IOWA VISITORS TO HAWAII

Major and Mrs. Higley Make Observations Reopecting the Pacific Ocean Republic.

PRESENT GOVERNMENT ONLY TEMPORARY

Desire to Come Under the Banner of the United States General—What Japan May Do—Some Points Regarding the Natives.

Major Mortimer A. Higley and wife of Cedar Rapids, Ia., are in the city visiting at the home of F. A. Nichols on Spencer street. They are just returning from a trip to the Hawaiian islands, for the past four months having spent a delightful trip through the paradise of the Pacific ocean. "God might have made a more beautiful country," as Bishop Berkley says, "but he did not," remarked the returning pilgrims to the famed islands of the mid-Pacific.

The government of Hawaii, Major Higley says, is copied after that of the United States. "They have a thoroughly organized republic in every particular. But the more intelligent classes realize that it is provisional necessarily. The sentiment in favor of annexation is strong. The most kindly feelings are cherished toward the United States among the natives, as well as the rest of the population. I predict that if the United States does not annex the islands Japan will. You know what the effect of the late war was on Japan. It made her jubilant and self-confident. She has 40,000 allies in the island in the persons of Japanese who have settled there. Besides, the Japanese are restless under the Hawaiian govrnment, because the government does not allow the orientals to participate in affairs. The balance of the population, however, are allowed to vote. They are only placed under a property and educational qualification. Yes, I think that if the United States does not take control of the islands during the course of the next administration Japan will. But I think that the Hawaiians realize the complexity of the problem and are in favor of coming in as a territory, and not as a state. President Dole of the republic told me that he is in favor of annexation, and many of the most prominent royalists are also, including Cummings, the leader of the rebellion, who is now under $30,000 bonds, and the English guardian of Princess Kaulani, who has been a pronounced royalist, has lately expressed himself to the effect that annexation is the only salvation for the islands. In the United States we have many Hawaiian exiles. They are unanimously in favor of annexation, as it would result in the restoration of their rights."

PRESIDENT DOLE.

President Dole is described by Major Higley as a quiet, unassuming gentleman of New England extraction, though born in the islands. In personal appearance he compares him to S. H. H. Clark of the Union Pacific. During the rebellion his bravery was severely tested. When the government house was being attacked President Dole boldly faced the crowd of insurgents. He is a man of broad views who realizes the impossibility of the Hawaiian islands sustaining their independent position and consequently he favors annexation.

Major Higley speaks in high terms of the popularity of Minister Willis, and states that he believes that he is winning the government friends. The Thurston affair he summed up by briefly stating that it was evident that Thurston and Gresham differed.

Regarding the people of the islands, it may be said of them that they are a docile and exceedingly good natured, happy-go-easy race of brown-eyed, black-haired people, for the most part well developed physically. A fat matron is their ideal of beauty. The native has, like the North American Indian, been willing to sell his rights to the whites, and they have consequently obtained control of most of the land. The wants of the natives are simple, and they are contented if they can get their fish and poy. On these two articles they can live contentedly. The poy is a fermented product made from the taro root, pasty in appearance, and holds the place in the islands that the potato does in Ireland.

LIKELY TO EXCEL IN COFFEE.

Major Higley speaks of a new industry springing up in the islands, which promises to eclipse the sugar industry. They raise a coffee berry called kona, which is today quoted 2 cents higher in the London market than the Java or Mocha grades.

The soil of the islands is of a reddish color, and in the lower regions needs irrigation. This has been followed up extensively. The land is a land of flowers, the lantania growing into a perfect weed to vex the agriculturist.

Of the two important harbors, Honolulu and Pearl harbor, Major Higley says that the latter, twelve miles from Honolulu, is the one in which the United States has a roadstead. In these two harbors all the vessels of the world could float. The importance to the United States of the Pearl harbor as a coaling station cannot be overestimated, especially should the Nicaraguan canal be built, as it then would lie in a course line to Japan. The island is very anxious to have a cable constructed, and a San Francisco company, under General W. H. Dimond, is organized and pushing the work.

Honolulu is described by the travelers as a place of about 25,000 population. The buildings are low. The school facilities are excellent, a Mrs. Bishop of royal lineage having several years ago left $480,000 for the higher education of the native women.

