

Nebraska

STATE BOARD HESITATING

In Doubt as to Best Method of Spreading Burlington Tax.

DIVISION OR UNIT IS PUZZLING

Fraternities Organizations with Buffets in Connection Secure Restraining Order Against Excessive Board.

(From a Staff Correspondent.)

LINCOLN, June 1.—(Special.)—N. R. Perlinger, at present chief clerk in the office of the State Banking Board, has applied for the position of secretary to the State Board of Equalization and Assessment. This is taken to mean that Mr. Perlinger expects Governor Mullenberger to let the axe fall when the new banking bill goes into effect July 1.

In the meantime the state board has other matters to disturb it. The board is not yet sure whether it will divide the Burlington into corporations for a division of its assessment or whether it will assess the system as a unit and make one mile just as valuable as any other mile. At this time the Burlington subdivisions are divided up and valued as follows:

Atchison & Nebraska, \$64,000 per mile;

runs from Rulo to Lincoln, 108.04 miles.

Burlington & Missouri River, \$65,000 a mile;

runs from Plattsmouth directly to Ashland through Lincoln, Hastings and Kearney, 191.61 miles.

Chicago, Nebraska & Kansas, \$25,000 a mile;

runs from Omaha to O'Neil, 52.38 miles.

Grand Island & Wyoming Central, \$41,500 a mile;

runs from Grand Island to the South Dakota line, 324.4 miles.

Kansas City & Omaha, \$25,000 a mile;

runs from St. Joseph through York, Fillmore and Saline counties to the Kansas City & Omaha Junction with the St. Joseph & Grand Island in Jefferson county, and from McCook to Alma, via Minden, 192.06 miles.

Lincoln & Black Hills, \$27,500 a mile;

runs from Central City to Lincoln and from Greeley Center to Burwell and from Palmer to Sargent, a total of 174.61 miles.

Lincoln & Northwestern, \$32,500 a mile;

runs from Lincoln through Milford and Seward to Columbus, 73.37 miles.

Nebraska Railway, \$40,000 a mile;

runs from Omaha City through Nebraska City and Lincoln to York, 132.74 miles.

Nebraska & Colorado, \$35,000 a mile;

runs from Omaha through Strang, Blue Hill, Holdrege and Curtis to the Colorado line, and from Kearney to Oxford Junction, and from Edgar to Superior, and from Fairmont to Chester, 430.71 miles.

Nebraska, Wyoming & Western, \$22,500 a mile;

runs from Alliance south through Sidney to the Colorado line, and west from Northport to the Wyoming line, 149.79 miles.

Omaha & North Platte, \$24,500 a mile;

runs from Omaha to Ashland, and from Ashland to Schuyler, 81.19 miles.

Omaha & Southwestern, \$45,338.37 a mile;

runs from Omaha to O'Neil, and from Port Crook to Bluffs, 311.79 miles.

Oxford & Kansas, \$25,000 a mile;

runs from Omaha through Beaver City and Danbury to Kansas line, 99.61 miles.

Republican Valley, \$60,000 a mile;

runs from Rock through Wymore and Oxford to the Colorado line; from Wymore to Beatrice through Tecumseh, and from Auburn to Nebraska City; to Salem; from York to Grand Island; and from Auburn through Hastings to Red Cloud and from Aurora to Central City, 562.18 miles.

Republican Valley & Wyoming, \$20,000 a mile;

runs from Culberson to Imperial, 49.17 miles.

Republican Valley, Kansas & Southwestern, \$20,000 a mile;

runs from Culberson to the Kansas line, 4.50 miles.

St. Louis & Western, \$22,000 a mile;

runs from Ashland through Fremont to South Sioux City, 102.91 miles.

Wilmar & Sioux Falls, \$22,000 a mile;

runs from Sioux City west to O'Neil, 123.19 miles.

The values given above are the actual values of the Burlington as fixed by the state board. The average actual value of all lines of the Burlington as fixed by the board before the division was \$40,875.

Clubs Get Restraining Order.

