

## Two-Cent Fare Is Illegal

Missouri's 2-cent passenger fare and the maximum freight rate laws were nullified by a decision handed down at Kansas City, last Monday, in the Federal court by Judge Smith McPherson of Red Oak, Iowa. Judge McPherson held that the 2-cent passenger fare was confiscatory. He found that "The passenger earnings under the 2-cent fare law of 1907, allowing nothing for extra cost over interstate business, give no return whatever to the Rock Island, St. Louis and Hannibal, Kansas City, Clinton and Springfield and the Great Western. The other companies will have the following:

St. Louis and San Francisco between 3 and 4 per cent.

Sante Fe between 4 and 5 per cent.

Kansas City Southern a small fraction over 2 per cent.

Missouri, Kansas and Texas between 2 and 3 per cent.

Burlington between 3 and 4 per cent.

This is confiscation under the constitution.

It being a legislative act, and not a judicial one, this court can not fix rates. If it could, 2-cent passenger rates would be fixed for the stronger roads and 3 for the others." He said that the railroads were entitled to a profit of 6 per cent, and that as such was not the case, therefore the law was invalid.

Frank Hagerman, attorney for the eighteen companies involved, asserts that today's decision sounds the death knell of the 2-cent rate in every state in the Union.

This statement is not true, but it will probably incite litigation in all the states now having the 2-cent rates.

Elliot W. Major, attorney general said: "We won't give up the fight for lower railroad rates in Missouri. I take up the case to-day where Gov. Hadley left it off, and shall continue the stand he has taken in the matter. We have two forums in which to fight. The one the highest tribunal in the republic; the other the legislative branch of the Missouri Government. The Legislature is now in session, and I will endeavor to have some action taken if possible during the present session. We are allowed two years in which to appeal the case to the United States Supreme Court, but we shall not take our time."

Governor Hadley who defended the suit when it was first commenced, in commenting on Judge McPherson's decision said: While the decision is simply the opinion of one judge, it must be accepted as the law until the questions involved are submitted to the Supreme Court of the United States.

That I think the decision was wrong goes without saying. The claim that the rates fixed by the freight and passenger rate laws were unreasonably low, and therefore confiscatory, was based upon expert testimony as to how the common expenses should be divided between state and interstate traffic. The theory of the railroad experts is that the expenses common to the state and interstate traffic should be divided in proportion to the revenue produced by the two classes of traffic with an added increase of cost for the doing of state business.

This theory seems to me manifestly wrong and absurd, as its necessary and

logical result is that the higher the rates, and the greater the revenue produced by the state traffic, the larger would be the amount of expenses assigned to that traffic. A number of the witnesses for the railroads testified that the rates for the state traffic could be made remunerative only by making them so high that they would be prohibitive. It would, therefore, be just as easy for the railroads to prove by this theory that the 3-cent law was unreasonable as to prove that the 2-cent law was too low.

The state contended that the expenses of doing state business should be determined on the basis of cost of service rendered to the two classes of traffic.

The question as to how those expenses should be divided was the one controlling question involved in the litigation. So it is apparent that these laws which were regularly enacted are declared inoperative on a theory supported alone by the testimony of expert witnesses.

So long as this method obtains the right of the states to regulate the charges of public service corporations doing business therein amounts to but little or nothing.

While this litigation is now in charge of the attorney general and Mr. Lehmann and Mr. Ladd, the special counsel employed by the state, and I am no longer connected with the litigation, either as a party or an attorney, I feel that the cases should be appealed at once to the Supreme court of the United States, and that every possible effort should be made to secure a prompt decision from that tribunal.

In the meantime I can not believe that the railroads will undertake to raise their charges in the passenger service, and certainly not while they are carrying passengers at 2 cents a mile in the contiguous and comparatively sparsely settled states of Oklahoma, Kansas, Iowa and Nebraska.

### TWO-CENT FARE REMAINS IN NEBRASKA.

Railroad will not attempt to defeat the operation of the 2-cent passenger fare in Nebraska, at least not until the "law has had a fair test."

This is the epitome of several statements by railroad officials and attorneys who decline to be directly quoted as saying this. They admit, though, that the contest now pending in Nebraska will be allowed to drag itself out in a perfunctory fashion, and that not even the McPherson decision, knocking out the 2-cent law in Missouri, will stimulate action against the law in Nebraska.

Judge W. D. McHugh represents the railroads of Nebraska in their case in the supreme court against the act which the legislature made two years ago in passenger and freight rates. The case is running its course in the supreme court, four cases having been united into one and Judge McHugh was retained to look after all. The case are those of the Missouri Pacific, the Union Pacific, the Burlington and the Rock Island against the state of Nebraska et al. In their petitions the railroads declare the rates confiscatory and ask that the enforcement be enjoined.

No action has been taken by the railroads since the decision of Judge McPherson in the Missouri rate case, the latest move having been taken by the state Tuesday, when it filed its answer to the cross bill of the railroads. "We are getting ready to take proof in the case," said H. H. Loomis, gen-

eral solicitor of the Union Pacific. "The case will go right along in its regular course in the courts. On the decision of the Nebraska case will also depend the status of railroad rates in Kansas. There was some talk of calling an extra session of the legislature a year ago to enact a 2-cent passenger law there, but the railroads made an agreement to out the 2-cent law in effect and to leave it in pending the decision of the Nebraska case. An attempt was made to enact a 2-cent law at the present Kansas legislature, but it was turned down and the legislature again decided to await the action of Nebraska."

Mr. Loomis says he doubts if the decision in the McPherson case will change the situation in Nebraska to any extent.

J. E. Kelby, general solicitor of the Burlington, says the railroads have not been making any strenuous resistance to the 2-cent law in Nebraska, but really have agreed to give the law a fair trial without hindrance, in the meanwhile preserving their rights in court.—Omaha Bee.

