THE OMAHA DAILY BEE: SATURDAY, AUGUST 17, 1907.



ARGUMENT ON THE CREAM RATE Ocputy Food Commission Johnson Rules on Nebraska Pure Food Law at Request of the

Wholesalers.

charges in the state on cereals.

(From a Staff Correspondent.) LINCOLN, Aug. 16 .- (Special Telegram.)-The Nebraska Railway commission tomorrow will enter an order reducing the freight rates charged for transportatinon of grain said, was in violation of th anti-combina in Nebraska 19 per cent. This will be the tion and anti-pooling law on the Nebraska first formal action of the new board in the statute books; all the roads between Chirate controversy. The law specifies that cago and the Rocky mountains, covering when an order affecting rates is made, the territory from British America to the gulf, roads shall have a space of thirty days in had agreed to this demand and this absowhich to file their objections for the in- lutely shut the people out of any benefit formation of the commissioners, after which | to be derived from competition. He cited the rate goes into effect unless taken into a decision from the Interstate Commerce the courts or the board amends the order. comission showing this was a violation of This order of the commission will be a the federal anti-pooling law and also nufiat 10 per cent reduction affecting all

Argnment in Cream Rate Case. Final argument was made today in the hoaring before the State Rallway commisth of the application of the Western Traile association for an increase in the rates charged for the transportation of pream. This Western Traffic association represents all the railroads and express companies doing business in the state. Charles H. Clapp and Frank Gaines appeared for the corporations, and Hainer & Bmith and A. W. Jefferis for the central cream as well as other merchandise shipped preamerics and the Omaha Commercial club, which are objecting to the increase. Attorney, Hainer renewed his motion to fitamias the application for the increased rates and, in lieu thereof, to make the rates times is to lower rates and not to increase according to a schedule to be prepared. them. After a few minutes consultation the commission decided to take no action on ployed a messenger at \$80 a month and an this motion, but to listen to arguments on the main question. Attorney Clapp, in his arguments for the increased rates, repeated the testimony given that the present



Dysentery, Cholera Morbus or Cholera Infantum take

WAKEFIELD'S **Blackberry Balsam**

You better got a bottle today. You may need it tonight. It is a most reliable rem-edy for all loose conditions of the bowels. All-druggists sell it. Full size bottle 354.

Mrs. Winslow's Soothing Syrup

HIS WITHING WE SOUTHING WITH TRADE by Will LIGNS of MOTHERE for their Children Will LIGNS of MOTHERE for their Children WHILE INSTITUTE win TRINETOT SUCCESS I SOUTHER the WILD SOFTENS in GOIL SALLAYS all PAIN CURRE WIND COLLC and is the best remety for DIALER WIND COLLC and is the best of the world. Be sure and take how other with a set of the world. Be sure and take how other kind Transfer for cents a botto Granuteed under the for dath Drave act, June Gh. 195. Setal Number and A NOLD AND WELL THIED KEMEDY.



The Hotel Hamilton is a delightfui place in the Best Resident Section and away from the pelse and smake; yet within casy access. Translent Rate: 11.80 1. 13.00 per day, Euro-pean Flan. Special Rates by the week, Weite for Bookiet. Address W. F. WILLIAMSON, Manager. RAELETON KOTHL. ST. ROWER.

for the Pacific Express company, on trains Nos. 4 and 14, Union Pacific, the former being an overland train from San Francisco. The proposed rates, he said, were no higher than the present first-class freight rates; the rates on cream were much lower and out of proportion to all other classes of merchandise.

is concerned there were no special contract

rates in existence. The tendency of the

Attorney Jeferis called attention to the

testimony that the express company em-

were delayed and the railroads in conse-

Complaint on Service Goes Over.