WANTS TO RETURN TO HAWAII.

Claims to Have Known Nothing About the Late Revolution.

SAN FRANCISCO, June 2.—H. M. Rooney, who was exiled from Hawaii after the recent uprising, has made public his complaints to the United States. He says he is an American citizen of New York, but has resided in Hawaii since 1879, where he was successively chief overseer of Spreckels' sugar plantation and business manager of the Daily Holomua, the royalist paper. He states he was arrested by the Citizens' guard after the rebellion, and that he was absolutely ignorant of the plans and purposes of the revolutionists. He claims he was kept in an unhealthy prison for thirty-two days and given just enough food to live on, finally being forced to consent to deportation in order to gain his liberty. His property in Honolulu has suffered by his absence. He desires to return to the islands and considers himself damaged to the extent of $70,000.

World's Columbian Exposition.

Was of value to the world by illustrating the improvement in the mechanical arts and eminent physicians will tell you that the progress in medicinal agents has been of equal importance, and as a strengthening laxative that Syrup of Figs is far in advance of all others.

At Courtland Yesterday.

Considering the inclement weather there was a goodly number at the beach yesterday.

Johnstone, the mind reader, again performed his wonderful feat of running the motor train and locating the needle, which was hidden in the lake, besides giving tests later in the evening in the pavilion. From here Johnstone goes to St. Louis.

La Burns, the tight rope performer, and Prof. E. Rush, the aeronaut, who will make balloon ascensions and parachute jumps, are the next attractions.

The First Infantry Nebraska National Guards' band will be in attendance until further notice.

Denver Sleeper.

The Union Pacific Denver Fast Mail train carries a Pullman sleeper with buffet service, leaving Council Bluffs daily at 6 p. m., Omaha at 6:15 p. m., and arriving at Denver 8 a. m. next morning.

Reservations secured at Union Pacific city ticket office. HARRY P. DEUEL, City Ticket Agent. 1302 Farnam Street.

Summer Tourist Tickets Via the Wabash

Are now on sale; for folders giving routes, rates, etc., call at Wabash office, 1415 Farnam street.

AFFAIRS AT SOUTH OMAHA.

Rev. Dr. Wheeler on America's Greatest Danger Which He Calls Infidelity.

Yesterday forenoon at 11 o'clock Rev. Dr. Wheeler, pastor of the First Presbyterian church, preached a sermon on "Infidelity." In brief, Dr. Wheeler said:

A people in transitition from the bondage of Egypt to seats of power in the new government of Israel, from whose commonwealth in future years should be given to men the wisest philosphy, the ablest jurisprudence, an unequaled military, art, science, painting, music and schools—that such a people should worship a golden calf is pitiable, and then sit down to eat and rise up to play, forgetful of all usual convictions, while the pillar of cloud trembled above them, a sign of God's faithfulness in leadership and protection.

Only one sin is potent enough to produce such a result, and that is the sin of willful unbelief. Our history is not less marvelous in its genesis, in present possession or in the expectation of future greatness, than that of the Hebrew nation. From the days of the Pilgrim fathers to the days of Grover Cleveland our has been a forward march, which neither foreign foe nor civil war could check, and drunken with the pride of our glory we are threatened with danger from the fruits of our disobedience toward God and contempt of his commandments. America's danger is from her refined and aristocratic infidelity, which admits there is a God, but he is a foolish one, and we are wiser than to keep a holy Sabbath, and we make it a day of pleasure and dissipation. God's law of temperance and chastity in our superior wisdom we annul and by our system of license and fines fill our treasury boxes and bow down to the calf of gold, while our populous centers tremble under the weight of municipal corruption, fraud and extortion. It is time to return to the convictions of our God-loving fathers, for a nation that will make a race track or base ball ground on the burial ground of her heroes and take the hours set apart for decorating their graves to spend in animal pleasures and sensual sports is swiftly forgetting the God that brought them out of their political Egypt.

Magic City Gossip.

This is the last week of school.

The big reservoir at Cudahy's is nearly completed.

Colonel Frank Ireland of Nebraska City was in town yesterday.

Superintendent Paxton of the Union Stock Yards company is in Chicago.

Rev. J. F. Ross, pastor of the United Presbyterian church, has returned from a two weeks' visit in the east.

