

ELEVATOR MEN FILE ANSWER

Attack constitutionality of Laws Intended to Regulate Their Business.

REV. HEINER HOLDS THE WHIP ROW NO W

Governor Mickey Displeased Because Members of State Board of Charities and Corrections Mixed Up in the Affairs.

(From a Staff Correspondent.) LINCOLN, Oct. 14.—(Special.)—The Omaha Elevator company filed its brief in the case of this morning and contains considerable legislative information and at the same time attempts to declare unconstitutional all laws enacted by the legislature of years past affecting grain dealers, together with the repeal of the 1887 act by implication by the 1896 act, under which it holds, therefore, the action is brought. Discussing the laws passed up to the 1906 law the attorneys say in their brief:

The law of 1887 is invalid for the reason that the bill as introduced and as voted upon, as shown by the title, applied only to "manufacturers." It is true that a bill with a title engaging "manufacturers and dealers" was introduced and passed, but the title to the bill when voted upon did not have the "and dealers" substituted there. The act of 1896 does not purport to affect grain men.

The first act of 1897 is invalid for the reason that the bill as introduced and as voted upon was never voted upon. The title of the bill as introduced was "to amend the law relating to trade and business." But the bill as introduced and voted upon did not contain the words "and business" in the title. This is a very material alteration, as "business" refers to insurance companies, "business" and probably also to other occupations not embraced by the term "trade."

The second act of 1897 is invalid. A bill was introduced under a title "a bill for an act to prohibit combinations among grain elevator men, and to impose a penalty therefor." This was the title which was referred to the committee to which it was referred. The committee reported the bill with a title as long as the moral law, the latter being in every sense a different bill. The result was that the bill as introduced was voted upon, but the long title was not passed, and hence never became a law.

This leaves for consideration only the act of 1897, and the act of 1906. And the question is, were these laws ever passed? I confess the matter is not free from doubt, and I will say that in my opinion, I care which one is the one. But while admitting there is some doubt, I insist the correct rule to apply will be to hold the former law is repealed by implication. The brief contends that the 1897 law is a general law and is not repealed by implication by the 1906 act. Therefore the act of 1906 in this case will not lie. If the old law is not repealed then the new law is not in effect. It is not in effect, and such event the rebate paragraph, provided only by the new law, should be stricken out of the petition, for there is no law upon which to base it, and the injunction should be dissolved.

Brief in Inheritance Tax Case. In the case wherein the county attorney of Douglas county seeks to compel by mandamus, Judge W. A. Tucker, to appoint appraisers to pass upon the estate of Frank Murphy, deceased, under the terms of the inheritance tax law, Crofoot & Scott broke in with a brief this morning in support of Judge Vinson's contention that the law is unconstitutional. In the brief the contention is made that the law is unconstitutional because it is in conflict with the provisions of section 1 article ix of the state constitution, for the reason that the power of the legislature to raise revenue for state purposes is thereby limited by the taxation of property and franchises and the occupations therein designated.

Governor is Displeased. The committee that investigated the Tabitha home yesterday afternoon and passed resolutions endorsing Rev. Heiner and appointed a committee to take over the management of the institution, finds this morning in a peculiar position in that it doesn't know how to proceed. Some of its members realize for the first time that they can do nothing unless Mr. Heiner wants it done, as he holds the key to the situation in that he is the principal stockholder in the corporation which holds the deed to the property.

What Sulphur Does

For the Human Body in Health and Disease. The mention of sulphur will recall to many of us our early days, when our mothers and grandmothers gave us our daily dose of sulphur and molasses every spring and fall.

It was the universal spring and fall "blood purifier," tonic and cure-all, and, mind you, this old-fashioned remedy was not without merit.

The idea was good, but the remedy was crude and unpalatable, and a large quantity had to be taken to get any effect.

Nowadays we get all the beneficial effects of sulphur in a palatable, concentrated form, so that a single grain is far more effective than a tablespoonful of the crude sulphur.

They are the natural antidote for liver and kidney troubles and cure constipation and purify the blood in a way that often surprises patients and physicians alike.

LIGHTNING TAKES ELEVATOR

Several Fires Result from Electrical Storm in Gage County.

TEAM OF HORSES BURN IN BARN

Damage to Property in and Around Beatrice is Estimated at Upwards of Six Thousand Dollars—Rainfall is Heavy.

