

TESTIMONY IN GRAIN CASE

Prices for South Platte Fixed by a Committee in Lincoln.

TRADE DIVIDED BETWEEN THE DEALERS

If One Bought More Than His Share He Was Compelled to Turn Over the Grain or Pay a Forfeit.

(From a Staff Correspondent.)

LINCOLN, Aug. 25.—(Special.)—Depositions of C. Y. Long, a former bookkeeper for the Nebraska Elevator company, and R. K. Johnson, a former grain dealer and Valparaiso, were taken by Attorney General Brown today in the grain case.

It was brought out in the depositions that the price to be paid the farmers for grain was fixed by a committee from the membership of the Nebraska Grain Dealers' association and that those entering into the agreement to maintain a uniform price had to deposit a forfeit to stand back of the agreement; that differences between the elevator men belonging to the association were settled by an arbitration committee and that when one dealer secured more grain than he was entitled to under the agreement he had to pay his competitors either in money or grain a share of the profit. One settlement made by Johnson with the Omaha Elevator company he testified was made on a 3-4 basis. That is he had to pay the elevator company 3 cents a bushel for the excess of grain he bought; 2 cents for the excess of oats and 1 cent for the excess of wheat, making his forfeiture more than the profit he made on the grain.

Johnson testified that he had made an agreement with elevator men in his town to maintain uniform prices long before the grain association was organized and, though the profit he made after the association began to send out the prices was not excessive, it was "much more regular."

Witnesses of the Grain Dealers' association, Johnson testified, had nothing to do with making the agreement. Long's testimony was more about the fixing of prices for the South Platte country by representatives of the Nebraska Elevator company of Lincoln and the Central Grain company, which was done every afternoon and the cards mailed out to the regular dealers, even though they were in competition in many of the towns.

Besides Attorney General Brown and his assistants, ex-Chief Justice Callahan, F. S. Howell and Tom Warrall with his "carpet bag," these attorneys were present: John L. Kennedy, H. C. Brown, F. A. Brogan and E. P. Smith of Omaha; O. B. Polk, E. C. Strode and Attorney Hall of Lincoln. These took part in the grain business as witnesses. Another hearing was set for Monday morning, September 18, at 11 o'clock.

Price Card Each Day

The morning session was taken up with the deposition of C. Y. Long, and the latter testified that he had been in the grain business at Valparaiso since 1884 until June of 1904, when he sold out. He said he was a member of the Nebraska Grain Dealers' association and paid dues of 50 cents a month in return for which he received a card each day fixing the price he was to pay for grain, and other benefits to be derived from being a member of such organization. He said he knew many members of the association and usually met with them once a year. The controlling members of the association, he said, were owners of the line elevators, among which were the Omaha Elevator company, the Nebraska Elevator company, Westbrock, Nye-Schneider-Fowler company, Uplike, Duff and others. In 1901, Johnson testified that he operated one elevator at Valparaiso and the Nebraska Elevator company another. At that time the Omaha Elevator company put up an elevator, and then the trouble began. After some months the Omaha Elevator company claimed it was not getting its share of the grain and that unless Johnson would agree to maintain a uniform price that company would jump in with a higher price and run him out of business. Representatives of the three companies then met and signed a contract to make a report to each other every week to divide the grain equally and to maintain uniform prices. To bind the agreement each deposited a check for \$100 with Secretary Bewacher and the contract was carried out to the letter, each receiving every day from the price fixing committee the price to be paid for grain the next day.

Answer to Insurance Suit

The legal department of the state is preparing an answer to the injunction secured by the Mutual Reserve Life Insurance company to prevent the insurance department from interfering with its doing business in Nebraska. The John A. Creighton Real Estate and Trust company of Omaha has been in the hands of John Creighton, J. M. Daugherty and Albert Thomas. The capital stock is \$300,000. Acting Governor McGillon arrived in the city this morning and will return to Omaha this evening. An accusation of official perjury pending his signature was all that called him to Lincoln.

Bids for the Construction of a Residence and Barn and Granary for the State Experiment Station at North Platte will be advertised for in a few days. Superintendent of Construction Chowning of the State university has completed the plans. They call for a house, the cost of which probably will be \$3,500, and a barn and granary at \$2,200. The house will be for the superintendent of the station. The construction of one building and loan association to send in its annual report to the State Banking department has delayed the issuance of the report of the department and it will not appear until September 1.