Paddy Murray, the prize fighter, has pulled up stakes and has gone to Sioux City. He was accompanied by his brother Jim.

The city council meets tonight in regular monthly session. The regular monthly meeting of the Board of Education will be held this evening.

Rev. C. N. Dawson, pastor of the Methodist church, gave a talk to young men at Masonic hall yesterday afternoon. His topic was: "Signs of the Times." There was a good attendance.

A civil service examination was held at the High school building Saturday. Six men took the examination for letter carriers and one for a clerkship. The examining board consisted of John D. La Course and Miss Harding.

A special meeting of all South Omaha lodges of the Ancient Order of United Workmen has been called for 1 p. m. today, at Workmen hall, to attend the funeral of Jacob Klein, who died in Denver. The remains will be interred at Laurel hill. Deceased was a member of McCook lodge.

A meeting of the South Omaha Press club was held yesterday forenoon. There was a good attendance. Several applications for honorary membership were read, but no action was taken, as the list is now filled. A new Moquette carpet was ordered for the front parlor. The regular monthly meeting of the club will be held next Tuesday, at which time several proposed changes in the constitution and by-laws will be acted upon.

Chief of Police Brennan has made the following assignments for the present month: Day force—First and Second wards, D. Mulcahy; jailer, John Dieters. Third ward, Martin Spoetle; Brown park and Albright, M. Corcoran. Night force—P. McDenna, acting captain; Jone Riches, Q to J streets, on Twenty-third and Twenty-fifth streets; Joseph Humpal, jailer; James Sheehan, Twenty-seventh to Thirty-third, from Q to Hoffman streets.

VOLKSFEST AT RUSER PARK

All German Societies in the City to Participate in the Diversions of the Day.

Ruser's park was opened yesterday with a volksfest of the Plattdeutsche verein. All of the German societies in the city had been invited to participate in the enjoyments of the day, and almost every one responded. They formed in procession at 1 o'clock in the afternoon and filed through the streets, taking a special train at the Webster street depot for the park. The return was at midnight. The showers of yesterday did not interfere materially with the plans for the occasion, and the general program announced was carried out.

Next Sunday the Omaha Liederkranz Singing society will give a picnic at Frahm's park.

The Saxonia, a German society, composed of members coming from the Kingdom of Saxony, is arranging for a picnic which shall take place the latter part of June.

The entertainment recently given by the ladies' section of the Omaha Saengerbund at the hall of the society was much enjoyed. A very interesting program had been prepared, which was rendered in an excellent manner. The songs given by the ladies' section and the choir, under the leadership of Prof. Charles Petersen, were well received, and were encored. The humorous farce, "Der Schwarze Peter," gave Miss Mertens and Messrs. Charles Herbertz and Fritz Dillie opportunity to show themselves as well talented actors. Miss Lieberknecht and Messrs. Charles Petersen and Peter Laut sang a terzett, and were heartily applauded. Dancing was in order after the close of the concert.

Summer Tours.

The tourist rates offered by the Burlington route for the summer of 1895, are as attractive, in their way, as the resorts to which they apply.

Practically, every resort in the country is embraced in the Burlington's tourist ticketing arrangements.

The rates to the Yellowstone National park, Hot Springs, S. D., Estes Park, Colo., the fishing and shooting grounds of northern Wyoming are particularly low.

City ticket office, 1324 Farnam street.

Half Rates to Hot Springs, S. D.

Via the Burlington route, June 7 and 10.

The Burlington's "Black Hills, Montana and Puget Sound Express," which leaves Omaha at 4:35 p. m. daily, is the fastest as well as the best train to Hot Springs.

City ticket office, 1324 Farnam.

A Few Advantages.

Offered by the Chicago, Milwaukee & St. Paul railway, the short line to Chicago. A clean train, made up and started from Omaha. Baggage checked from residence to destination. Elegant train service and courteous employes. Entire train lighted by electricity and heated by steam, with electric light in every berth. Finest dining car service in the west, with meals served "a la carte." The Flyer leaves at 6 p. m. daily from Union Depot.

City Ticket Office, 1504 Farnam street. C. S. Carrier, city ticket agent.

