

WORRALL CASE HEARING

Taking of Depositions in Suit Against Grain Dealers Begins at Havelock. ONE WITNESS EXAMINED THIS MORNING.

Frank Hendrickson of Prairie Home Says He Gets Prices from Grain Company While Object-ions Are Frequent.

LINCOLN, July 6.—(Special Telegram.)—Attorneys for Tom Worrall and the members of the Nebraska Grain Dealers' association began the taking of depositions in Havelock this morning before Wesley Wilson, one witness being examined before the noon adjournment.

In all about thirty-two depositions are to be taken and the case at Havelock will consume several days. Frank Hendrickson of Prairie Home was on the stand today.

The following witnesses were called: Joseph White of Ewart-Williamson grain company of Lincoln, James Candy of Havelock, W. E. Morely of the Nebraska Elevator company, John Adams of Waverly, formerly in the grain business there; Henry Apphen of the Evans company of Lincoln, J. T. Evans of Lincoln and Frank M. Hendrickson of Prairie Home. With the exception of Hendrickson and Apphen the other witnesses refused to answer questions.

Jeffers & Howell appeared as counsel for Tom Worrall and his grain company. Defendants were represented as follows: A. F. Bewsher, by W. L. Learned of Omaha; Ray Nye, by J. Courtright of Fremont; John B. Wright, by Ed C. Stroud of Lincoln; the Central Granaries company, the Hayes-Eames Elevator company, the Ewart-Williamson Grain company, J. H. Ferguson, Frank E. Coe, William E. Morely, Frank Levering, Edward Slater, George Hayes, Milo Eames, E. Mitchell and the Nebraska Grain company, by Frank M. Hall of Lincoln; the Evans Grain company and John T. Evans, by O. B. Polk of Lincoln.

It is probable the taking of depositions will be concluded by tomorrow. Before beginning to testify Hendrickson demanded his fees and mileage, which necessitated Tom Worrall digging up \$2.70. Hendrickson testified that he had been in the grain business at Prairie Home for about fourteen years and that he has an elevator there of about 4,000 bushels capacity and that he handled every year from 50,000 to 75,000 bushels of grain. He said the Evans Grain company had an elevator of about the same capacity.

The attorneys for Worrall then attempted to show that the business at Prairie Home was divided between the two companies, but the witness said he did not know how much grain the Evans people handled there.

Member of State Association. The witness said he had been a member of the Nebraska association for about four years, but had attended only two annual meetings. After saying he had attended a district meeting at the Laddell hotel the witness was asked:

"Was there any one there whose business it was to ascertain whether or not those present had a right to be there?" "Mr. Worrall ascertained that," was the reply.

Hendrickson said he did not recall that any trouble between the elevator men was discussed at the meeting, and when asked if a complaint had not been filed against him charging that he got more than his share of the grain at Prairie Home he replied that he did not remember.

Hendrickson had been sworn before the arrival of his attorney, O. B. Polk, but had not been put upon the stand. Howell attempted to show that the witness had been posted not to incriminate himself with his answers. The effort, however, was not a success, as the witness testified that he and Secretary Bewsher had talked about the advisability of his talking before the arrival of his attorney.

"Did he tell you who your attorney was to be?" was asked him.

"No, sir, but he did say Mr. Polk was coming out and as I knew him I wanted him for my attorney," he also testified that J. T. Evans said Polk was coming out.

The witness testified that he had received price cards from the Worrall company, from Uplake and many others, including the Evans company, but that he had not always followed the price on the cards. Neither did the witness hold that the price quoted on the cards were binding on him.

said the cards had been discussed at the meeting which he attended and that it was agreed that the Evans company should send out cards to the places where it had elevators. This meeting was held at the office of the Nebraska Elevator company, of which Worrall was president.

Defendant's Answer. "Was any money or checks put up at that meeting by those present as a forfeit?" asked Mr. Howell.

O. B. Polk objected to the witness answering the question inasmuch as a conspiracy need not answer why question which might incriminate him.

