

DEMANDS RAILROAD BUILD

Suit to Compel Company to Erect Grain Elevator at Shelby.

BRINGS UP NEW POINT IN RAILROAD LAW

Chairman Hall of Democratic State Committee Says Bryan is a Bigger Man Than He Ever Was.

(From a Staff Correspondent.) LINCOLN, July 11.—(Special.)—Suit will be filed in the supreme court for a mandamus to compel the Union Pacific Railway company to erect a public grain elevator at Shelby, P.O. county. The suit will be filed by Frank Dunning of that town, who is interested with the Farmers' Business association of that town. The filing will probably be made Wednesday, when arrangements will be completed for the institution of the suit.

Should the litigation be carried to a successful conclusion by the relator, the railway will be obliged to build an elevator or storage house at Shelby, which will permit farmers to ship their grain for themselves. Should the movement succeed there a precedent would be established which would be followed in other communities.

The petition, after reciting that there are three elevators in the town, all of which are alleged to be in the grain trust, insists that they are aided by the favoritism of the railway to crush out competition of independent shippers. It is alleged that the farmers' association has made an effort to secure a site for an elevator on the right-of-way, but this request was refused, although there was plenty of unused sidetrack on which it might have been located. Then the association made an effort to purchase one of the three elevators already built and requested the assistance of the railway in persuading the owner, the Omaha Elevator company, to sell.

The petition, which is very voluminous, alleges that the railway company instead of using its influence to procure the erection of the structure to the farmers, induced the company, which had two elevators, to sell one to the Westbrooke-Gibson Grain company in order to avoid the appearance of monopoly, and to make it impossible for the farmers to procure a site for an elevator on the right-of-way, but this request was refused, although there was plenty of unused sidetrack on which it might have been located.

The prayer of the petition is that the company may be required to furnish "adequate and necessary facilities, advantages and elevator privileges and opportunities as are required and suitable for the proper handling and shipping of grain."

Among other startling allegations which will be made in the petition to be filed, is one that the railway company is financially interested in the elevators along its line, and for that reason refuses to render any assistance or offer any facilities to independent competitors.

The relator alleges that 150 farmers living near Shelby raise an average of 600-800 bushels of grain which they desire to ship, without the intervention of the local grain dealers. The local elevator owners are James Bell, David City; the Omaha Elevator company and the Westbrooke-Gibson company.

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