## Plattsmouth School Notes

Report of the Plattsmouth City schools for the month ending March 5, 1909.

Teacher	Mem'ship	Att'n	Trd.	P. C.
Brooks	160	154.2	22	.864
Sole	34.9	32.5	1	.936
Joehry	40.7	37.5	7	.921
Martens	45.0	39.1	8	.86
Yelinek	41.3	37.4	0	.905
Freese	39.0	35.9	4	.91
Haines	40.2	37.3	4	.923
Farisich	35.4	32.6	0	.925
Morgan	37.7	37.1	0	.958
Johnson	36.0	33.0	2	.925
Reisel	33.0	29.3	0	.888
Mason	28.3	25.3	0	.897
Hansen	32.3	28.0	2	.867
Lanka	40.0	33.9	2	.840
Hawksworth	39.6	36.5	0	.921
David	46.2	42.5	3	.913
Whalen	40.0	43.9	3	.89
Wilson	41.5	34.9	7	.84
Smith	48.8	42.5	1	.867
Stenner	39.7	31.9	0	.806
Barwick	28.3	23.7	4	.833
Hiber	20.0	18.5	3	.92
Total	957.9	867.5	76	.905

At a special meeting of the Board of Education held Monday evening the entire faculty of the High school was re-elected. This action on the part of the board was merited by the teachers who have worked hard for the success of the school and the welfare of the students during the year.

The outcome of the Weeping Water-

Plattsmouth debate was a source of much gratification to the High school students. It caused the students to forget the sting of the defeat recently suffered at the hands of the Auburn squad. The next debate will be held at this place and will be with the Blair High school.

We are planning to have Prof. Barbour with us in the near future to give an illustrated lecture under the auspices of the Latin department. Definite announcement will be made later.

Plattsmouth will be represented on the program of the East Central Nebraska Association that meets at Omaha April 1, 2 and 3 by Misses Amelia Hartens and Josie Yelinek and the superintendent. This meeting is almost as important a meeting as that of the State Association for the average teacher.

In his address the other evening Rabbi Cohn took the view that parents as a rule shift a great deal of the responsibility that belongs to them upon the school. He said that if parents had more authority over their children and inculcated into them more respect for their elders and more of a conception of their duty that the schools would be able to devote more time to instruction. Perhaps he was right.

At the regular monthly teachers meeting a study of Shermans Essentials of Literature has been taken up. It was decided at the last meeting to complete the text proper this year and take up the additional exercises given for study as a part of the professional work for next year.

Some very creditable exhibits have been prepared by the students in connection with their work in industrial geography the past few weeks.

## Lessons to be Given Free

Winner of Automobile will be Taught to Operate it.

S. R. McKelvie, publisher of the The Nebraska Farmer, informs the NEWS-HERALD that he will deliver the Buick automobile to the contestant who wins it. He will send the automobile in charge of an experienced hand who can give the one receiving it a few lessons in running the machine. The Buick is a standard car, and this fine five passenger Model F, which is to be given

away in this contest is as good a machine as the Buick Company manufactures. It is certainly a prize worth working for. We hope that every reader and friend of the NEWS-HERALD will do everything in his power to see that the automobile is won in this county. Inasmuch as there are eleven other papers besides this in this contest there should be a keen rivalry created whereby every resident in this county should strive to see that the car is won by one of our local contestants. And you should not lose sight of the fact that in this contest The Nebraska Farmer and this paper can both be had at the very low price \$2.00. A subscription to The Nebraska Farmer in connection with the NEWS-HERALD counts 800 votes more than a subscription to this paper alone, so every one should subscribe for both papers thereby casting that many more votes for your favorite contestant at the very small added cost of fifty cents.

## Unique Gift For Roosevelt

President Roosevelt has just been made the recipient of a handsome album, by an admirer, who instructed the Con-

solidated Press Clipping Company, of Chicago, over a year ago, to gather all newspaper editorial comments on the tour around the world of the U. S. Battleship Fleet.

The album contains over two thousand, one hundred clippings divided into two volumes, 12x14 inches each, handsomely bound in black morocco, with the following inscription in gold letters:

"World Cruise of the U. S. Battleship Fleet."

Dec. 16th, '07—Feb. 22nd, '09. Besides the editorial comments from the newspapers from every state in the Union, the cablegrams appearing in the Chicago Tribune, and the New York Tribune, recording the progress of the warships, from port to port are chronologically arranged, as well as the domestic life and doings of the battleships from the pen of the Fleet Correspondent, whose articles appeared regularly in the great Metropolitan papers.

Throughout, illustrations of the various ships are interspersed. No doubt the President will value the present, not so much from an artistic view, but as a faithful expression of the people of the entire country, on the most remarkable achievement of modern times, and one of the crowning efforts of his administration.

A number of items selected for this album were taken from the NEWS-HERALD.

## Clip Your Horses for Best Results



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**JOHN BAUER**  
PLATTSMOUTH, NEBRASKA.

## For Hot Fires Get Egenberger's Coal!

Sure satisfaction every time you light a fire if on top of the kindling is ebony fuel from our yards. It's heat and light giving and slate-free when it leaves the mines, screened and cleaned again here and served to you full weight and with celerity of delivery. Order any way that suits you. Both telephones.

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## Furniture That Pleases

Old Winter with his reign of ice and snow will soon be gone. Those chilly blasts will be a thing of the past. Spring with its new demands will soon be here, and you will need some new furniture. Our line is replete with up-to-date, designs and patterns, which are sure to please, and at prices, which are sure to appeal to the prudent buyer. See our display, we are glad to show the goods and quote you prices.

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