"Without referring to yourself did you see any one else put up a forfeit?" Polk again objected, but the witness answered that he did not, or at least that he did not remember if any one else did it.

The witness was then asked if he heard any discussion about putting up money as a forfeit to maintain the card prices, but he declined to answer this upon the advice of his attorney.

"Was any money put up for penalizing grain dealers who refused to maintain card prices?" was asked by the witness.

Again the witness, on the advice of his attorney, refused to answer.

The witness was shown a pamphlet under the title of "The Register of Grain Dealers of Nebraska," and was asked what it was.

The witness replied that it was a directory "showing who is good and who is not good." They are sent out to show what grain dealers were competent to handle grain in the state. Those members with a star in front of their names were members of the association, while those without the star were "good."

The witness refused to answer why he joined the association. The farmers' company at Prairie Home had no elevator, he said, but loaded directly into cars. He had never at any time, he said, meddled with the farmers and neither did the farmers meddle with him.

Hendrickson denied that he ever had a division of grain with the Evans company, but that he had always paid the price in price as shown by the cards. The witness also swore that he knew of instances where the Evans company had raised his price on grain. On occasions when the Evans people had raised the card price and he had lowered it, he denied that he knew what the penalty pool was.

Basis of Boycott Charge. Witness was shown by counsel for plaintiff two sheets of yellow letter paper bearing the attachment of the Worrall Grain company. Attached to the letter was a white slip of paper upon which was printed in red letters a citation of attention to its contents, reading something like this: "Notice—Do not throw this away, read it carefully and keep it."

The witness declared that he had received a similar letter. That concluded his direct examination and a recess was taken until 1 p. m., when his cross-examination was to be begun.

The witness to which his attention was directed, it is claimed by the plaintiff, is in the nature of a forgery. The Worrall company, soon after opening up in Omaha, had written a similar letter to a number of farmers and farmers' associations, soliciting their patronage and claiming to have established a commission company that was prepared to handle business independent of the state association. In it the writers had threatened to send out other letters of the same nature, and other details concerning the so-called combination. The letter exhibited to the witness this morning, it is claimed, was simply a copy of the original Worrall letter, printed in type and with the yellow paper not quite the same size, and with the Worrall letterhead, not quite identical. It bore the Worrall signature and had been sent to every regular grain dealer in the state, with the red letter card attached as a warning. It is claimed that none of them should have anything further to do with the Worrall company.

This letter is the document upon which plaintiff will rely for proof of a boycott, but whether he has any proof as to who sent it or not is not stated.

Call for Republican Convention. The following is the apportionment according to the official card in the republican state convention, which meets at Lincoln September 14:

under which Mrs. Algeo was convicted was unconstitutional, Attorney Yeiser attempted to show that the title to the act was not as broad as the act and therefore it could not stand. To sustain this he quoted at length decisions which he claimed decided cases where similar questions had been raised. Attorney General Brown and Deputy Attorney General Thompson for the state claimed the supreme court had no jurisdiction in the case, as it had been tried in the district court and no appeal had been taken, which barred action here.

Yeiser claimed also that the law under which the conviction was secured was unconstitutional and filed the opinion of the lower court denying the writ of habeas corpus as part of their argument.

Governor Back from Iowa. Governor Mickey returned this morning from Fairfield, Ia., where he delivered an address on the Fourth of July. Thirty-seven years ago Governor Mickey was in Fairfield on the Fourth he met many of his old friends of days gone by. He reports a most enjoyable trip. Tomorrow night the governor will go to Osceola, returning to Lincoln Saturday morning.

Blair Asks Pardon. Governor Mickey will grant a hearing tomorrow to the Registrar of John Blair, who is now in the penitentiary and who wants a pardon. Blair was sent up from York county for three years for a statutory offense, the complaining witness being Miss Beulah Thomas. The girl swore when first put upon the stand that she never became intimate with her, but while the attorney for the defendant was making his closing talk Miss Thomas asked permission to again go on the stand. The permission was granted and the girl told her relations with Thomas, which she connected him with T. J. Jordan of Champion, Chase county, wants enough water out of Frenchman creek to irrigate 100 acres of land, and to get it he has made application to the State Board of Irrigation. The ditch has already been dug.