The Elks, the Eagles and the German Family society, all fraternal organizations having local club houses at which liquor is served to members, have temporarily restrained the excessive board of the city, the chief of police south the city detective from attempting to put into effect a recent ruling by the excise board that clubs may not lawfully serve liquors to their members. Although it was first proposed to have them all unite in a single action, the different clubs filed separate actions Tuesday morning in district court and Judge A. J. Conish granted temporary restraining orders in each case. Sheriff Hoagland's deputies, James Dawson and Clyde Zellars, served summons upon the city officials Tuesday afternoon.

The injunction granted on the petition of the Elks club restrains the defendant from entering the club house of the plaintiff, known as the Elks' building, located at Thirteenth and F streets, in the city of Lincoln, and be restrained from searching or invading said premises, or taking therefrom any property of any nature or description, and particularly any liquors, wines, beer or other intoxicants, until further order of this court.

Wesleyan Confers Diplomas.

About 100 college diplomas and teachers' certificates were conferred by the Wesleyan university at the commencement exercises Tuesday. The Wesleyan auditorium was well filled with relatives and friends of the graduates and others who wished to hear the address given by ex-Governor Hoch, of Kansas.

Suit on Land Notes.

Suit to collect eight promissory notes aggregating \$8,000, together with 7 per cent. interest, and title to a quarter section of valuable land adjoining Tecumseh, Neb., was filed in the federal court today by William H. Martin, of Chico, Cal., against Louie M. Hotchkiss, George E. Hotchkiss, of Minden, Neb., and John W. Mackie, of Tecumseh. The three

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defendants gave a mortgage to a quarter section of land adjoining the city limits of Tecumseh. The land was owned by the Tecumseh Milling Co.

The first note, falling due in August, 1907, was paid, but payment in 1908, it is alleged, was refused.

Gas Company Takes Time.

A request for thirty days more time has been made by the Lincoln Gas & Electric company, to perfect its appeal of the court's decision that it should supply Lincoln consumers with gas.

The request for an extension of time was filed today by E. C. Stride, attorney for the gas company. It is asked that the thirty days date from June 4, and excuse for making the request is based on the fact that the transcript covers more than 1,000 pages of closely typewritten copy.

Military Orders Disobeyed.

Adjutant General Hartigan's orders for company F of the Second regiment to participate in the Memorial day exercises in Lincoln were disobeyed by the company and the adjutant general is up against the proposition of figuring on what punishment to mete out to the soldiers. This company was ordered to report to the commander of the post Grand Army of the Republic, and obey orders not to conflict with the laws. The company failed to report and its duties were taken over by the hospital corps under command of Lieutenant Colonel Birkner. The adjutant general has taken no action in the matter thus far.

Kearney Normal Is Popular.

The Kearney Normal school has received 1,000 applications from students who desire to take the summer course at that institution. The school is able to accommodate some 400 students, but Superintendent Thomas is trying to make arrangements to board the boys and girls around town and secure the use of the high school building to help care for them in classes. Since it was built the school has matriculated 2,200 pupils; enrolled 4,000 and graduated 600 teachers.

Fees Grow in Amount.

Somewhere in Nebraska the sun is shining and somewhere in Nebraska it is not everywhere, money is plentiful. The little old bill paid to the secretary of state by the owners of automobiles who registered them under the law were numerous enough to pay the secretary of state his salary and pay off of the employees in the office their salaries. Following are fees collected: Articles of incorporation, \$2-30.15; notary commissions, \$6; automobiles registered, \$32.25; brands, \$7.50; certificates and transcripts, \$35.50; corporation licenses, \$75; labels and trade marks, \$2; all other sources, \$1, total, \$3,366.80.

Wetting Is Lucky Man.

Prosperity has struck L. E. Wetting and his wife. He begins work today for the attorney general as an expert witness prepared to go on the stand in all matters relating to railroad fares and rates and charges. He will receive for his knowledge and for what he is yet to learn about the business, the sum of \$250 each month, paid out of the funds of the legal department. Mr. Wetting will equip himself for his task by looking up information on file in the office of the State Railway commission, which will be gone over also by U. G. Powell, the rate clerk in that office. Though Mr. Powell is familiar with the work, it is supposed his full time will be occupied in the work of the railway commission, so he will not draw any money as an expert witness.

Governor Proclaims Flag Day.

