

GRAIN CASE IS SUBMITTED

Attorneys for Both State and Defendants Submit Their Arguments.

JUNE FOURTEEN NAMED AS FLAG DAY

State Superintendent is to Have Stenographic Report of Model Rural School Taken and Later Published in Pamphlet 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.

The attorney general in defending his position that the giving by the railroads of 1/4 cent 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.

Ed P. Smith, representing the Updike Grain company, said the giving of the 1/4 cent elevation charge was purely a matter of interstate commerce, and the courts of Nebraska had no jurisdiction to pass upon it.

F. M. Hall of Lincoln contended that 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 terminal that elevation charge it would mean freight rates would be that much higher.

J. W. Courtwright 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 Courtwright:

Come next the defendants, Duff Grain Company, Nicholas A. Duff, Nye-Schneider Fowler Company, Ray Nye, B. B. Schneider, Frank K. Schneider, J. B. Schneider, Grain Company, Christopher C. Crowell, Jr., Evans Grain Company, John T. Evans, defendants being, and each separately, and severally, and for themselves alone, except to findings and report of the referee filed hereto, and to his conclusions of law, in the following particulars:

1. The referee erred in giving undue weight, or any weight at all, to questions and answers Nos. 74 and 76. 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: 'I know it commenced a few years ago, and I have never heard of it being changed.' Question: How recently have you knowledge of the corporations pursuing that general policy? Answer: 'Well, right up within a month or two, August 17, 1905. This witness was thoroughly familiar with the business, and had been a member of the association for years.' The referee credits the statement of the witness while in fact it was the testimony of Peavey, who was never a member of the association, and who was not in the employ of a member for five years, was not familiar with the business, and on cross-examination at questions 152, 154, 155 and 156, he is shown to be giving hearsay evidence only, from an undisclosed source, where he says: 'I can't say I had personal knowledge of any transactions.' Besides, the two months limit prescribed in the order prior to the Junkin bill.

was also hearsay evidence from an incompetent source.

4. The referee erred in giving any weight to the testimony of the stenographer, for it is shown by Nos. 127 to 131 to be absolutely worthless.

No Presumption of Guilt. The referee erred in holding that evidence is created against the defendants by reason of their failure to testify in disproof of the charges made against them.

Flag Day Proclamation. Governor Mickey this morning issued the following flag day proclamation: By virtue of the authority in me vested I do hereby designate and proclaim Thursday, June 14, 1906, as flag day, and request that the people of our state observe the day during that period in some manner beyond comprehension.

Wesleyan Graduates 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.

Searle Back from Kansas. Auditor Searle returned this afternoon from Minneapolis, Kan., where he has been in company with Mrs. Searle, to attend the funeral of the latter's brother, William Sims, who died Saturday.

OK for Stockmen's Convention. Auditor Searle left tonight for Alliance to attend the eleventh annual meeting of the Stock Growers' association.

Stenographic School Report. Miss Jennie B. Adams went 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.

Prisoner Digs Out of Jail. 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 wall. He then lifted out the rocks and crawled out and dropped about fifteen feet to the ground and liberty.

GREEKS ARRESTED FOR MURDER. Old Grudge and Fresh Quarrel Produce 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 Smead, 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 with a club and a knife.

same was void. The matter will be heard 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 fair and August 10 at the home of Miss Housh, 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 Beach Driving association will hold its first matinee race of the season at the Driving park next Thursday. There will be a good field of horses and some splendid racing is promised.

CRAIG.—At the home of the bride's parents, Mr. and Mrs. G. A. Crinklaw, Miss Nellie Crinklaw became the bride of Mr. Frank Bell of Tekamah at 8 o'clock this afternoon. Rev. Mr. Taylor of Tekamah officiating.

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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.

BEATRICE.—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 services. They gave a reception for him at the home of Mr. and Mrs. O. T. Roem.

HUMBOLDT.—This section was visited by a thunder storm last night, accompanied by a small quantity of rain, which will revive pastures somewhat. The crops are in need of a good old-fashioned soaking, however, and the farmers are anxious for it. It rained much harder to the north and west, and the Nemaha river is rising considerably.

ALBION.—The city council passed an ordinance last Saturday evening restraining the city officers from performing any acts under the ordinance on the ground that the same was void.

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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 water—to 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.

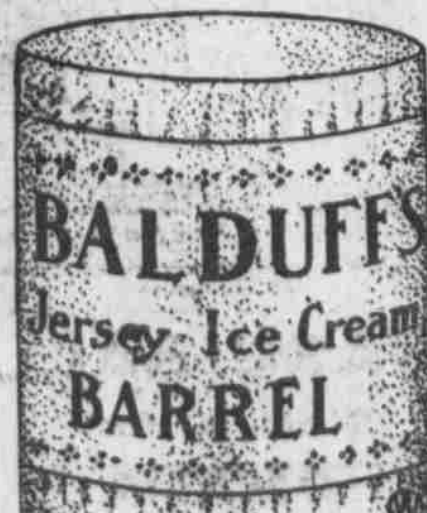
Ask for the Brewery Bottling. Common beer is sometimes substituted for Schlitz. To avoid being imposed upon, see that the cork or crown is branded



The Beer That Made Milwaukee Famous.

When you order beer for your home get the utmost healthfulness—get Schlitz.

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



Take a Barrel Home For the Children

Pure ice cream is good for the children; they will enjoy it—it is refreshing, nourishing and healthful.

Put up in two sizes: Quart size, sufficient for six or eight persons... 40c

AMOLEK AN ARROW BRAND SUPERIOR QUALITY QUARTER SIZE

ALL READY FOR THE STOCKMEN Alliance Decorates and Brands All the Mavericks.

Danes Celebrate National Holiday. ST. PAUL, Neb., June 6.—(Special.)—The Danish national holiday—the fifty-seventh anniversary 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 being an ideal June day, an immense crowd of people assembled.

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News of Nebraska. COOK—George Winslow arrived from Seward yesterday and will take charge of the Missouri Pacific station at this place.

COOK—W. F. Wright left today for Omaha where he will work in the up-town ticket office of the Missouri Pacific railway.

NORFOLK—The State Board of Public Lands and Buildings arrived tonight to begin investigating the insane hospital here tomorrow.

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Advertisement for Refrigerators at Low Prices, featuring an image of a refrigerator and text: 'We have every size and style to show you—in zinc, white enamel, opal, glass and tiled lined boxes. Every one a cold, sanitary ice saver and every one priced at an extremely low price.'