR BRIDGE OPENED

Proposals for Structure Over Big Papillion for Less Than Over Little River.

At the close of yesterday's meeting of the city commissioners bids were opened for the building of a 106-foot trestle bridge across the Big Papillion river on the Dodge street road. Several of the bidders made figures for the work that were very close together, those of the John W. Twomey company being a fraction the lowest. They were for a riveted bridge of the dimensions called for in the specification, \$2,673, and for pinned construction, \$2,582. The matter of the award of the contract on these bids was not taken up. It is a matter of considerable interest that for a bridge of the same length and same general construction, erected last year on the Little Papillion, on the same road, the Robert E. Drake company was paid by the county the sum of \$7,000.

The business transacted by the board in regular session was of a routine nature.

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AUCTION!

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Commencing Monday, June 13, 1904

At 10:30 and 2:30 P. M. Daily

1712 Farnam St. BEE BUILDING

OWING to a recent and urgent summons to Turkey, for the settling up of some estate matters, I have decided to close up my Omaha store and dispose of my entire stock at Public Auction. As this sale is not the ordinary auction sale, but is for the purpose of turning my superb collection into cash quickly, I need hardly say that there will be some rare bargains to be picked up by lovers of art. I have secured the services of Mr. Robert Grant, the well known Chicago Art Auctioneer, to conduct the sale. The Art Bric-a-brac will be included in this sale.

MAN FROM IOWA COMES CLEAR

John L. Schwenck Acquitted in Federal Court of Passing Counterfeit Money.

CASE GOES OVER CONSIDERABLE PERIOD

Carroll Photographer Defends His Record in Court by Testimony of Mayor and Other Prominent Men.

John L. Schwenck was acquitted in the United States district court of the charge of passing counterfeit money and is now a free man. The jury went out at noon Friday and was unable to reach an agreement until 10 o'clock this morning, which was a verdict of not guilty.

John L. Schwenck was a photographer at Carroll, Ia. February 22 last he found a small pocketbook on the streets of Carroll, which contained two \$20-bills and a dollar and some of small change. Schwenck that afternoon addressed a note to his wife saying he was going to Omaha on business and left for Omaha the same day, with the ostensible purpose of negotiating the purchase of another photographic gallery or the sale of his Carroll establishment. Arriving in Omaha he first visited the proscribed district and began spending his money pretty freely. He incidentally gave the two \$20-bills he had found in payment of a couple of bottles of beer at different intervals and received \$15 change for each of the bills. These were passed at Goldsmith's saloon and it was later claimed by Goldsmith that the two bills were counterfeit, which Schwenck denied, but nevertheless he returned most of the change and was arrested the day following charged with having in his possession and passing counterfeit money.

Schwenck was indicted by the federal grand jury on the above charges and his trial has been in progress two days. Many of the foremost citizens of Carroll testified as to his former excellent character, including the mayor of the city, the sheriff of the county and town marshal.

The contention of the defense was that the bills which Schwenck passed at the Carroll were genuine, but that they were altered later for counterfeit bills. The jury took this latter view of the case and hence the acquittal of the accused.

ONE OF EARLIEST TEACHERS

Mrs. Packwood, Omaha Pioneer, Attends Semi-Centennial, and Her Old Friends.

Mrs. Packwood of Baker City, Ore., came to Omaha to attend the Nebraska semi-centennial celebration. She is one of the early pioneers of Omaha and was among the very first persons who ever taught school in Omaha. She was then Miss Johanna O'Brien. The school she taught was a Catholic one and was established some time early in the year 1850, or possibly the year previous. Among her pupils were a number of persons since grown to distinction in the state. Mrs. Packwood has made her home in Oregon for thirty-five or more years. She departed to visit other friends in the state and will return to Omaha for a brief visit before her return to her Oregon home.

BALBACH HOUSE GOES DOWN

Old Residence at Sixteenth and Harney to Be Demolished for Material.

The Balbach residence at Sixteenth and Harney streets is being torn down. George & Co., the agents for the property, have sold the building for the material in it to Chris Jensen, who has a force of men at work tearing out the interior. The sale is made because the house was in poor condition and because of its location it

FEARS KNIFE ON HER CHILD

Mother Leaves Hospital, Shunning Operation on Her One-Year-Old Baby.

For the second time within a week Mrs. A. Gronget and her one-year-old son have been taken from the streets at unseasonable hours of the night by the police. The woman came to Omaha last Thursday from Mitchell, Neb., for the purpose of having an operation for tumor of the stomach performed on her baby. That night mother and child were taken to the matron's department of the city jail and later sent to the Methodist hospital, where it was expected the child would receive treatment, but it is said the mother left the hospital before attendance could be given. The woman has a letter of introduction to a prominent Omaha surgeon and she is said to have been assured enough funds for the operation by her relatives at Mitchell. Her strange conduct is thought to be due to her dread of having her infant undergo the operation. Mrs. Gronget can speak but little English. She will be sent home with money she had with her when brought to the police station.

Mortality Statistics.

The following births and deaths have been reported to the Board of Health during the twenty-four hours ending at noon Saturday:

Births—Joe Van Buren, 719 Castelar; girl; Stanton Gohary, 208 Cumby; Walter Lane, 1138 North Nineteenth; boy; Emanuel Colombo, 616 South Twenty-fifth; girl; Andrew J. Smith, boy; Antonio Santoluc, 1124 Chicago; girl; Ernest Ward, 11th and Locust; girl.

Deaths—Matilda Peterson, 517 Clark; 21; Esther Erickson, 148 South Twentieth; 1 month; Hubert Brooks, 511 North Thirty-second; boy; Infant Thompson, 606 North Sixteenth; boy; Fay Wary, Presbyterian hospital; 28.

Marriage Licenses.

Up to noon, June 11, the following couples had been licensed to wed:

Table with columns: Name and Residence, Age.

Every one has noticed the auto with the unlucky number on the rear, and it has been the most talked about car in town for that very reason. People would gaze at it and then smile and wonder what kind of an accident would happen next. But Bancker came to no grief whatever. He underwent a great deal of change, but told his fellow motorists that he was proud to have a car that could stand up and do its duty under such a disadvantage.

However, a more serious phase came about in the matter and Bancker appeared at the city hall again. He told City Treasurer Hennings that his partner in the laundry business, Mr. Spratlan, had informed him that he had been told Bancker was running around town with "13" on his auto. Spratlan said it wouldn't do at all and was sure to run the laundry into bankruptcy. Bancker laughed at him, but Spratlan said their business connection would have to cease or "13" would have to go.

The motorist decided that a mere indifference to superstition could not stand in the way of business affairs, so he spent an extra dollar and procured the number

ONIMOD SHOES. UP-TO-DATE. Made of best LEATHERS, by most-skilful workmen. \$3.50 AND \$2.50. Maker to Wearer. Regent Shoe Co. 205 South 15th Street