Governor Shallenberger has issued the following flag day proclamation:

The flag of our country, the matchless emblem of freedom, justice, equality and peace, that have won the admiration of the civilized world. It is a symbol of achievement and greatness, the proud and glorious banner of a liberty-loving people and our country's pride.

On this, the approaching national holiday of Old Glory, the one hundred and thirty-second anniversary of the adoption of the stars and stripes as the emblem of the United States, it would be well to go back over the history of the republic, and from the lessons of the past learn an increased devotion to patriotism, the nation's honor and our national government.

In conformity to this sentiment, I, Ashland C. Shallenberger, governor of the state of Nebraska, do hereby proclaim and set apart Tuesday, the 14th day of June, A. D. 1909, as flag day, and respectfully request and urge the citizens of Nebraska to join in a proper observance of the day.

Let the flag be displayed from our public institutions, places of business, school houses and residences, and may all public gatherings on that day appropriately observe the occasion.

MILLS ON SHORT TIME

Lack of Wheat May Force Some Establishments to Close Down Entirely.

BOONE, Neb., June 1.—(Special.)—On account of wheat shortage the flour mills at Boone, Neb., and Genoa are running only a part of the time. The owners are afraid it will become necessary to close down entirely before another crop is harvested.

Many farmers who plowed up their oats previous to the rain are now sorry for it, because fields that were apparently destroyed by the dry weather are now flourishing.

Serves Term on Prison Steps.

ALMA, Neb., June 1.—(Special.)—Mayor Alma recently arrested a plain drunk and taking him to the little coop known as the Harlan county jail, gave him his choice of staying on the outside or inside of the building. The prisoner served his time sitting on the doorstep of the jail till released by the mayor. The jail building question will probably be voted on at the fall election.

Washington Man to Wyoming.

WASHINGTON, Neb., June 1.—(Special.)—Otto Feltz, a well known character in this vicinity, was taken in charge by Sheriff Mencke this morning at the home of L. C. Brown. He is wanted at Buffalo, Wyo. The sheriff from that place is on the way to take him back to Wyoming. The message on which he was arrested did not say what charge had been made against him.

Bigger, Better, Bigger—That's what advertising in The Bee does for you.

Men Past Fifty in Danger.

Men past middle life have found comfort and relief in Foley's Kidney Remedy, especially for enlarged prostate gland, which is very common among elderly men. L. E. Morris, Dexter, Ky., writes: "Up to a year ago my father suffered from kidney and bladder trouble and several physicians pronounced it enlargement of the prostate gland and advised an operation. On account of his age we were afraid he could not stand it and I recommended Foley's Kidney Remedy, and the first bottle relieved him, and after taking the second bottle he was no longer troubled with this complaint." Sold by all druggists.

Ziebell Against His Own Father

Young Man Tells Before Judge Sutton of Shooting of August Ziebell.

Conrad Ziebell, brother of August Ziebell, Jr., and son of the man charged with murder in district court, went on the stand yesterday afternoon before Judge Sutton to give testimony against his father.

Ziebell kept his eyes covered with his hands during the entire time the young man was on the stand.

In answer to questions, Conrad Ziebell declared that he had come home from work the afternoon of February 4, and going into the house had heard his father's voice from the direction of the barn. Hearing a shot, he rushed to the window, looked out and saw his brother running through a side gate toward a neighbor's.

The father then came into the house and the younger man, noticing a revolver in his left side pocket, seized the weapon and later hid it.

Ziebell then said to his son: "Well, I've done it. I had to be done."

After this fact put on his coat and hat, and announcing that he intended to give himself up, left the house. The younger man made his way to a neighbor's, and found his brother lying there. He had a conversation with him, but the witness was not allowed to tell yesterday what was said. The evidence on this point is in contest and the court will rule on an objection this morning.

Dr. Rich, who attended August Ziebell, Jr., in the hospital, was the first witness, and he was followed by the brother of the dead man.

The jury was sequestered about 3 p. m. the process taking an unusually short time. Its personnel is as follows: William Wallace, Charles A. Shobota, G. W. Gerlock, John Harris, F. M. Hamilton, A. Kessler, E. O. Ware, Frank Datzal, A. J. Howell, J. A. Grace, C. M. Zapp and Harry Kingsbury.

Kingsbury was a member of the Massachusetts jury. F. M. Ellingwood, also on that jury, was passed for cause in the present case, but the defense used a peremptory challenge on him.