BEATRICE, Neb., Oct. 14.—(Special Telegram.)—One of the worst electrical storms of the season, accompanied by a heavy rainfall, visited this locality this morning, doing considerable damage to property. The elevator owned by Ewart & Wilkinson Grain company at Hope was struck by lightning and burnt to the ground. There was a considerable amount of grain in the building. The loss is placed at \$5,000, partially insured. A small barn belonging to Louis Graf, in West Beatrice, and one on the farm of M. A. Seibert, north of the city, were struck by lightning and consumed. Mr. Seibert lost a valuable team of horses, twelve tons of hay, harness, etc. The loss will reach \$1,000, with a small amount of insurance. In trying to save his horses, Mr. Seibert had his hands severely burned. Lightning has destroyed two barns on the same foundation within a year. Telephone and telegraph lines were badly damaged by the storm.

GENEVA, Neb., Oct. 14.—(Special.)—There was some thunder and lightning during the night with a little rain. A light drizzle has continued throughout the day.

BUDENEK TROUBLES MULTIPLY

Three Lawsuits Already Started Because Members of Family. HASTINGS, Neb., Oct. 14.—(Special Telegram.)—The troubles in the Budenek family are becoming more complicated. A cow, a calf and a dog are now figuring in the controversy. Proceedings have also been started for the appointment of a guardian for John Budnek, sr., father of the man bound over for the shooting of Peter Smeall.

But that is not all. An application was filed in the county court late this afternoon asking for the appointment of an administrator for the estate of Mrs. John Budnek, whose death was the immediate cause of the Sunday morning disturbance. Yesterday and today were busy days for the Budnecs in the Hastings court. It was when Mrs. Smeall invoked the aid of the authorities in keeping her brother, Frank, away from her home. That little matter was soon settled, Frank agreeing to leave town rather than remain in Hastings and be arrested.

Later in the day a conference of the anti-Smeall faction of the family was held and plans were laid for the recovery of the cow and calf, which, it is asserted, have been unlawfully detained by Mrs. Smeall. Then the still more serious matter of the division of the estate of the dead woman came up and it was decided to take the first step in the recovery of the estate by filing a writ of replevin for the cow and calf, which, it is asserted, have been unlawfully detained by Mrs. Smeall. Then the still more serious matter of the division of the estate of the dead woman came up and it was decided to take the first step in the recovery of the estate by filing a writ of replevin for the cow and calf, which, it is asserted, have been unlawfully detained by Mrs. Smeall.

BEATRICE—Frank Mumford, a prominent young farmer living northeast of here, shipped a carton of live hogs to St. Joseph Saturday evening in the Ted J. Sokol haul, which was highly appreciated.

BEATRICE—A heavy thunderstorm, something unusual for this time of the year, visited this locality last night. The storm was accompanied by lightning, and some damage to property was done. The hail was particularly heavy and did considerable damage to the crops.

BEATRICE—The agreement among the local stores to close at 6:30 p. m. is not being uniformly adhered to. Several of the merchants insist on keeping open until late in the evening, closing just whenever they please.

BEATRICE—While driving near the depot Mrs. Harvey and Mrs. Mercer were thrown over the horse becoming frightened at the cars. The buggy upset and both women were considerably hurt. Mrs. Mercer's face was badly bruised.

BEATRICE—The second semi-annual meeting of the Northeast Nebraska Dental association will be held in this city, at the Elk club rooms, October 27. The program includes a number of papers and some interesting table clinics.

BEATRICE—Frank Mumford, a prominent young farmer living northeast of here, shipped a carton of live hogs to St. Joseph Saturday evening in the Ted J. Sokol haul, which was highly appreciated.

ALLIANCE HAS A SNOWSTORM

First Real Winter Precipitation in State is Reported.

Stranger Loses Foot.

While attempting to board the north-bound passenger train here last evening after the train had started, a stranger by the name of Johnson, who had been employed with the track laying gang on the Great Northern, missed his foot-hold and fell between the platform and train, one leg going under the train, cutting it off below the ankle. The train, which was in charge of Conductor Young, was stopped and the injured man placed aboard and taken to Sioux City to be placed in the hospital.

NEWS OF NEBRASKA

PLATTSBOROUGH—More than one inch of rain fell in this vicinity last night. The storm was accompanied by lightning and some damage to property was done.

BEATRICE—The Crabtree Forensic club met last night and installed officers for the coming year.

BEATRICE—The remains of Thomas F. Whalen arrived from Roanoke, Va., for interment in Oak Ridge cemetery.