Impossible to Live in This Country

Without hearing about the Northwestern line's evening "Chicago Limited," for people WILL talk about its conveniences, tastefulness and comprehensive up-to-dateness. Omaha, 5:45 p. m.; Chicago, 8:15 a. m. Vestibuled sleeping cars, chair cars, a la carte diners, Pintsch gas, EVERYTHING. No extra cost.

Other Northwestern trains at 11:05 a. m. and 4 p. m. daily. Want your trunk checked at home?

City ticket office, 1401 Farnam street.

SPECIAL EXCURSION

To Hot Springs, South Dakota.

June 7, via Northwestern line. Ticket office 1401 Farnam street; depot, 15th and Webster street.

WAS A YEAR OF GOOD WORK

Anniversary of the Young Men's Christian Association Celebrated Yesterday.

INCREASED ACTIVITY IN ALL LINES SHOWN

Addresses by Rev. S. K. Jessup of New York and Major Halford—Leading Facts as to the Endeavor in the Departments.

The Sunday afternoon meeting at the Young Men's Christian association rooms yesterday celebrated the anniversary of the association and aroused somewhat more than the usual interest on that account. The board of directors occupied seats on the rostrum with the speakers, and the large auditorium was filled, in spite of the rain which preceded the opening hour.

Secretary Ober presided and introduced Rev. S. K. Jessup of New York, who spoke briefly on "Character." He took the ground that his hearers, like himself, were all day laborers in this world. They were all building character. Upon how they built and the materials that they used depended whether the completed structure amounted to anything. Character was a bundle of graces. If they wished to leave an influence in the community in which they lived and a name that should be honored and respected they should so build their character that when trials came they should be able to bear them.

The most important essential in this work of character building was the material of which the foundation was constructed. Of these the most important were honesty, personal purity, temperance and Christian manliness. A man might have any one of these virtues and not be a Christian, but he could not be a Christian unless he had them all.

The anniversary address was delivered by Major Halford, who briefly reviewed the work of the last year and outlined what was to be attempted in the future. At the end of the year the membership roll of the association contained 1,236 names, of which 453 were those of active members. Financially the association had more than held its own in spite of the hard times and the outlook was very encouraging. The athletic features of the organization had been much improved. The new park at Twenty-eighth and Dodge streets was much more accessible than the old grounds, and an increasing interest was manifested in this department.

One of the most encouraging features of the year was the increased interest in the junior department. About fifty boys were in attendance at the Sunday afternoon boys' meeting, and they were uniformly enthusiastic and devoted.

The educational department was constantly improving. During the year the various classes had included 317 members, and the directory was contemplating measures to broaden the scope of this department.

The religious work of the association had fully kept pace with its other interests. There had been an average attendance of over 300 at the Sunday afternoon meetings for young men, and these were becoming one of the most helpful features of the work. The bible classes and consecration meetings had had a vivifying influence on the religious atmosphere and were well supported.

In the intervals between the addresses Mr. Thomas J. Pennell sang "Come Unto Me," and Mrs. Wilhelm sang "Come Over the Line."

NEW PENTECOST SADLY NEEDED.

Whit Sunday Sermon at the Church of the Good Shepherd Last Evening.

Rev. J. P. D. Llwyd of the Church of the Good Shepherd took for the subject of his sermon last evening "The New Pentecost." The substance of his remarks was as follows:

From one point of view the great festivals of the church, such as the present Feast of Pentecost or Whit Sunday, represent historic events which happened once for all in ancient days in Palestine. From another point of view enshrining an equal truth these festivals are ever repeated, both in the progress of the church as a whole and in the soul life of individual Christians. Pentecost is thus the remembrance of a past event, and also the reminder that the same face which then descended upon the waiting disciples of Christ is forever being poured out into souls prepared for its entrance.

When we examine the spiritual attainments of the disciples before Pentecost it is hard to see why any further equipment for their work was necessary. For three years they had been companions of Christ. They had received from His lips the gospel to be preached. Their commission had been issued by Him. Within their souls His portrait lay as in a mirror. Engraved upon their hearts was the impression of His marvelous life. Scarcely any church in Christendom today would ask a grander education for its candidates for the ministry. The main features of the kingdom's organization and the plan of campaign had also been communicated to them by Christ. And yet He sentences them, in spite of all this, to wait for something further, some mysterious power from above, without which all else was inadequate. Not until the spirit was poured out from on high was the armor of the church of Christ complete.

