## OMAHA, SUNDAY MORNING, AUGUST 17, 1913.

# Winston Churchill's latest novel, which discusses the problem of the church in the modern world, and which is being widely read and reviewed at present. EP-worth league at 7. Public worship at 8. song sermon by the minister. "The Prodi-sal Son." Four solos and two duets will be sung in the course of the service. A cool church an Sunday evenings. Prayer meeting, conducted by the minister, Wodnesday evening at 8. TOPICS FOR A DAY OF REST

Rev. J. F. Young of Carthage, Ill., to Speak at Westminster Church.

TO GIVE MUSICAL PROGRAM

Memorial Church to Have Vocal and Instrumental Solos at the Sunday Evening

Service.

Rev. J. F. Young, D. D., of Carthage, will spend Sunday in Omaha and will preach at Westminster Presbyterian church in the morning at 11 o'clock. Dr. Young comies temporarily, but inasmuch as the church is without a regular pastor, it is thought by some that he may later be considered for that office. During the last four years he has been pastor of a very strong Presbyterian church at Carthage. He comes to Omaha with splendid recommendations, both as to speaking ability and as an organizer of church work.

In the evening at 7:15 o'clock Dr. Young will address the young people at an open air meeting on the church lots at Thirtyfirst and Pacific streets, now occupied by the young people for tennis courts.

The following musical program will be given at the Dietz Memorial Methodist church, Tenth and Pierco Episcopal streets, Sunday evening at 8 o'clock: Piano Bolo-Caprice Espaznol. Moskowski

Congregation.

Prof. Poola.

Lowis

Mr. and Mrs. E. P. Williams. Sano and Violin-Carmon Pantasis

Prof. Pools. Farmer

Ak-Sar-Ben Male Quartet. Congregation.

## Bantint.

VETV Branch, Thirty-fourth and Sew-Bible school at 2:30: Harry Carren-superintendent. Junior Industrial of Thursday at 2:30.

of Thursday at 2:30. rat. Harpey and Park Avenue, Rev. Jamper Howell, Paster-The ractor preach at 16:30. Bunday school at n: Rev. C. P. Battershell, surverin-lent. Evening service at 8. The vas-will describe sixty storeopticon sittless the His of Christ. Prayer meeting dnesday evening.

fednasday evening. Calvarz, Twenty-fifth and Hamilton-ervices at 10:30 and 8, conducted by Rev. homas Anderson. Pible school at noon: W. Noble, superintendent. Recular lapitist Young People's union meeting at Mrs. C. E. Lathron, leader. Herular dyntional meeting of the church Wednes-ay at 8; Hev. Mr. Anderson, leader.

iny at 5; Hev. Mr. Anderson, leader. Immanuel. Twenty-fourth and Pinkney, key. J. 8. Ebersole Phator-Services at 270 and 5. Bible school at noon. Yowny semple's meeting at 7. Pastor's morning semple's meeting at 7. Pastor's morning frinon. "Who Hardened Pharach's Reart? Rev. E. B. Taft will preach in he ovening in exchange with the pastor. Devotional meeting Weenseday at 8.

donal meeting Weenceday at S. Mainter-Sunday school at 10. In Minister-Sunday school at 10. ins worship at 11. Subject of ser-"The Guardianship of Our Words." Int Young People's union at 7. Even-service at 5. Sermon by Hav. J. S. sole, pastor of the Immanuel Hap-church. Mission Sunday school at 5. South Fourth.

Christian. entratisth and Harney, B. D. astor-Morning worship at 11; sermon, 'The Law of a Happy evening service. Bible school, hristian Endeavor at 7 p. m.

Christian Belence. Mary's Avenue and Twenty-nday school at 2:45 and 11. 1 11. Subject of issson-sermon.

# BRIEF CITY NEWS

Sarcophagus. Adghting Fixtures. Burgess-Granfian Co.

