THE OMAHA DAILY BEE: THURSDAY, JUNE 7, 1906



ographic Report of Model Rural School Taken and Later Pub-

lished in Famphlet Form.

(From a Staff Correspondent.)

LINCOLN, June 6 .- (Special.)-The grain case is now up to the supreme court, the attorneys for the defendants and Attorney General Brown for the state having completed their arguments on the Pemberton report this afternoon. Attorney General Brown is well pleased with the report on facts, while the attorneys for the defendants bitterly attacked the report. The arguments were practically the same as made before the referee.

The attorney general in defending his po-sition that the giving by the railroads of 15 cents a hundred to the terminal elevators for loading grain to be shipped east of the river, was a rebate pure and simple, said the act of paying the money was incidental to interstate commerce, and the supreme court of Nebraska has jurisdiction in the matter and can stop it. Five of the corporations owning terminal elevators, he said, testified they did not receive this elevation fee. Only the favored ones secured it. While the Armour bids, he said, were based on the elevation charge, there was no evidence introduced that these bids were received by the small dealers out in the state

Ed P. Smith, representing the Updike Grain company, said the giving of the 1% cent elevation charge was purely a matter of interstate commerce, and the courts of Nebraska had no jurisdiction to pass upon it. All the railroads advertised the giving of the elevation charge, and it was no secret rebate or come back. No decision of this court, he said, would affect his client's elevator at Missouri Valley, Ia. It was a matter wholly in the hands of congress. The act of buying the grain in Nebrasku and loading it, he said, was a part of the Interstate business

F. M. Hall of Lincoln contended to shut off the taking of the elevation charge by the terminal companies would mean that the producers would get just that much less for their grain. No individual, he said, was complaining. If the railroads did not give the terminals that elevation charge it would mean freight rates would be that much higher. The elevation charge was given because of the competition between the railroads, he said. If one road brought in grain to Omaha or Lincoln another road would pay 1% cents if it was loaded into its cars for shipment east.

J. W. Courtright of Fremont explained that a terminal elevator was where the grain was stored and treated. It contained facilities for loading and unloading not contained in other elevators.

Exceptions by Defendants. The following exceptions by defendants to report of referee was filed by Attorney Courtright:

Courtright: Come now the defendants, Duff Grain Company, Nicholas A. Duff; Nye-Schneider Fowier Company, Ray Nye, R. B. Schnei-der, Frank Fowler; Crowell Lumber and Grain Company, Christopher C. Crowell, ir, Evans Grain Company, John T. Evans, defendants herein, and each separately and severally, and for themselves alone, except to findings and report of the referee filed herein, and to his ruling upon the admis-sion of evidence, and to his conclusions of aw. In the following particulars: 1. The referee erred in overruling the objection to question and answer No. 524, and in considering the same as evidence, the same being an oral statement as to the date, conferts, sender and sender of a writteen instrument which the witness said he then had in his possession. That said, evidence was considered is proved

Fing Day Proclamation. Governor Mickey this morning issued the

following Flag day proclamation:

tolowing Flag day proclamation: following Flag day proclamation: By virtue of the authority in me vested i do hereby designate and proclaim Thurs-day, June 14, 1906, as Flag day, and re-quest its general observance by the peo-ple of our state. The day marks the 13th any of the birth of our mational colors. The advancement made by the union during that period is almost be-yord comprehension. Such prostress could not have been possible were it not for the people. As the symbol of our greatness the flag, wherever displayed, is a perpet-ple of circle virtue. The day above designated, therefore, buildings, school houses, private rest-durings and business houses, and let love of country and desire for the continued bless-during the very mind. Wesleyan Grants Diplomas.

Wesleyan Grants Diplomas. At Wesleyan university this morning diplomas were presented to the largest graduating class in the history of the institution. The board of trustees elected Chancellor Huntington and practically the same teaching staff. Bishop W. T. Mc-Dowell of Chicago delivered the address.