The present age shows a remarkable parallel to this. Scientific discoveries have revolutionized our notions of the universe. The investigations of independent seekers after truth in every branch of learning have brought in a new knowledge. The church has been sometimes misguided enough to antagonize such researches from fear least her truth might suffer, but experience has demonstrated the unwisdom of such policy. Far better to welcome these new truths and attempt the restatement of the old gospel in forms modified to meet the modern need.

This attempt has been and is being made. The age of revision is upon us. The day of authorized versions is past. We have a revised and reinterpreted bible, a prayer book enriched in elements of devotion; impossible creeds are being abandoned; the gospel is the same, yet stated in terms of present day thinking; salvation is no longer refined selfishness, but brotherhood. Everything in church life and church ways exemplifies the abiding presence of Him who is forever making all things new.

This is a grand result, but not enough. In itself a readjusted church will never rival the conversions under Peter's electric words on the day of Pentecost. The one thing yet lacking is a fresh communication of divine energy. All is useless without the touch of the soul of God upon the soul of man. For this we wait; for this we ought to pray. And when our preparation for it is complete it will come, bringing in its train creative force to turn every preacher into an inspired apostle and every layman into a steadfast helper of the kingdom of God.

CHASE FOR A BURGLAR.

Found in a Hardware Store, But Made His Escape.

Yesterday morning shortly before 4 o'clock a burglar was seen in the hardware store of Alexander M. McCrager, 410 North Sixteenth street, but he got away.

Officer Bower was passing the store and noticed a man within busily filling a gunny-sack with knives, razors and other hardware articles. The officer went to the rear, but found the back door fastened. Thinking that the burglar had entered at the front door he returned to the front. By this time the man inside had become alarmed and he ran out of the back door. Bower ran through the alley after him and fired a couple of shots, but failed to hit him. Several passers-by joined in the chase, but the burglar escaped.

It was later discovered that the burglar entered the store through the back door. He broke one of the panes of glass and then reaching in unlocked the door. When he got in he closed the door and fastened it with a stick of wood. Two gunny-sacks were found on the floor almost filled with goods.

FUNERAL DIRECTORS' ASSOCIATION

Meeting Hot Springs, South Dakota, June 11 and 12, 1895.

Special rates June 10th via the Northwestern line from all Nebraska stations. Ask your nearest agent or write the undersigned for particulars.

J. R. BUCHANAN,
G. P. A. F. E. & M. V. R. R., Omaha, Neb.
Special rates June 7 also.

MARRIED FREE OF COST.

Enterprise Marching to the Music of the Union.

Cake walks and crap-shooting parties are not popular in middle-class colored society in Washington just now, says the New York Sun. Getting married free of cost is their latest "fad." The local authorities have entered upon a vigorous enforcement of the so-called Edmunds act, which prohibits people living together as man and wife who have neglected to go through the formalities of a legal marriage. This law was framed to stamp out polygamy in the territories. The law is now held to be applicable in the District of Columbia.

For more than a week past the police have been filling the police court daily with offenders against this law, the large majority of them being colored people. Many of the victims, when brought into court, declared that they did not have the price of the marriage license—$1—nor the fee for the minister. On several occasions the hat has been passed among the lawyers in court and the ceremony then and there performed. Finally the presiding judge declared that he was tired of having the court business interfered with by these frequent marriages, and he threatened to enforce the law to its fullest extent in the future.

A few days ago the owner of a morning newspaper came forward and volunteered to furnish the necessary marriage licenses, the parson, and a place for the ceremony to be performed, for all who desired to marry, and thus advertise his paper. The glad tidings spread rapidly among the impecunious colored population, and the improvised matrimonial market is doing a thriving business daily. A room has been fitted up in the top story of the newspaper office, and a colored minister has been engaged to come there at certain hours and tie the nuptial knot for all who desire to take advantage of the opportunity to be legally married. The scenes in and around the matrimonial mart are amusing to the throng of spectators. There stands an ebony-hued minister, who is provided with an almost inexhaustible supply of marriage licenses for all comers, black or white. The most of the business is done after 4 or 5 o'clock in the afternoon, when the participants have finished their day's work.