The complaint of the various central

creamerics against the railroads charging

poor service in the shipment of cream,

shipped in at the old milk rates.

could get together.

month.

cans; all other rates are based on this, he

said. Cream is carried on passenger trains

last winter, has received a marked copy Attorney Rainer for the central creameries of a publication showing that the state beganbegan his argument by an attack of Tennessee is going to adopt the prinon the railroads for agreeing on the demand ciples of the terminal tax law in the disfor an increased rate. This agreement, he tribution of its railroad property. The article states that Attorney General Cates of that state has given an official opinion that such a distribution is legal and his opinion will be followed by the State oBard of Assessment, Mr. Clarke fathered the terminal tax bill in the house when it

was passed by the recent legislature. Pure Food Law Interpretation. Deputy Food Commissioner Johnson has

drew a revolver and threatened to shoot

Terminal Tax in Tennessee.

written a letter to the secretary of the Iowa-Nebraska Wholesale Growers' asmerous court decisions to substantiate his sociation in answer to an inquiry, his inposition. He then cited the commission law. terpretation of the pure food law. The which put the burden of proof on the comanswer is of interest to the retailers all mon carrier to establish the reasonableness

over the state. The correspondence is as of a rate, and contended no testimony had follows: been introduced to establish that the pro-Mr. J. W. Johnson, Deputy Food Com-missioner, Lincoln, Neb. Dear Sir: We, the jobbing grocers of Nebraska, being law abiding citizens, and being in full sympathy with a pure food law that will protect the citizens of Nebraska against the sale of impure foods, desire informa-tion as to the manner in which work for posed rates were just or that the present rates were not compensatory. The commission law, he said, provided the lowest rate and therefore he had introduced the Rock Island rates as a reasonable rate on cream in this state, as that is the lowest. the sale of impure foods, desire informa-tion as to the manner in which your office will interpret certain features of the Ne-better equipped to assist you in the en-forcement of the law, and therefore ask your office for rulings and interpretations on the following: He then called attention to the enactment of the Sibley law and held that referred to by express, except in the case of special contract rates, and so far as the testimony

the following: Shall the weight stated be the gross

Shall the weight stated be the gross weight of the package?
 Shall the weight stated be the net weight of the contents of the package?
 May the stated weight be either net or gross at the option of the packer?
 What is intended to be covered by the term "canned goods" as expressed in the third paragraph after the words "in package form?"
 In the case of food products sold by

package form?" 5. In the case of food products sold by the dosen, will it be considered a com-pliance with the law if the quantity in number is stated, as in the case of bggs -so many dosen? The weight and assistant at \$60 a month, while the revenue on one train for one trip was about \$350, and even if the railroads got half of that, one day would pay the salaries for a Attorney Gaines attempted to show that

-so many dozen? The weight and measure section of the law above quoted provides that packages put up by retailers shall be exempt from its provisions. It is presumed that this exemption was made because such pack-ages are not sealed and the contents may readily be inspected by the consumer, be-fore as well as after purchasing, and he can also verify the weight of the contents without destroying the package. It may also be presumed that the makers of the law had in their minds, in exempting these open packages of the retailers, that no conviction could be obtained in any case where opened or unscaled packages were found to be short weight. These questions, therefore, arise: cream rates were too low in comparison with the rates on other merchandise; that owing to the shipment of cream trains quence lost money; that the croameries had taken advantage of the low rate given to the shipper of milk for family consumption . to manufacture butter and cream is is being

found to be short with therefore, arise: 4. Should not all un food stuff be exempt of the law? 7. Should not the 7. Should not the packages of ie provisions

set for hearing today, was postponed until quiring the August 28. Charles Clapp told the com-mission that an effort would be made to increase the facilities of the union depot

 7. Should not the weight to appear on pice be confined exclusively to sealed pices?
 5. Should not the sealed pices?

 8. Will your office a the working rules and regulations of the National Food commission on all subjects on which the national law are All of which is most respectfully sub-Mitted.
 5. Will your office a the working food the National Isw are the National Isw are All of which is most respectfully sub-Mitted.