Searle Back from Kansas. Auditor Searle returned this afternoor from Mineapolis, Kan., where he has been, in company with Mrs. Searle, to attend the funeral of the latter's brother, William Sims, who died Saturday. Mrs. Searle and her children remained in Kan-68.5

Off for Stockmen's Convention. Auditor Searle left tonight for Alliance to attend the eleventh annual meeting of the Stock Growers' association. The meetings will begin tomorrow and continue until Friday evening. An interesting pro gram has been arranged, including an address by T. M. Tomlinson, secretary of the American National Live Stock association, and the state veterinarian, Dr. McKim. Stenographic School Report.

Miss Jennie B. Adams went to Geneva

this morning, where she will take a complete stenographic report of the doings of the Union Normal institute, which proceedings later will be published in pamphlet form and distributed among the rural school teachers of the state. Her report will show how things are taught, said and done in a modern rural school. It is the intention of Superintendent McBrien to have such a report made of all the union normal institutes, and published. This is the firs ttime such a thing has been done in the state, and Mr. McBrien believes it will be of great help to the rural teachers. Miss Lizzie Crawford of the Peru Normal school is the instructor at the Geneva in stitute.

Prisoner Digs Out of Jail.



Give your family the purity and healthfulness of Schlitz beer. We spend more than all the ordinary costs of brewing to be sure that it is pure and good.

Our barley is selected by one of the partners in our business. We go down 1400 feet to rock for waterto Bohemia for hops. The brewing is done in absolute cleanliness-the beer is even cooled in filtered air.

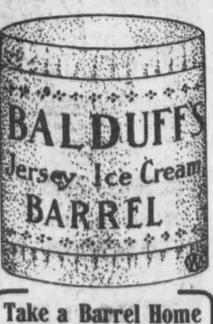
Then Schlitz is aged for months so that it cannot cause biliousness and finally every bottle is sterilized.

Ask for the Brewery Bottling. Common beer is sometimes substituted for Schlitz. To avoid being imposed upon, see that the cork or crown is branded

When you order beer for your home

evidence was considered is proved

said he then had in his possession. That said evidence was considered is proved by the fact that it is cited in support of finding No. 12.
The referee erred in giving undue weight or any weight at all to questions and answers Nos. 744 and 745. In support of finding 12 the referee copies this evidence as follows: "Do you know whether that policy has been pursued constantly from that time until the present time? Answer." Throw it commenced a few years ago, and I have never beard of it being changed. Question. How recently have you know hether that policy has been pursued constantly from and I have never beard of it being changed. Question. How recently have you know whether that policy has been pursued constantly from that time until the present time? Answer. Throw it commenced a few years ago, and I have never heard of it being changed. Question. How recently have you know hether that policy? Answer. Well, right up within a month or two? "The referee then adds." That was on August 17. 1965. This witness, and had himself been a member of the association for years." The referee credits this testimony to Vorrall, while in fact it was the testimony of passociation, had not been in the employ of a member for five years, was not familiar with the business, and on cross examination for waith the business, and on cross examination for waith the business, and on cross examination of an undisclosed source, where he says: "To an't say I had personal knowledge of the association for the date prior to the Junkin bill. Besides, the two points limit mentioned carried the date prior to the Junkin bill. Besides, at interprint of finding 12 and which is similar to the above. Here again the sixty days back prior to the Junkin bill. Besides, at Nos 1462, 1453 and 1454 H is found that this



For the Children

Pure ice cream is good for the children; they will enjoy it-it is refreshing, nourishing and health-

Balduff's little ice cream barrels are filled with three flavors of ice cream. Rich, with pure cream, highly flavored with ours flavors, and packed so that it will stay hard for a long time.



Harry Sullivan, serving a thirty days sentence in the county jail, dug out last night through the eight-inch wall and has not been heard of by the authorities since that time. He took the handle of a bucket which he used as a pick, and removed the mortar from between the rocks in the He then lifted out the rocks and wall. crawled out and dropped about fifteen feet to the ground and liberty. Other prisoners in the cage with him made no effort to follow him. Sullivan was sentenced for stealing a trunk at the Burlington station

GREEKS ARRESTED FOR MURDER

and pawning it in Omaha.

Old Grudge and Fresh Quarrel Produces Fatal Results.