Among the candidates for matrimonial honors the other evening were Wise Brown and Lizzie Smith and Robert Lee and Victoria Queen. Some of the bridal parties were decked out in all the colors of the rainbow, with a little dash of orange blossoms on the side. John Logan and Alice Jackson looked as though they had walked many miles to legalize their union, and they were about to join a group and "repeat on the minister," so pleased were they with the ceremony. Reuben Holmes and Mamie Thompson had evidently been "coached" for the ceremony, for they went through the performance with less embarrassment and awkwardness than the average couple. When the rush became fast and furious the parson did not "splice" one couple at a time, but he directed them in bunches of four and five to stand up and take their marriage vows.

Thus far nine-tenths of these marriages have been among colored people, many of whom have been living together in an unmarried state for years. They are hurrying from the alleyways and the "dark corners" of this city to take advantage of this opportunity to start life anew in a legal manner. It is the leading topic of gossip among the colored citizens, and the improvised "temple of matrimony" is a popular resort for the "study of human nature in black."

ROMANCE OF REAL LIFE

Shipwrecked Couple Drift Together and Are Subsequently Married.

Nebraska City letter to St. Louis Globe-Democrat: That fact is often stranger than fiction has been demonstrated recently here. The principal actor in this short tale was formerly a resident of this city, and the facts in the case are vouched for by reputable people. In April, 1893, Conrad Oldenhausen, at that time an employe of the Chicago Packing and Provision company of this city, received word from Germany that through the death of a relative he had fallen heir to considerable property and his presence was necessary in order to settle up the estate. Mr. Oldenhausen lost no time in making preparations for his unexpected visit to the Fatherland, and, in due time, left the city. Here the first part of the strange story begins. Mrs. Oldenhausen did not like her husband any too well, her affections being placed in a different quarter, and even the prospects of riches did not change them, as subsequent events proved. During Mr. Oldenhausen's absence she applied for and secured a divorce on the charge of abandonment, and within a week married the man she thought she loved better, at Creston, Ia., who, by the way, was at one time a fellow-employe of Oldenhausen in this city.

Mr. Oldenhausen in the meantime had reached his old home, proved his identity and secured his legacy, and at once returned to this country. Upon reaching New York he wired Frank Burdick, manager of the Chicago Packing and Provision company, of the successful conclusion of his journey. Mr. Burdick at once made him acquainted with developments here during his absence, and in about a week or ten days received a letter from Oldenhausen in which he stated that he would sail for Japan in a very short time.

Nothing further was heard from Oldenhausen until a few days ago, when Mr. Burdick received an invitation to the wedding of Mr. Conrad Oldenhausen and Miss Alma Eslayne of New York. A letter which accompanied the invitation tells the tale. Oldenhausen says in his letter that he sailed for Japan as he had stated in his last letter, that the vessel in which he sailed was wrecked, and for fourteen days he was adrift in an open boat with scarcely enough food and water to keep him alive. That on the fifteenth day he ran across another boat, similar to the one which kept him afloat, and that boat contained a young lady. They managed to get the boats alongside each other and lashed together. His companion's boat was well supplied with provisions, and after drifting for four days they were picked up by an English vessel bound for Australia. They reached port in due time and took the first steamer for this country. Mr. Eslayne, who, according to the letter, is a wealthy New Yorker, after hearing their adventures, accepted Oldenhausen as a son-in-law and secured him employment as a dock inspector in New York City. His bride was returning, in company with an uncle, from Japan, when their vessel was wrecked. Other boat loads of passengers escaped from the vessel, but she in some way was sent adrift alone. Oldenhausen says that he is confident that he is the only survivor of the vessel on which he sailed.

Homeseekers' Excursion.

Tuesday, June 11, one fare for round trip; minimum round trip rate $7.00; limit, 20 days. To all points on the F. E. & M. V. R. R. in Nebraska, Wyoming and South Dakota. Ticket office 1401 Farnam street.

J. R. BUCHANAN,
General Passenger Agent.

WILL ARGUE IT AT ST. PAUL

Maximum Freight Rate Case Comes Up for Hearing on Appeal Today.

QUESTION OF JURISDICTION RAISED

State Prepared at Once to Go to the Supreme Court if Court of Appeals Decides it Cannot Hear the Case—The Brief.