Place for Omaha Man. The supreme court this evening appointed F. N. Stoddard of Omaha to succeed Judge Wilbur F. Bryant as supreme court reporter.

OMAHA STUDENT IS WOUNDED. Robert Livingston of Burrell Aerially Shot While Hunting. BURRELL, Neb., July 6.—(Special.)—While out hunting Monday Robert Livingston, son of Ida Livingston of the Simmons hotel, was accidentally shot at one of the lakes about twenty miles north-west from town. Word came in last night that this recoverer was doubtful.

It seems that he and his four companions were out near the lake and a shower came up and they all ran for the buggy. Livingston put his gun in, loaded and cocked, and in scuffling for the best seat with his companions the gun was discharged and the full load took effect in his leg. He is a student of the Omaha Medical college and was a bright young man, and the tragedy casts a gloom over the whole village.

Great Northern Surveyors Busy. FREMONT, Neb., July 6.—(Special.)—A party of surveyors has been working this week running lines for a railroad from the line of the Great Northern west of this city in a northwesterly direction. The Leavitt. Considerable interest is manifested in this move and it is not known whether it is simply for a spur to the sugar factory or a line to the west to tap the Burlington at some point on the Black Hills line, thus saving some forty or fifty miles between the Missouri river and the Black Hills. The number of years ago preliminary surveys were made over the same territory.

Run over by Hand Cars. WOOD RIVER, Neb., July 6.—(Special Telegram.)—Dwyed Gole, a 12-year-old Austrian boy employed on the railroad, was run over by two handcars this afternoon and suffered a compound fracture of his right leg and also six wounds on his head. He was working on the handcar when the car following ran into the first one and threw Gole to the ground and both cars passed over him. He was taken to Omaha on No. 4.

News of Nebraska. SEWARD—The Havelock shop men will hold their annual picnic at the Seward fair grounds. OGLALLA—Ogalalla had a good celebration—speaking, horse races, chariot races, band, fireworks and a grand ball at the opera house. SEWARD—W. L. Walker, who has been the local manager of the Bell Telephone company for many years, has been transferred to Omaha.

YORK—Sheriff Elliott arrested Isaac Ong McCall, who was charged with carrying liquor. The sheriff also captured ten cases of beer and six gallons of whisky. WOOD RIVER—Wheat, which is ripening fast, has been delayed by the frequent rains, and in some cases this is causing the farmers a great deal of worry.

BEATRICE—Mrs. Marie B. Armstrong, principal at the institution for the Minded Youth at this place, left today for Platt, O., to spend her summer vacation. BEATRICE—Henry Devo, charged with assault on a woman, was given his preliminary hearing in the county court Monday, July 6.

WOOD RIVER—The stream of Wood river is out of its banks again and in some places it is nearly as high as the bridges. The Platte is also very high at present. SEWARD—Mrs. Frank Gels of Beaver Crossing was so unfortunate as to break off a needle in her hand. Dr. Morrow located it with the X-ray and removed it Monday.

SEWARD—A fellow giving the name of Nation, who was charged with the murder of a woman who resisted the sheriff and failed to be beaten, was brought before Judge Gladwin this morning and sentenced to ninety days in jail. BEATRICE—W. M. Ingraham yesterday in the county court charged with the charge of attempting to criminally assault the daughter of William Woolsey of Wynona was sentenced to ninety days in the county jail.

BEATRICE—The farmers living in the vicinity of Pickrel will meet at Pickrel Saturday, July 7, to organize a local elevator company. They now have a membership of 100, but they intend to increase it to 150 if possible. YORK—George Murphy of this city returned from the celebration at Seward about 4 o'clock Wednesday morning very badly used up. He had been holding a beer bottle in the neck and with a brick back the affair having ended at the depot.