SIDNEY, Neb., June 6 .- (Special Telegram.)-In response to a telegram from the sheriff of Kimball county Sheriff Myron Sager arrested two Greeks, named Jim Touris and George Leventis, living six miles west of Sidney, for the murder of another Greek at Smeed, Neb., fifty-two miles west of here, last evening. The men had quarreled and there was a grudge of long standing between them. Touris crawled up behind the murdered man and struck him

morrow morning by Sheriff Bartholemew. The men tried to reaist the officers of this

county, but his timely gun prevented any

ALL READY FOR THE STOCKMEN

Alliance Decorates and Brands All the

Mavericks. ALLIANCE, Neb., June 6 .- (Special Telegram.)-The city is profusely decorated in

green and yellow, the stockmen's colors,

utbreak of serious nature.

astic guests, the stockmen.

middle west packing centers.

The convention promises to b

Danes Celebrate National Holiday.

ing an ideal June day, an immense crowd

of people assembled. Hon. S. M. Fries and

Johnta

get the utmost healthfulness - get

Schlitz.

Phone 918, Jos. Schlitz Brewing Co., 719 So. 9th St., Omaha.

The Beer That Made Milwaukee Famous.

day. The first mentioned spoke in the a blow with a club and killed him. All Danish and Mr. Effesen in the English the men were employed with an extra language, to an attentive audience. Shows gang on the Union Pacific railroad. The and other amusements, including a ball prisoners refuse to speak of the crime. game, were also among the attractions of They will be taken to Kimball county tothe day.

News of Nebraska.

COOK-George Winslow arrived from Seward yesterday and will take charge of the Missouri Pacific station at this

COOK-W. F. Wright left today for maha, where he will work in the up-own ticket office of the Missouri Pacific

NORFOLK-The State Board of Public Lands and Buildings arrived tonight to ba-gin investigating the insame hospital here tomorrow. for the reception of the Nebraska Cattle HARRISON-This village today voted to

Growers' association convention, which is bonds for \$2,500 to construct water Not a vote was cast against the orks. to be held here tomorrow. A diversified program has been arranged by the citizens NORTH PLATTE-Judge Grimes opened a adjourned term of district court Monday porning. This week is spent in trying which promises much towards the fitting entertainment of their annual and enthusi-

NORTH This work is spent in trying morning. This work is spent in trying equity cases. ALBION-Albion will celebrate the Fourth of July and it is expected that one of the largest crowds ever seen here will be in attendance. A special train of commission men will arrive early tomorrow from South Omaha, and many delegates are expected from Denver, St. Joseph, Kansas City and other

YORK-John Grant of Omaha, represent-ing the Nebraska Bitulithile Paving com-pany, is in York interviewing business men and the city council. YORK-The largest class in the history of York High school was presented with diplomas last evening. Dr. E. A. Steiner delivered the class address. the best ever held, for besides the election of officers matters of great importance to

stockmen will be freely and ably dis-BEATRICE-Mrs. J. B. Dann narrowly escaped being killed in a runaway accident. The buggy in which she was riding was completely smashed, but she escaped unussed by men prominent in such matters, ST. PAUL, Neb., June 6.-(Special.)-The

Danish national holiday-the fifty-seventh BEATRICE—The Beatrice fire depart-ment will hold memorial services next Sunday afternoon. June 10. Rev. W. A. Mulligan will deliver the memorial adanniversary of the granting of the constitution to the Danish people by their beloved King Frederick VII-was celebrated here today by all nationalities, and it be-

dress. HUMBOLDT-Nate Burgett and Miss Phoebe Curran, two well known young peo-ple living several miles southeast of the city, were united in marriage by the county judge at Falls City. BEATRICE-Today at high noon was solemnized the marriage of Mr. Frank D. Owne and Miss Blanche Walrod, two prominent young people of this city, Rev. J. E. Davis officiating. ALBION-The weather for the last few days has been much warmer and farmers

days has been much warmer and farmers say it is just what is needed for the corn. Crops are in good condition, although corn is somewhat backward.