BEATRICE—The remains of Mrs. Thomas Junda were brought from Crete Saturday afternoon and interred in the Catholic cemetery.

PLATTSBOROUGH—The concert given by the Bohemian society last night at the Bohemian hall was highly successful.

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FORECAST OF THE WEATHER

Fair Today in Nebraska and Kansas, Warmer in West Portion—Fair and Warmer Tomorrow.

WASHINGTON, Oct. 14.—Forecast of the weather for Sunday and Monday:

For Nebraska and Kansas—Fair Sunday; warmer in west portion. Monday, fair and warmer.

For Iowa—Rain and colder Sunday, except fair in extreme west portion. Monday, fair, warmer in west portion.

For South Dakota—Partly cloudy Sunday; rain or snow in extreme east portion; warmer in extreme west portion. Monday, fair and warmer.

For Illinois—Rain and colder Sunday. Monday, fair; brisk to high southwest to northwest winds.

For Missouri—Showers and much colder Sunday. Monday, fair; slightly warmer in west portion.

For Utah—Fair and warmer Sunday. Monday, fair.

For Colorado and Wyoming—Fair and warmer Sunday. Monday, fair; warmer in east portion.

Local Record. OFFICE OF THE WEATHER BUREAU, OMAHA, Oct. 14.—Official record of temperature and precipitation, compared with the corresponding day of the last three years.

Table with columns for Year (1905, 1904, 1903), Minimum, Maximum, Mean, and Precipitation.

Orchard & Wilhelm Carpet Co.

Our New Store, 414-416-418 South Sixteenth Street

AK-SAR-BEN CARPETS ON SALE MONDAY IN THE BASEMENT

These carpets were used the night of the Ball at the Den, comprising 1,000 yards velvet carpet, 2,500 yards ingrain carpets, 3,000 yards matting. All go on sale Monday morning in the basement. Bring measurements of your rooms.

- 78c all wool Ingrain Carpet, sorted out into three lots—the best patterns have been selected and placed in one lot to sell at, per yard... 55c
- The next best patterns have been sorted out and placed in a lot to sell at, per yard... 53c
- The third lot, consisting of ingrain, best all wool, slightly damaged, sell at, per yard... 49c
- 45c half wool ingrain carpets, per yard... 28c
- VELVET CARPET—The best quality \$1.25 goods, will go at, per yard... 95c
- Extra quality velvet carpet—regular price \$1.10—will go at, per yard... 79c
- MATTINGS—The quality of matting we used in the Den was much better than the average—regular price was 18c to 35c per yard—on sale Monday at, per yard... 9c to 18c
- ART SQUARES, ALL WOOL—These were used on the walls of the ladies' dressing room and entrance to the Den—9x12—regular price \$9.75—on sale at... 6.95

Other sizes correspondingly low. The above goods all on sale Monday in the basement of our new store.

Big Rug Sale Monday, Second Floor

We want the people of Omaha to visit our Rug Department in our new store, and as a special inducement we offer a quantity of rugs at very special prices. Never have we sold rugs of like quality at such prices.

- Wilton Rugs, 9x12, sell for \$35 to \$40 each—our price Monday... 27.50
- Brussels Rugs, 9x12, that sell at \$17 and \$20—our price Monday... 12.00
- Bigelow-Axminster Rugs, 30x60 in., that sell for \$4.50 and \$5—our price Monday... 2.75

The above rugs on special sale Monday on our second floor.

TABLE Showing the death rate, expense rate, income saved and earning power of the leading Life Insurance Companies in the United States, taken from the official reports published in 1905 by THE SPECTATOR COMPANY OF NEW YORK for the year ending December 31, 1904.

DEATH RATE

Table with columns: Name of Company, No. of deaths per 1,000. Lists companies like Old Line Bankers Life, Conservative Life, Equitable, etc., with their respective death rates.

Cost of New Business

Table with columns: Name of Company, Net Cost. Lists companies like Old Line Bankers Life, Mutual Benefit, Penn Mutual, etc., with their net costs.

INCOME SAVED

Table with columns: Name of Company, Per Cent Saved. Lists companies like Old Line Bankers Life, Equitable, Union Central, etc., with their percentage of income saved.

Surplus Earned to Mean Reserve

Table with columns: Name of Company, Per Cent of Surplus. Lists companies like Old Line Bankers Life, Hartford Life, Provident Life, etc., with their percentage of surplus.