BEATRICE—Mrs. Lucy Paine died suddenly Tuesday morning at the home of her son, L. H. Paine, near Seward. She was born in Massachusetts January 10, 1828, and located in Gage county twenty-five years ago. Her husband was buried in Beatrice cemetery yesterday. SEWARD—The Seward County Independent Telephone Company has been organized at Beaver Crossing Monday, J. A. Wines, who has been the manager of the Seward local exchange, was elected president for a year. Ninety new phones have been installed at the Seward office.

she was born in 1828. She did not show the content of her parents. BEEMER—United Senator J. H. Millard returned from his trip to the Pacific coast in Omaha accompanied by W. F. Gurley to Beemer July 4, returning to Omaha the evening of the fourth after assisting Gurley to entertain the large crowds of people celebrating the Fourth of July.

BEATRICE—The celebration here with fireworks last evening, Harry Beggie, the son of the Grand Island and Omaha bridge, sustained severe powder burns about the face, the freckler unexpectedly exploded, and the freckler was so badly injured that the lad's face will not be permanently disfigured.

The farmers of York county are busily engaged in harvesting their wheat, where the ground is not too wet from the recent showers. The crop is much better than was anticipated, very little damage, if any, having been done by the Hessian fly, except where the stand was thinned a little last fall.

WOOD RIVER—At the celebration here yesterday a flag was displayed which created quite a little comment and praise. It was a banner of the city and county and given to her son, who carried it with the first Nebraska flag to float over the city of Manila.

FULLERTON—Dan Dimich, the man who was killed by the explosion of a boiler near the Union Pacific depot in this city last Saturday night, was today discharged by the coroner. The preliminary hearing was held. The evidence clearly showed that the defendant was innocent of the crime.

BEATRICE—Francis McGirr, a native of Ireland and a pioneer resident of Gage county, died last evening at his home here after a lingering illness of chronic bronchitis. He was 72 years of age. His wife, Mrs. McGirr, died in Beatrice, Ill. in 1891.

BATTLE CREEK—The best celebration ever held in Battle Creek was held here Sunday evening. The celebration was a success in every way. The only objectionable feature was the unusually large amount of dangerous fireworks, which were used in great quantities, but none seriously injured. The evening was interrupted by a quite severe wind and rain storm.

OAKLAND—Three carloads of rails, ties and material for the Great Northern railroad, which is being unrolled here, are expected here in a day or two. The rails are of the best quality and the ties are of the best cut just south of town. Appraisers have been appointed and condemnation proceedings commenced for the right-of-way, which has not been settled for.

BEATRICE—Word was received here last evening that the celebrated pianist, Mrs. W. H. Westlake, who died in Lincoln, Mo., before going to Lincoln, Mo., was engaged in the planting business. She was 72 years of age. She was married to a man who was a successful business man and she was a devoted mother of three children, two sons and a daughter. Her remains will be brought here for interment.

BEATRICE—The celebration here in Colfax county during the last month have put corn in bad shape. Several fields along the river have been washed away. The water has been so high that it has washed away the soil and the crops are ruined. The water has also washed away the soil and the crops are ruined.

OGLALLA—At Paxton Cyrus Morford, an old resident, had some kind of an alteration with a couple of tramps. They attacked him and he was injured. He was taken to the hospital and is now recovering. He is a well-known resident of the town and is a member of the local lodge.

BEATRICE—The celebration here at the home of the late Mrs. M. J. B. was a success in every way. The celebration was a success in every way. The celebration was a success in every way. The celebration was a success in every way.

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crowd was present, probably 2,000 to 3,000 in number. Owing to the heavy rain all day before there were not many floats in the parade as there would have been had the weather been more favorable. After the parade the fireworks were held in the city square, consisting of music by the city band and an address by Hon. H. C. Gurley of Fremont. After dinner the parade was held in the city square, consisting of music by the city band and an address by Hon. H. C. Gurley of Fremont.