NORFOLK-Boy Nichols of Lincoln, aged a, was bound over to the district court here today charged with attempted statu-tory assault upon a little lame daughter of Louis Schenzel, a butcher.

of Louis Schenzel, a butcher. NEBRASKA CITY-The merchants' plano voting contest closed today. The plano was awarded to Miss Ruth Baner, she having received 100,000 more votes than any of the other contostants. BEATRICE-At a special meeting of the Nebraska City presbytery, held at Lincoln yesterday. William Reedy of this city was ordained as a Presbyterian minister. He

Peter Effesen were the speakers of the was assigned as pastor of the two same was void. The matter will be heard in day. The first mentioned spoke in the churches at Firth and Sterling for the in the district court.

in the district court. NORTH PLATTE-The North Platte fire department for the first time in its history will send a running team to the state fire-men's tournament which will be held at Fremont the middle of August. The local team will soon go into training. present. Present. YORK-The P. E. O.s were entertained inst evening by Misses Kate L. Houston and Augusta Reader at the home of Miss Houston, five miles north of York.

BEATRICE-J. A. Barnard, county treasurer, yesterday issued a statement showing the cash on hand and in the banks of the city and county at the close of business May 31 to be \$100.841.56 BEATRICE—The Beatrice Driving asso-iation will hold its first matines races of he season at the Driving park next Thurs-ay. There will be a good field of horses nd some splendid racing is promised

flciating.

officiating. YORK-John Dever, for several years street commissioner of York, who was con-addreed the best and most faithful of city officials, was taken to the Hospital for linsane at Lincoln yesterday. For some time he has been in ill health.

time he has been in in health. BEATRICE—Mrs. Mary A. Smith died last evening at the home of her daughter, Mrs. Samuel Avey, aged 70 years. She is survived by a family of six children, four sons and two daughters. The remains will be interred in the Odell cemetery next Thursday.

will be interred in the Odell cometery next Thuraday. COLUMBUS—Grace Episcopal church received its new rector, Rev. Arthur J. Westcott, D. D. of Elkhart, Ind., with open arms and glad hearts last Sunday, as it was the first time he had held serv-ices. They gave a reception for him at the home of Mr. and Mrs. O. T. Roen. HUMBOLDT—This section was visited by a small quantity of rain, which will revive pastures somewhat. The crops are in need of a good old-fashioned soaker, however, and the farmers are anxious for it. It rained much harder to the north and west and the Nemaha river is riging considerably. ALBION—The city council passed an ordinance last week reducing the number of wards from three to two, as existing the last three years. An injunction was se-oured last Saturday evening restraining the city officers from performing any acts

on behalf of the state. FALLS CITY-The Library board for the Lydia Broun Woods Memorial library met Tuesday night and elected a librarian to fill the vacancy made by the resignation of Miss Morton, who has been elected librarian at Silverton. Colo. Mrs. A. G. Wanner was elected to fill the place during the coming month, after which Miss Lois Spencer will be librarian. FREWONT, Hans Lass manuschild cnoose **Dr**-Graves'

Spencer will be librarian. FREMONT-Hans Lass was sentenced to thirty days in the county jail by Police Judge Cook this morning for a brutel as-sault upon his wife. He admitted striking her over the head with a coffee pot. A bad gash was cut below her left eye and when she came down to the station to file the complaint her clothing was saturated with blood. Lass has been in police court be-fore and he has a bad record when drink-ing. **Tooth Powder** Dentists say-"It is the best dentifrice and antiseptic in the world for the teeth and gums-leaves the

enamel white and gleaming; also NORTH PLATTE-The Junior Normal Jeaves a delicious after taste." In handy metal cass or bottles. 25c. Br. Graves' Tooth Powder Ge.

to 0 until the eighth, when Pawnee man-aged to make four runs after Manager Smith of the locals had been knocked out by a pitched ball. The tis lasted until the tenth inning, when the visitors man-aged to score, making the final result an enrollment that is very gratifying to County Superintendent Trotter, especially as nearly all the institute attendants will remain during the normal course.