 9. Mill your office a the National Food commission on all subjects on which the National Isw are All of which is most respectfully sub-Mitted.
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 5. Will your office a the National Food the National Isw are All of Which Ism and the National Isw are All of Which Ism are transported.
at Omaha, to give the service demanded by the creameries, and therefore he thought there was no need of a hearing. Attorney Hainer agreed to a continuance and said he thought the two parties to the suit

To which Mr. Johnson repited:

tures of the Nebraska law, if ilterally in terpreted and enforced would subject the the doctor for making such a suggestion terpreted and enforced would subject the Nebraska consumers and merchants to hardships not contemplated by the law. I have only this to say: The representatives of the Nebraska merchants and consumers made this law and made it the duty of this The physician maintains his report of the affair is true, while the soldiers indignantly deny it. That is the most serious charge made against any f the soldiers up to date.

made this law and made it the duty of this department to enforce It. But, if it is true, as you suggest, and I think there is some weight in the suggestion, that a sudden and rigid enforcement of the branding require-ment would cause hardship, then it would seem to be the duty of this department to have regard for such centingency and to proceed in such a manner as to secure the co-operation of such dealers as are in sym-pathy with the law in its endeavor to abol-ish prize packages and abort-weight ricks. Henry T. Clarke, member of the State Railway commission and of the legislature ish prize packages and, short-weight tricks. It has been urged by members of your association that large proportion of pack-age goods manufactured outside of this state were contracted for by Nebraska wholesalers long before this law was enwholesalers long before this law was en-acted, and these contracts were made in good faith; that these goods are now com-ing into this state an dmany of them al-ready distributed among the retailers and now on the shelves of every retail store, and that some time should be given by this department for these unlawful packages to be disposed of.

be disposed of. In reply to this I may say that this deand before making any statement as to when the members of your association should first show their good faith in their expressed desire to comply with the law, by a guaranty to this department that no further orders will be given for unbranded

further orders will be given for unbranded goods or goods containing prize packages. If unbranded and prize package goods stop coming into the state now, that will be one point gained. If dealers begin to show their good faith now, all this accu-mulation of unlawful goods will begin to

show their good faith now, all this accu-mulation of unlawful goods will begin to disappear rapidly, and under such circum-stances of good faith by both wholesaler and retailer the people of Nebraska will excuse this department for reasonable lentency in applying the law. The Nebraska dealers in their preten-sions of good faith are either sincere or insincere. Evidence on this point ought to begin to show itself now. An examination of the retail stores of Lincoin show what unbranded goods are being distributed by the wholesale houses of this city every day. This does not look like good faith. It seems to me, not only bad faith, but poor policy for these whole-salers to wait until the force of the law is applied to their customers before they show that they have regard for their responsi-bility in this maiter. I find that many retailers have the im-pression that a guarantee from the whole-saler, that the goods are lawful, exempts the retailer from prosecution. This pro-vision applies to the adulteration of the contents, but not to the net weight require-ment.

The law requires the net weight state-The law requires the net weight state-ment on every package. If the wholesaler puts out the goods without this statement he violates the law. If, then, the retailer receives the goods and selfs them to his customers in this uniawful condition, he, too, is a violator and becomes subject to prosecution, and a statement from the wholesaler that the goods are lawful will not protect the retailer, for he can see and, therefore, he knows that they are un-lawful.

is a big undertaking to legalize this great volume of unbranded goods, but with co-operation all along the line, be-ginning now, it can be done and itm ust be done, for the law demands it and the time to begin is now.

Boy Fatally Hurt.

SEWARD, Neb., Aug. 16.-(Special.)--On Wednesday afternoon Henry, the 9-year-old son of Mr. and Mrs. John Harter of Beaver Crossing, was fatally hurt by trying to climb on the rear end of a manure spreader. An older brother was driving and had could get together. Governor Reviews Guardsmen. With flags flying and bands playing the National Guard of Nebraska passed in re-view before Governor Bheidon, cou-mander-in-chief, this afternoon. Numerous citizens watched the soldiers march and the general opinion is they made a most creditable showing. Wymore battery fired a salute of seventeen guns when the com-mander-in-chief reached the grounds. To-mander-in-chief reached the gr stopped for a moment and did not notice that the little fellow was climbing on and when he started up the team and the child was caught in the machinery. When he was released from the spreader he was found to be fatally injured, the teeth of the machinery having punctured the ...csh all down the side of his head, arm and body. Two physicians were called, but

Five Divorces in Hall County.