John L. Webster, counsel for the state in the maximum rate case now pending in the federal court of appeals, left last evening for St. Paul. Today he will appear before Judges Thayer, Caldwell and Sanborn of the United States court at St. Paul and argue for an immediate hearing of the appeal.

Mr. Webster said, just as he was preparing to depart last evening: "The question has been raised as to whether or not the United States court of appeals has jurisdiction to hear the case. It is claimed by the attorneys representing the railways that the Nebraska maximum rate law is in contravention of the constitution of the United States and takes property without due process of law. To protect the interests of the state the records have been prepared to take the case direct to the United States supreme court, in event the federal court of appeals decides that it has no jurisdiction."

The brief filed in behalf of the state sets up the following claims:

That the maximum rates fixed by the statute law of Nebraska are amply compensatory.

That said maximum rates will yield a revenue to the roads sufficient to pay the operating expenses and a percentage of profit or dividend on the value of the respective roads.

That in determining the value of the respective roads the capitalization of the roads is not the criterion of value, but such value is to be determined as the value of other properties is to be determined, to-wit: by the cost of reproduction, or the market value.

That the existing local rates in Nebraska are 40 per cent higher than the local rates in adjoining states similarly situated, and that the reduction made by the Nebraska statute is only 29½ per cent on the existing local rates.

That existing local rates in Nebraska yield a profit of nearly 100 per cent over the cost of transportation on the principal defendant roads.

That the table of profits and deficits set out in the opinion of the circuit court is erroneous in this: That is assumes that with a reduction of rates there would not arise an increased tonnage which would increase the revenues; whereas, the proofs are that the reduction of rates would increase the revenues by increasing the tonnage and for other reasons.

That said table is erroneous in that it confines the computation to net earnings from local freight business, excluding from consideration profits from passenger and interstate business, whereas the general business and general profits of the defendant companies are matters to be taken into account in determining whether the rates fixed by the law are unreasonable.

That said table and the decree of the circuit court are based on the theory that the rates fixed in the Nebraska law must be held to be unreasonable if they did not yield a net profit to each of defendant roads. Whereas, is fact some of the defendant roads, as the Omaha & Republican Valley and the St. Joseph & Grand Island, and Kansas City & Omaha, are subordinate or branch lines that were constructed as feeders to main lines, the profits from which arise from traffic furnished and delivered to said main lines, and which branch lines were constructed through sparsely settled districts, and by such circuitous ways that local business thereon must always remain unprofitable, if local rates are based on what the article will reasonably bear, having regard to the value of the articles carried and the local rates in force on the main or through lines.

That in determining whether rates are reasonable or unreasonable it is proper to take into account the amount of tariff charge the articles will bear, having regard not alone to the cost of transportation, but also the cost of producing such articles, and their value to the consumer; so that the producer may have a margin of profit and the cost to the consumer be not made unreasonably exorbitant.

That, whereas, most of the defendant roads have received large government, state and municipal aid, on the theory that said roads are governmental agencies, even though conducted by corporations, and whereas the regulation of rates is a governmental control for the benefit of trade and the people concerned, it is proper to consider the amount of such government, state and municipal aid in determining what shall constitute reasonable rates to be charged by said respective roads.

That, whereas, the Union Pacific is capitalized at four times its actual value, and the Chicago, St. Paul, Minneapolis & Omaha at twice its actual value, the St. Joseph & Grand Island at three times its actual value, and most of the other roads at double their actual value, the owners and holders of such fictitious capitalization must be held to have taken the same subject to the primary right of the state to regulate rates, and hence the complainants have no right to insist that rates shall be adjudged unreasonable which do not yield a large profit on such fictitious capitalization.

That a court of equity should not grant an injunction enjoining the enforcement of the law on the charge that the rates are unreasonable, for that there is an adequate remedy at law in this: Section 5 of the Maximum Freight Law in controversy provides for a judicial procedure to determine whether the rates fixed thereby are unjust and unreasonable, and that if said rates are unjust and unreasonable, to have the same raised.

Appellants deem it expedient and highly desirable that this court shall hear this case, for the reason that if this court shall find the facts to be as contended by appellants, said findings will practically dispose of all questions of law in the case and entitle the appellants to a dissolution of the pending injunction.

Epworth League, Chattanooga.

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