

WITNESSES DO NOT ANSWER

Men Called in Wornall Grain Case Refuse to Testify Before Examiner.

ALL CLAIM CONSTITUTIONAL EXEMPTION

Five Men Say They Might Incriminate Themselves if They Tell What They Know of Facts.

LINCOLN, July 7.—(Special Telegram.)—Five witnesses were examined this morning in the taking of depositions at Waverly in the suit of the Wornall Grain company against members of the Nebraska Grain Dealers' association for damages.

The witnesses sworn were F. E. Levering, assistant treasurer, Edward Slater, clerk, for the Central Granaries company at Lincoln; W. H. Ferguson, representative of forty-five or fifty elevators along the Burlington; E. N. Mitchell, secretary and treasurer of the Jacques Grain company, and Samuel Walker, formerly in the grain business at Waverly.

Questions were addressed to Levering and Slater with intent to show the maintenance by the state association of a price committee, consisting of the Central Granaries company and the Nebraska Elevator company of Lincoln, the Nye-Schneider-Powder company of Fremont and the Omaha Elevator company and the Uplike Grain company of Omaha, by which the prices to be paid farmers for grain were fixed and sent out to regular association representatives in the thirteen districts into which Nebraska and a small portion of northern Kansas were divided by the association.

All Refuse to Testify. These witnesses refused to answer any of the questions on the ground that the answers might tend to incriminate themselves. The examination of Mr. Ferguson brought out from him the fact that he had withdrawn from the association shortly after the annual meeting, about April 1 last.

He said an association was originally formed to cure bad conditions regarding weights at Kansas City and inspection at St. Louis, that it had accomplished its purposes, and he no longer could see any way of getting his company into the association. An effort was made to show the provision of card prices by the association and by himself, but he declined to answer any questions bearing on that point.

E. N. Mitchell of the Jacques company sprung his exemption as a witness at the part and stuck to it. Samuel Walker also declined to go into the card price subject, although he is out of the business. He said he got for his elevator at Waverly a better price from the Ewert-Wilkinson company than he ever expected to get. Asked if the business of buying grain from farmers in Nebraska is not a good paying business, he declined to answer on the ground that it might incriminate him.

Where They Talk. The witnesses refused absolutely to give out any information bearing directly on the issues involved. Following are a number of questions asked Witness Levering to which answers were not forthcoming:

"The staff of Nebraska is divided into thirteen price groups and grain districts by the Nebraska Grain Dealers' association for the purpose of fixing arbitrarily the price of grains purchased by the elevators from the farmers, is it not?"

"Isn't it true that you assisted in preparing five maps showing thirteen price groups or districts within the state of Nebraska, and taking in a small portion of Kansas, for the purpose of maintaining arbitrary prices in each of those thirteen divisions?"

"Is it not a fact that the Central Granaries company and the Nebraska Elevator company, to your knowledge, constitute and have constituted for more than a year last past, or about that time, two members of the general price committee constituted by the Nebraska Grain Dealers' association for the purpose of arbitrarily fixing from time to time, the price of grain to be purchased from farmers in Nebraska?"

"Isn't it a fact that the general price committee referred to in the last question consists of and has consisted for several years last past, to your knowledge, of the Omaha Elevator company, the Uplike Grain company, both of Omaha, the Nye-Schneider-Powder Elevator company of Fremont, the Central Granaries company and the Nebraska Elevator company, both of Lincoln, and that those five members of the price committee fixed the price to be paid by regular elevator dealers to farmers for their grain throughout the state of Nebraska and a small portion of the state of Kansas?"

"Is it not a fact that the price fixed by that committee is sent out by means of cards through agencies stated in the meetings of the Nebraska Grain Dealers' association, and according to rules established by that price committee, and that these prices when so fixed are known to the regular dealers as card prices, and do you

not know these facts from your personal knowledge?"

Bring in the Telephone. "Is it a fact that when the grain market fluctuates so much as to compel, in the judgment of the price committee, that committee to make a change in the price to be paid to the farmers for grain, that Mr. A. H. Bewsher, now secretary of the Omaha Elevator company, and Nels B. Uplike, president of the Uplike Grain company, according to the usual plan and understanding by you and this committee, and the gentlemen named, meet in Omaha and call up by private telephone lines, usually, Mr. Fowler, secretary of the Nye-Schneider-Powder company of Fremont, and by previous arrangement between you and those parties, Mr. Fowler places the receiver of the private wire to his ear, and the receiver of the Bell Telephone company to the other ear, and calls you and your company at Lincoln, and that in that manner the price to be paid for grain is agreed upon, which is to be paid the farmer for grain, and that the conversations between these parties are by Mr. Fowler repeated from Lincoln to Omaha and from Omaha to Lincoln, and in the event the four mentioned cannot agree as to prices to be paid, that the Nebraska Elevator company is called in as the fifth member to decide and fix the price to be so paid, and that the prices paid by the regular members, or to be fixed by them, are thus paid and maintained by them, and have been so for some time past?"