DEATH RECORD. Hon. Uriah Bruner. WEST POINT, Neb., July 6.—(Special.)—Hon. Uriah Bruner, a pioneer settler of this county and a prominent figure in the early history of the state, died at the age of 75 years at the family home in this city, Wednesday afternoon. The deceased was prominently identified with the upbuilding of this city, county and state, during his residence of fifty years in Nebraska. He was born in Pennsylvania in 1830 and settled in Nebraska in 1856, locating in Omaha, where he commenced the practice of law. In 1860 he was made receiver of the United States land office at West Point. Four years afterwards he served in a responsible capacity in the national land office at Washington, where he showed marked ability in the discharge of his onerous duties. Up to a few years ago he conducted an extensive and lucrative law practice in West Point. He founded the first banking institution in Cuming county, which, under the name of the West Point National bank, is still in existence under the presidency of ex-State Treasurer Stuffer. He leaves an aged widow and eight grown children, among whom are Prof. Lawrence Bruner, entomologist at the State university, and Amy C. wife of Prof. John Almy, also of the university. Mr. Bruner was possessed of many sterling qualities of manhood, was a deep thinker and an accomplished jurist. His charities were great and unostentatious, the poor losing in him a good friend. Funeral services will be held Saturday at 2 p. m. from Grace Lutheran church, of which body the deceased was an honored member during his entire life.

John Hahn. PAPPILLON, Neb., July 6.—(Special.)—John Hahn, aged 76 years, died last night from the kick of his horse on July 4. Mr. Hahn came to Sarpy county soon after the war in which he served. He was the owner of 1,300 acres of Sarpy county land. Funeral Sunday at 2 p. m.

HYMENEA. Witchey-Archer. ST. LOUIS, Mo., July 6.—(Special Telegram.)—Dressed in fringed and fringed, with a bow tie, and a pair of trousers and leggings, Fred Witchey of Lead, S. D., was married by Justice Ferris to Edith Archer of Council Bluffs. The groom is a stage driver between Rapid City, S. D., and the Black Hills. The bride is the daughter of one of his trips. They have gone to the Black Hills.

Defalcations of 1905. NEW YORK, July 6.—Commercial insolvencies in the United States during the first half of 1905 were 6,210 in number and \$5,944,885 in amount, according to the Journal of Commerce. Numerically this shows a decrease of 100,000 from the corresponding six months of last year, but a corresponding increase of 100,000 in the amount of \$79,000,000 are considered.

FORECAST OF THE WEATHER. Fair Today and Tomorrow in Nebraska, Kansas and Iowa. WASHINGTON, July 6.—Forecast of the weather for Friday and Saturday: For Nebraska, Iowa and Kansas—Fair Friday and Saturday.

Local Record. OFFICE OF THE WEATHER BUREAU. OMAHA, July 6.—Official record of temperature and precipitation, compared with the corresponding day of the last three years: Maximum temperature..... 106 104 102 Minimum temperature..... 62 61 60 Mean temperature..... 71 64 74 Precipitation..... 2.38 2.00 1.60

Reports from Stations at 3 P. M. Station and State. Tem. Max. Rain. Bismarck, pt. cloudy..... 98 78 .01 Cheyenne, cloudy..... 90 70 .00 Chicago, cloudy..... 75 84 .00 Davenport, cloudy..... 70 72 .38 Des Moines, cloudy..... 80 80 .00 Evansville, clear..... 78 82 .00 Helena, clear..... 80 82 .00 Kansas City, clear..... 74 80 .24 North Platte, cloudy..... 76 80 .00 Omaha, clear..... 78 80 .00 Rapid City, clear..... 66 76 .12 St. Paul, clear..... 74 74 .00 Salt Lake City, clear..... 90 90 .00 St. Louis, clear..... 80 80 .00 Williston, clear..... 68 76 .01

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Table listing organ models and prices: Bauer, seven octaves \$45.00, Moline, six octaves \$35.00, etc.

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Useful and Beautiful. The Union Pacific Railroad has just issued an illustrated booklet on the Lewis and Clark Centennial, which is a complete guide to Portland, the Exposition and the Pacific Northwest generally.

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