GRAND ISLAND, Neb., Aug. 16.-(Spe cial.)-In the district court five divorces were granted yesterday, as follows: Mrs. Flora Lefew, from Lawrence Lefew; Mrs. Belle McDowell, from Elza McDowell; Mrs. Françes Newport from Beecher Newport.

done by day's work.

HASTINGS-Mrs. Sarah K. Ripley and Mr. Albert D. Briggs, both of this city, were married last night at the home of the bride's parents by Rev. M. Bamford of the Methodist church. They will reside

BLUE HILL—The Evangelical church of Rosemont, Neb., is now completed and will be dedicated Sunday, September 1. Rev. Jeorge Johnson of Napersville, III., will ifficiate and the presiding elder, J. P. Ash, will exist. will assist.

BLUE HILL-There has been considerable sickness throughout the country the las few weeks, a great deal of it being causes by the extremely warm weather. A couple of good rains would clear the atmosphere and everybody would feel better.

and everybody would feel better. NEBRASKA CITY-The funeral of John B Lull was held this afternoon at 4 o'clock and was under the supervision of the Odd Fellows, of which order he has been a member for the last sixty-four years. The funeral was from the family

BEATRICE-But \$27 has been collected in dog licenses this summer. The city has an ordinance which provides for a "register of dogs," and it is the intention of Mayor Reed to appoint someone for this office and round up the dogs with which the city is

NEBRASKA CITY-Joseph Felthauser was arrested last evening on complaint of Max Cohn and bound over to the district court in the sum of \$100. Cohn claims that Felthauser threatened to kill him. Cohn is the notary public whose commission was taken away from him by Governor Mickey. SEWARD-The late Mrs. Mary Moffith who, with her husband, gave \$30,000 toward the Seward county courthouse. Left a le-gacy of \$300 to the editor of the Seward Blade. She stated that this paper had done more than anything or anyone in the development of the town and county. FAIRFIELD-J. E. Wilkins, a member of the firm of Whitham & Wilkins, hardwars merchants, died at his home in this city last night, after a long illness. Mr. Wilkins was one of the most popular business men in town and took an especially active part in church work. He leaves a wife, but no children

NEBRASKA CITY-The saloon of James O'Brien, corner of Ninth street and Central avenue, was robbed Wedneaday morning, but nothing was taken except whisky out but nothing was taken except whisky out of two barrels. The thieves left a memento in the shape of a large pruning kulfe, which was intended to use in cutting away the window screen.

BEATRICE-When the Midland Grain and Stock company sold out its business to the Christle concern, a number of partles hav-ing money due from the bucket shop rushed into court and got cut an attachment of

been arrested within the last few days and fined in a nominal sum and costs. They are all business or laboring men going to their places of business early in the morning and, in the outskirts, using the walks. Some of the wheelmen are

threatening to retaliate and to organize for the purpose of seeing every other ordinance enforced as rigidly. They do not defend "scorching." but declared that the scorching element is never arrested.

PAWNEE BILL'S LIFE.

See Him in the Big Parade Monday

Morning. In Wall street, in the national financial

district, and in the gathering places of men of affairs, they know Pawnee Bill, showman, only as Major Gordon W. Lillie, president of the Arkansas Valley National bank of Pawnee, Okl., and distinguished private citizen of that community. Clad in the quiet habiliments of commercial life. with his flowing hair concealed under the crown of his ample hat, there are only his virile and jaunty figure and alert and

-ilisement.

vigorous movements to distinguish him from the men with whom he associates and consults. Through the winter he toils, concerned with bond issues and bank notes presiding at meetings of city and bank directors. There is no Pawnee Bill.