as nearly all the institute attendants will remain during the normal course. FREMONT-The Eikhorn river is proving about as erratic as its big neighbor, the Platte, this season. At Herman Schroe-der's place, not far from Arlington, it has cut a new channel running across one of the numerous hends for a distance of forty rods. The change, while not very profitable for Schroeder, will benefit other lands in the vicinity and the old channel will soon become dry. BEATRICE-One of the worst rain, hat and electrical storms of the season visited this section last night about 10 o'clock. Rain fell in torrents for nearly two hours, during which time .considerable hall fell. As there was but little wind, at two inches and farmers may it has in-sured the wheat crop. The lightining played havoe with the telegraph and tele-HUMBOLDT-Arthur Smith, manager of the local base ball team, who was struck just behind the ear by a pitched ball yester-day, is still confined to his room and suf-fers considerably from the concussion. His physicians think there is no fracture, how-ever, and predict that he will soon be out. become dry. BEATRICE—One of the worst rain, half and electrical storms of the season visited this section last night about 10 o'clock. Rain fell in torrents for nearly two hours, during which time considerable half fell. As there was but little wind, reports are to the effect that crops escaped serious damage. The rainfall is estimated at two inches and farmers say it has in-sured the wheat crop. The lightning played have with this telegraph and tele-phone service in this city, twenty-five lines of the Bell company, including the three toll lines to Fairbury, being put out of commission. and the young couple will make then home in this city. ALBION-William King, son of Mrs. Emma King of this city, died last night after a lingering illness. Deceased was raised in this county, having resided with his paronts at Boone until he reached his majority. Fie was married some years ago to Miss Mabel Nevels. BEATRICE-W. H. Robbins yesterday received a letter from G. W. Chandler, who, in company with his wife, was re-ported to have been killed in the San Fran-cisco disaster. Mr. Chandler states that himself and family escaped unburt and are now living at Seattle, Wash. They resided in Beatrice for many years before locating on the coast. BEATRICE-At the regular monthly

\$19.00 to Boston and Return. \$19,00. plus \$1.00, from Chicago, via Nickel Pinie

of commission. HUMBOLDT-The first base ball game of the season was pulled off at the new grounds in this city yesterfay afternoon between Pawnee City and the home team. The play was very good throughout, con-sidering that neither team has yet prac-ticed much. During the first part of the game Humboldt led, the score standing 4 Road, May 31 to June 9, inclusive; also via New York City at excursion rates, Return limit of July 15 by excession of ticket. Folders, rates and all information furnished by applying to J.hn T. Calahan, general agent, Room 298, 111 Adams street, Chicago.

 BEATRICE—At the regular monthly meeting of the library board last evening
 BEATRICE—At the regular monthly meeting of the library board last evening
 Miss Florence Smith the city librarian's tendered her resignation to take effect
 July 17. She has accepted the position of city librarian of the Carnegie library at Walle Walle. Wash, at an increase in salary. She has been city librarian here for the last two years.
 NEBRASKA CITY—The closing exercises of the Nebraska Institute for the Billind will be held this week in Institute hall. The annual concert will be given Thursday evening. The graduating exercises will be held Friday afternoon. Governor John H. Mickey will address the graduates, presenting them with diplomas on behalf of the state.
 FALLS CITY—The Library board for the tast. REFRIGERATORS PRICES 3-8 We have every size and style to show you-in zinc, white enamel, opal, glass and tile lined boxes. Every one a cold, sanitary ice saver and every one priced at an extremely low price. Economical buyers should not fail to see these: Glass Lined Badger Peerless Bohn Syphon Crystal \$14.60 up \$7 up \$20 up \$42 up \$22



Hever, and predict that he will soon be out. BEATRICE-Word was received here yesterday of the marriage of Mr. Louis Bathen of this city and Miss Clara Wilcox of Crete, which occurred at Omaha Tues-day. Mr. Bathen has charge of the shoo-department of Klein's Mercantile company, and the young couple will make their home in this city. CRAIG-At the home of the bride's par-nts. Mr. and Mrs. G. A. Crinkiaw, Miss Velle Crinkiaw became the bride of Mr. Frank Bell of Tekamah at 5 o'clock this (ternoon, Rev. Mr. Taylor of Takamah