"Is it true that after the price has been so fixed the method of communicating those prices to the several price districts throughout the state is to communicate the price so agreed upon to several members of the Nebraska Grain Dealers' association at various points throughout the state and by them in return to be communicated to the regular grain dealers in the state in the respective price districts or groups over which the several persons to whom the prices are communicated in the first instance, and that Elchfield is one of the points to which these prices are communicated and from which the price is disseminated?"

"Is it true, is it not, that when the prices are so fixed by the committee you or your company communicates the same by collect message to VanBuren & Son at Fairbury and that VanBuren & Son, upon receipt of said message, send out cards to the agents and operators of elevators on the line of railroad of the Rock Island west of Fairbury to and including Nelson, and is not this one of the methods adopted for communicating prices to other parties, who in turn, communicate them to operators of elevators by means of cards on other lines of railroad upon which those parties to whom prices are communicated for distribution are located and to whom this duty is delegated, and this method is pursued by selecting those most conveniently situated upon the several lines of railroad for the purposes in this question?"

To each of the above questions Witness Levering declined to answer on the ground that it might tend to incriminate him.

Attorney Says "Don't Answer." The refusal of the witness to testify was upon the advice of Attorney F. M. Hall, who protested strenuously against allowing the plaintiff to propound the questions, which, he said, were made as "hunting for a fact as possible to make them."

But Notary Wilson held that the witness must enter his declination and his reason in response to each inquiry.

Attorney W. J. Courtwright also entered a protest, whereat counsel for plaintiff, Mr. Howell, asked that the record be made to show that Mr. Courtwright protested against the examination of this witness. This, however, was not done.

While Mr. Levering was on the stand the plaintiff offered in evidence a map showing the state marked off into thirteen districts, asking the witness if it was not one of the maps made by the association, but no answer was given to the query either. The witness further declined to state whether or not the Central Granaries company has been a member of the association for ten years, whether or not he was a member himself or whether or not the company operated about fifty elevators in Nebraska and Kansas and about forty in Nebraska.

When asked if he had declined to answer the interrogatories because he was afraid his answers would subject him to criminal prosecution, he again declined to answer.

Several more witnesses were called this evening, but nothing important was discussed.

Inspecting Voting Machines. The commission appointed to examine and pass upon voting machines held its first session this afternoon and the three members, Judge Barnes, chairman, and W. E. Taylor secretary, the voting machine agent then rolled his machine into the corridor of the state house near the office of the secretary of state; the agent turned over a check for \$50 to the treasurer and the business of inspection began.

The law requires that a company desiring to sell machines in Nebraska shall subject the same to the inspection of the commission and to pay the expenses of such inspection it shall deposit with the treasurer of the commission \$50. This money is divided among the members. If the commission says the machine is all right the company may sell them to the various counties, otherwise it will be illegal for any county to buy. The commission has ten days in which to make its report.

Spinyey Has Charge of Action. The supreme court this morning overruled the demurrer of the attorney general to the application of Dr. Spinyey, president of the Bankers Union of the World, for a mandamus to compel Insurance Deputy Pierce to issue a certificate to the company to do business in Nebraska, thus showing that Dr. Spinyey has a cause of action against the state. The case will not come up for hearing until September, the state now having the right to answer the petition filed by Spinyey.

Call for Warrants. State Treasurer Mortensen today issued a call for warrants beginning with No. 12264, for July 12. This call will take up warrants issued up to February 6, 1904, these having run seventeen months and six days.

Hearing on Blair Petition. A hearing was had before Governor Mickey this afternoon in the application of John Blair for a pardon, Blair having recently been sent to the penitentiary for three years for a statutory assault upon Beulah Thomas, aged 13 years. George B. France of York talked in favor of the pardon, while Attorney General Brown spoke against it. Mrs. Blair, her sister-in-law, S. H. Hankins, formerly a merchant residing near the Blair home, and Thomas Barber, a farmer of York county, and Mr. Thomas, the father of the girl, were present during the argument. Both Hankins and Barber gave Blair a good name, the

Final Half-Price Opportunity. Lerg-Powelson Co. 15th & DOUGLAS. CORRECT DRESS FOR MEN AND BOYS.