Old Settlers at Beatrice

BEATRICE, Neb., Aug. 25.—(Special.)—The old settlers of Gage county held their picnic on the Chautauque grounds yesterday with a large attendance. At 11 o'clock a business meeting was held at which these officers were elected: Hon. W. L. Jackson, president; Hugh J. Dobbs, vice president; C. F. Gale, secretary; A. D. Sage, treasurer. After prayer by Rev. N. A. Martin, Judge Davidson of Tecumseh was introduced as the speaker of the day. Mr. Davidson started out by saying that he felt honored by being classed among the old settlers. He touched upon the early days of this country when it was known only as the "howl of the wolf and the whoop of the Indian," and dwelt at length upon the history of Nebraska and what the pioneers were obliged to withstand in the upbuilding of the state in the early days. Senator H. W. L. Jackson and Homer Austin followed Judge Davidson's interesting address with short remarks. The music for the afternoon was furnished by the Beatrice Military band.

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NORFOLK, Neb., Aug. 25.—(Special.)—A small tornado passed over Holt county, Nebraska, a few miles from Atkinson, demolishing barns, granaries and farm buildings in its path. No one was killed. One team of horses stood unharmed in a barn which was completely wrecked. The storm passed down over the country, that was visited last year by the disastrous prairie fire, so that the losses sustained are doubly difficult for the farmers there.

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Reasonable Profit on Grain

Under cross-examination by Mr. Kennedy, Johnson said his dealings with the Omaha Elevator company had been with Mr. Jaquith and to him he had given the \$100 check, which was deposited with Bewacher. Attorney Smith brought out from him that he had made agreements with other dealers in his home town before the association was organized. Mr. Hall elicited the information that the profits made under the card system were not excessive, but were fair. Johnson testified that a fair profit would be 2 cents on corn, and from 1 to 5 cents on wheat. This would be the price he would sell grain for over what he paid for it. Out of the profit would have to come his expenses.

Prices Fixed in Lincoln

C. Y. Long of Lincoln, who was bookkeeper for the Nebraska Elevator company during the time Tom Warrall was president of the company, was the only witness examined at the morning session. Mr. Long said he had worked for the company from December 8, 1900, until July 23, 1904. In answer to questions Mr. Long said that the price to be paid the farmers for grain was fixed by a committee from the membership of the Nebraska Grain Dealers' association and that those entering into the agreement to maintain a uniform price had to deposit a forfeit to stand back of the agreement; that differences between the elevator men belonging to the association were settled by an arbitration committee and that when one dealer secured more grain than he was entitled to under the agreement he had to pay his competitors either in money or grain a share of the profit. One settlement made by Johnson with the Omaha Elevator company he testified was made on a 3-4 basis. That is he had to pay the elevator company 3 cents a bushel for the excess of grain he bought; 2 cents for the excess of oats and 1 cent for the excess of wheat, making his forfeiture more than the profit he made on the grain.

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TRAVELING MEN HAVE A DAY AND MAKE THEMSELVES KNOWN

HOLDREGE, Neb., Aug. 25.—(Special Telegram.)—The attendance at the harvest festival yesterday and today has been very large. Although there was not such a jam as on Wednesday, the weather has been fine and everyone has seemed to enjoy themselves. The \$25 prize offered to the township which the best display was awarded to Center township and the second to Lake Burd. The other townships made a most creditable display.

The Military Parade Was Given Last Evening

in which about sixty horsemen participated, dressed in costumes representing various characters and countries. Both the flower and military parades were repeated today for the excursionists. The flower parade attracted much attention, as it is seldom that a flower parade is ever attempted by the country people alone, and the fact that they got up such a fine one has excited much comment.

This has been traveling men's day and traveling men from all over the state have been here and there has been something done for the country people alone.

BEATRICE—Badde Woods, well known in police circles in Wyoming and Beatrice, was before the Board of Insanity Commissioners on an inebriate charge yesterday.

CHADRON—The Dawson county teachers' institute is now in session with seventy-two teachers in attendance. It is in charge of County Superintendent Thomas S. Smith, assisted by Superintendent H. E. Bradford of Chadron, C. S. Jones of Crawford, H. E. Hays of Alliance.

NEBRASKA CITY—Mrs. Harriet M. Steele has brought suit in the district court for \$5,000 damages for the death of her husband, John S. Steele, who was a watchman at the Missouri Pacific crossing at Weeping Water. Steele was killed by a train while he was standing on the railroad crossing.

BEATRICE—Dick O'Brien is in jail at Beatrice, charged with robbing the Pearl restaurant. He is the woman in charge of the place stepped back to the kitchen to get water. He then snatched a silver knife, fork and spoon and fled.

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SCHUYLER—The local telephone company is installing a new 60-drop switchboard at its control, and a gang of workmen is erecting new poles in the business part of the city, where a large quantity of new cable is to be strung. The work is being done by the local telephone company.

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