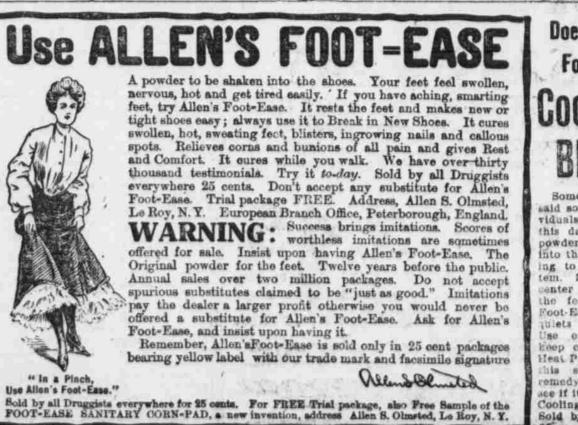
Spring comes. It is nature's annual imperious summons for the passing of Major Gordon W. Lillie. In his stead appears the figure of a mounted man, straight poised in the stirrups of his heavy saddle. A coil

of rope hangs on his saddle bow. A loose belt weigns a revolver low down upon his hips. The small and sinewy steed beneath him is as quick and jaunty as he. Pawnee Bill, scout, plainsman, cowboy, hunter,

guide, Indian leader, has come into his own. His tented enterprise will spread its big

tents here on Monday, August 19, at Twenty-first and Paul streets, and the city is promised 'a "once in a lifetime" treat. Users of Galek Shine Shoe Polish

say it is the best and most lasting polish they have ever used. It gives a polish to the leather and it won't rub off on the clothing. A well satisfied user is the best read by people who can satisfy your wants.



walks in the outskirts of the city, have Immediately following adjournment carriages were provided and those who desired were given drives about the city.

Sporting Gossip.

Sloux City has secured a new pitcher named Johnny Fisher. He has been with the Indianapolis team.

Grant McGlynn, the Cardinal pitcher, beat the Boston team on two successive days on a recent visit of the Beaneaters to St. Louis.

Lee Tannehill, the third baseman of the White Box team, who has been out of the game all year, was able to resume his place Wednesday.

Bender had the better of his argument with Joss in the Philadelphia game at Cleveland and the Naps were forced to take another defeat.

Frank Isbell, the second baseman of the White Sox, has bought an interest in the Wichita team. He lives there and will run the team next season.

The challenge match for the tennis cham-plonship of the Dietz Athletic association will be played this evening between Read-inger, the present holder, and Newell, the winner of the tournament just completed.

The Cleveland team now has a full team in the field, and while Manager Lajoie does not promise the fans the pennant, he has given his word that the patrons of the game will see some splendid ball for the remainder of the season.

Des Moines has started a long series of games on its home grounds-seventeen being scheduled. A good start was made when the Champs took two games from Lincoln Thursday. They should be able to give Omaha a hard chase before those seventeen games are finished.

Alloway, the umpire, is "Podge" Allo-way, the old Kanaas City and Omaha pitcher who performed for several years in the American association and Western league. Alloway's eye seems to be none too good, but he is humorist enough to make up for any ocular deficiencies and he runs the game, which is still more im-portant.-Ex.

Take Your Share.

What's that-can't get it? That's exactly what most successful men have though early in life, but they have all found of that they are pretty sure to get what they

deserve if they ask and work for it; and they are equally as sure not to get it if they don't work and ask for it. If you want anything, ask for it through the want columns of The Bee. These columns are

> **Does Allen's** Foot-Ease Cool the Blood?

in or the sel

lf-ind the div

ap-om

Some doctors have said so and many individuals have said; that this dainty, antiseptic powder, shaken dally into the Shoes is Cooling to the entire System. Scores of nerves center in the soles of the feet s.d Allen's Foot-Ease apothes and plets these nerves. ise every means to seep cool and avoid Heat Prostration. Try his simple, popular remedy yourself and see if it is not instantly Cooling and Refreshing Sold by all Druggista

morrow the encampment will come to a close and the soldiers will leave the city during the day. Officers report that the boys have made a good showing and that the encampment has been a success. In the First regiment there is considerable