Army Notes

Major D. E. McCarthy, chief quartermaster of the department of the Missouri, returned from an inspection tour of the northwestern posts of the department. He has been absent about two weeks.

Brigadier General Charles Morton will leave early next week for West Point, N. Y., to attend the fortieth anniversary of the graduation of his class. He will be absent about one week. On Saturday morning General Morton will be the guest of honor of the Missouri Commandery of the Loyal Legion at its annual banquet in Kansas City.

Major W. P. Burnham, formerly of the Twentieth infantry, has been designated as chief of staff of the department of the Missouri, to succeed Lieutenant Colonel W. P. Evans, who is under orders for the Philippines. The change will not take place until about the middle of July. Colonel Evans will sail for the Philippines about August 5.

Captain R. E. McNally of the Eighth cavalry was a visitor at army headquarters Tuesday morning.

WHAT WILL BECOME OF DOMINGUEZ SILVER TROPHY?

Question Arises Since Court Show Officers Eliminated Student Judging Contest.

What will become of the solid silver trophy given by Senator Ziebell to the students' judging team winning the highest number of points at the National Corn Exposition?

This is the question worrying the management of the exposition, since the decision of the vice presidents and executive committee to eliminate the students' judging contests for which the trophy was offered and last year won by Iowa.

Senator Dominguez wanted to offer the handsome trophy for a grain contest that it might be passed around among many growers during many years. But J. Wilkes Jones thought not and induced the Mexican philanthropist to offer the \$1,000 trophy to the students' judging team.

This was a walkaway for Iowa, where Jones came from last year. The Iowa students took the solid silver bust of President Diaz back to Ames, and there it remains. As it was offered for students' judging teams, and there will be no further contests, the question arises whether Ames will insist on holding the trophy permanently or offering it as a prize for some other competition.

None of the other agricultural colleges pretends to give the training in judging which the Iowa State college gives. Whether Manager Jones knew this or not when he decided to give the handsome Dominguez trophy to a students' judging team is a matter of conjecture.

The solution of the problem probably will be that the students' team which won after consulting Ziebell Dominguez, will offer the trophy for some purpose and thus enable the big prize to be passed around.

SIXTY-SIX GROUNDS URGED FOR NEW TRIAL OF GREEK

One Allegation of Lawyers Is That the Penalty of Hanging Is Excessive.

Sixty-six grounds are alleged in support of a motion for a new trial for John Masaredis filed by his attorneys in district court. The motion probably will not be argued for some time. In a matter of the kind attorneys for the defendant are allowed all the time they need and the coming Saturday, the first "motion day," will very likely be occupied by the closing of the August Ziebell murder trial.

The motion in behalf of the Greek asserts that the court erred in admitting twelve exhibits of the state; that it erred in giving twenty-one instructions; that it erred in refusing twelve instructions asked by defendant.

The motion also declares that there is newly discovered evidence; that the penalty is excessive; and that witnesses were intimidated by the state and by the police. The evidence of Lilly Breece is given several paragraphs.

Militia Helps at McCook.

McCook, Neb., June 1.—(Special.)—The first separate company of the Nebraska National Guard of this city formed the escort of the decorating committee of J. K. Barnes post of this city in the Memorial day exercises yesterday. The graves of thirty-five comrades were decorated in the several cemeteries of this city.

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Stevens Back to Hill Road

Announcement that Noted Engineer Will Leave New Haven Road is Officially Made.

NEW HAVEN, Conn., June 1.—It was announced officially at the offices of the New York, New Haven & Hartford Railroad company today that John F. Stevens, vice president in charge of operation, "has resigned to accept service elsewhere."

At the New Haven railroad offices nothing is known as to the position Mr. Stevens will assume in the west, but it is generally believed it will be on the James J. Hill properties.

Mr. Stevens, after giving up his position on the Panama canal, came to the New Haven road in April, 1907, and was appointed vice president in charge of transportation and immediately began his main work of making a valuation of all the company's property, a task lasting about a year. Though the situation has never been printed, it is understood it showed an appraisal of about \$300,000,000, as compared with assets of somewhat more than \$268,000,000 as scheduled in the last annual balance sheet of the company.

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