The Last Day of Half-Price Suit Selling Saturday, July 8th.

This great sale, which for two weeks has crowded this store from the opening of our doors until their close, will go on record as the most stupendous and far reaching bargain event ever given publicity. Seven states represented in this morning's mail. SATURDAY will mark the close of this great opportunity and an epoch making day it will be. We have re-inforced our supply by placing with these suits a large delayed purchase of single and double breasted suits for summer wear which on account of its tardiness was sold to us at our own figure. More than 800 suits which positively must be sold Saturday.

Every Garment Must Go. Nothing, under any condition will be carried over until next season.

Table with 4 columns: Suit Price, Discounted Price, Suit Price, Discounted Price. All \$30.00 Suits 15.00, All \$25.00 Suits 12.50, All \$20.00 Suits 10.00, All \$15.00 Suits 7.50, All \$12.00 Suits 6.00, All \$10.00 Suits 5.00.

Outing Suits Reduced. Prices Remarkably Re-markably.

Table with 2 columns: Outing Suit Price, Discounted Price. \$7.50 Outing Suits \$5.00, \$12.00 Outing Suits \$7.50, \$22.50-\$20 Outing Suits \$15.00, \$15.00 Outing Suits \$11.00.

Outing Trousers, \$2.50, \$3.50, \$5.00. Great values of Paragon make—of tropical fabrics.

former saying he had sold him goods on credit many times and that Blair had always paid his bills and was a most accommodating neighbor. Mrs. Blair and the 18-year-old child that her parents had mislaid in her age at the trial. Governor Mickey took the matter under advisement.

Supreme Court Adjourns. After being in session since Thursday morning the supreme court, Judge Barnes and Judge Sedgwick present, adjourned this morning without handing down any opinions and will meet no more until September. Judge Barnes will leave the middle of the month for a visit to his son at Casper, Wyo., J. B. Barnes, Jr., and Judge Sedgwick will shortly go to California for a four weeks' trip, probably going to Alaska. Judge Barnes, however, will spend the greater portion of the summer at Norfolk. Chief Justice Holcomb is already in Utah.

News of Nebraska. TUCUMSEH—The city council last evening appointed L. C. Chapman as city attorney.

HASTINGS—M. Foley, aged 83 years, died at his family residence this morning. Funeral services will be held Sunday.

OSCEOLA—There has been a decrease in the number of persons of school age in the Osceola High school district of twenty-six from last year; now we have 161 males and 161 females, 322 in all.

OSCEOLA—Hon. and Mrs. E. L. King have sent out cards of invitation to the marriage of their daughter, Miss Edna Laura, to Walter E. Reuling, at their home Saturday evening, July 8, at 9 o'clock.

PLATTSMOUTH—Albert Schulzke, a 14-year-old boy, was seriously injured while celebrating with powder and a tin can, which he had attached a fuse. He was burned about the face and otherwise injured by a premature explosion.

TABLE ROCK—The 8-year-old daughter of Mrs. Mary Braken, five miles northwest of town, was bitten by a dog yesterday. She was brought to town for medical treatment at once and no serious apprehensions are felt in the matter.

WEST POINT—The Cumine County Bar association met last evening in special session, under the presidency of Hon. M. McClaughlin, deceased, and for the purpose of adopting suitable resolutions touching the death of Hon. Uriah Bruner, one of its honored members.

HASTINGS—The preliminary hearing of Charles Woodward and Harry Foots, who are charged with assaulting John French, hanged ten days ago, was held in Justice Crowley's court this morning. The defendants were released on a \$500 bond to appear at the next term of the district court.

BEATRICE—Carpenters' union No. 1288 met last night and installed these officers: J. Q. Overman, president; C. H. Thompson, vice president; J. H. Coomes, recording secretary; George T. Barber, financial secretary; A. J. Skinner, conductor; William E. Umphenour, warden; G. C. Slynoff, trustee.

LEON—Superintendent Nichols of the Chicago, St. Paul, Minneapolis & Omaha railroad, was here this morning in consultation with the business men and others, arranging for the location of the new

Summer Shirt Sale

Great reductions to create rapid selling. Again we say no article is here permitted to remain longer than one season, hence these price concessions in the very heart of the season. Lines include all worthy makes, such as the Elgin, Monarch, Griffon, E. & W., Manhattan, Star, Lion and Princely brands.

Table with 2 columns: Shirt Price, Discounted Price. All 50c and 75c Shirts 35c, All the \$1.00 Shirts 75c, All the \$1.50 Shirts \$1.15, All the \$2.00 Shirts \$1.55, All the \$2.50 Shirts \$2.00.

Our large Douglas street window displays these unequalled values

Straw Hats

One-third to One-Half Price

board refused to take any action in the matter until after the state board had been consulted.

PLATTSMOUTH—What is believed to have been the body of a floater was seen in the Missouri river by several citizens last evening as it floated down the stream. It was quite dark at the time and as there was no boat, no effort was made to investigate the discovery. Since yesterday the river has been on a boom, a rise of nearly four feet being recorded. It is thought that if the object seen last evening was really a floater it will probably be washed ashore at some point along the river.

BEATRICE—W. H. Walker of this city, who attended the meeting of the council of administration of the Southeastern Nebraska Veterans' association, which was held in Wynmore Wednesday afternoon, reports that, as no funds were in sight, the reunion to have been held at Wynmore during the week of August 14 has been cancelled.

The committees were given another week in which to make a showing relative to the raising of funds and on this showing dependent whether or not the reunion is to be held.

HARVARD—A hailstorm coming up suddenly at 7 o'clock last evening, in five to ten minutes destroyed thousands of dollars' worth of crops around and within a few miles of this city. Many harvesters were driven from the ripened wheat fields when the storm came, the wheat being generally fully ripe and farmers making all haste possible to secure their crop. The storm veered from north going southeast and destroying much of the crops, so that farmers will lose from \$100 to \$1,000 in crops by the storm.

FREMONT—The city council held a special meeting for the purpose of considering the question of street improvements and incidentally what street would be wanted by the Great Northern. An attorney for the Union Pacific was present and protested against closing South street. His company, he said, was prepared to fight that proposition vigorously. The Great Northern has not yet asked to have any street closed and is not likely to do so before the next regular meeting.

Luncheon for Americans. PARIS, July 7.—President and Mrs. Loubet gave a luncheon today in honor of the American special ambassadors and visiting naval officers.

Life-Malt THE TONIC YOU LIKE

The most palatable malt extract on the market. Supplies nourishment to nerves and blood. Gives strength to the weak—energy to the exhausted. Greatest Strength Known to Medical Science. Clears the complexion, purifies and enriches the blood. For the well to keep well—for the convalescent to get well—quick. Builds firm, healthy, solid flesh. At All Druggists 15c a Bottle.

MRS. WINSLOW'S SOOTHING SYRUP. Has been used by millions of mothers for their children while teething for over FIFTY YEARS.

ATHLETES TO KEEP IN GOOD TRIM MUST LOOK WELL TO THE CONDITION OF THE SKIN. TO THIS END THE BATH SHOULD BE TAKEN WITH

HAND SAPOLIO All Grocers and Druggists

AMUSEMENTS. 8th BOYD'S FERRIS CO. This Afternoon—Tonight—Sunday—Monday—Tuesday—Wednesday—Thursday—Friday—Saturday.

NOVELTY FAMILY THEATRE 4—PERFORMANCES DAILY—4 COOLEST SPOT IN OMAHA—Cooled with 8—BIG ACTS—Including Mad La Vera, Jany Clayton, "Zanzibar," and Bates & Ernest.

RIVER TRIP on the three-deck STEAMER R. C. GUNTER. Leaves foot of Douglas street every Saturday at 11:30 a.m. for a fifteen mile cruise down the river. MUSIC DANCING. Round Trip fare 25 cents.

Duffy's Pure Malt Whiskey. It destroys the disease germs and keeps the system cool and healthy. "Duffy's" is an absolutely pure tonic stimulant, free from alcohol. In use 50 years. All druggists and grocers, or direct, if a bottle. Medical booklet free. Duffy Malt Whiskey Co., Rochester, N. Y.

ICED DRINKS. cause 50 per cent of all deaths in hot weather from prostration, stomach and liver ailments, and other backward, backward, exhaustion, paralysis, etc. Leading doctors say all danger can be avoided by taking

Life-Malt THE TONIC YOU LIKE. The most palatable malt extract on the market. Supplies nourishment to nerves and blood. Gives strength to the weak—energy to the exhausted. Greatest Strength Known to Medical Science. Clears the complexion, purifies and enriches the blood. For the well to keep well—for the convalescent to get well—quick. Builds firm, healthy, solid flesh. At All Druggists 15c a Bottle.