Have Boy: Print IS-Now Beacon Fresh Fidality Storage & Van Co. -Doug. 1516 Fined for Mistranting Horse -- Noal Quackenberg, a teamster living at 2527 North Thirteenth street, was fined \$15 and costs in police court for leaving his

First, Corner Boventeenth and Dodge-Preaching at 10:30 by Rev. William B. Lampe, who has just accepted a call to one of the leading churches in Kansas. horse stand three hours in the hot sun. Lawn Social Wednesday Evening-Fairview, Fortieth Ave, and Fratt St. Charles H. Fieming, Pastor-Bible achool at 1:45. Afternoon worship at 3. Subject. "Why Jesus Expects Us to Helleve." Midweek service Thursday evening at 8. Leader, Mrs. Parry. The Universal club of the Holy Angels church will give a lawn social Wednesday evening at the home of Mike Sullivan, Twenty-third and Larimore avenue.

Castellar Street,C. C. Meek, Minister Morning service, 10:20 Rav. A. J. Mo-Clung of Benson will preach. No even-ing service. Sabbath school at 12 noon. Christian Endeavor, 6:45. Prayer meet-ing, Wednesday, at 8. Resps the Shirt-Vern Mitchell, 1817 Isard street, was caught with the goods when he was arrested wearing a shirt stolen from a local laundry. He was sentenced to thirty days, but was allowed to keep the shirt.

Lowe Avenue, Corner Fortieth and Nicholas, Rev. Nathaniel McGliffin, D. D., Pastor-Morning service at 11. Sunday school at 10. Christian Endesvor at 6.6 Steals Shees from a Sleeping Friend-Frank Stewart, living at a Third ward lodging house, was sentenced to thirty p. m. No evening service. Prayer meeting, Wednesday evening at \$ o'clock. days in the county jail for stealing a pair of new shoes from a companion, Robert Balance, while the latter was sleeping. Stewart was arrested while trying to sell the footwear.

Benson, R. J. McClung, Pastor-Sun-day school at 10. McClung, Pastor-Sun-day school at 10. Morning worship at 11. Rev. C. C. Mesek of the Castellar church will occupy the pulpit. Christian En-denvor at 7. Union service with the Methodist church at 8. Rev. Mr. Mc-Clung presiding. Midweek service Wednesday evening at 8. North Twenty fourth and Wirt Rev. Oub to Inspect Bakery-One of the first home trade excursions for the Com-North, Twenty-fourth and Wirt, Rev. M. V. Highes, D. D., Pastor-Morning service at 10:30. Sermon by Rev. J. H. Cilyde, a former pastor of Flymouth Congregational church. No evening service. Sunday school at noon. Young People's Society of Christian Endesvor at 7. Wednesday evening prayer meet-ing at 8. mercial club members in the fall will probably be the trip through the new Snow White bakery, being completed by the Iten Biscuit company. The invitation to visit the plant has been extended to the club.

ing at 8. The Church of the Covenant, Twenty-seventh and Pratt, Charles H. Flaming, Paster-Morning worship at 10:30. Sub-ject, "Was the Apostic Faul Intolerant" Bible school at noon. Endeavor at 7:15. Leader, Miss Lay. Evening worship at 8. Subject, "Why Jesus Expects Us to Belleva." Midweek service Wednesday syming at 8. Leader, Mr. Girardet. Westimater, Twenty, Ninth and Mason Eav to Metleth is Mere-A wooden key three feet long that was presented to the Commercial club members by Neligh on the day the Omahans attended the Neligh races, is now hung in the Commercial club lobby. On the side of the great key are printed the words: "From Neligh Commercial Club to Omaha and South Omaha, August 7, 1913."

Westminster, Twenty-Ninth and Mason Babbath school at vis. The regular norming service at 19:26, at which Rev. E. Toung, D. D., of Carthage, ill, rill preach. The regular meeting of the oung people's society will be conducted in the church tannis courts at Thirty-rist and Pacific at 7:15. Rev. Mr oung will make the address at this per-sir service. Workman Suce Packers-John Korinsk, employed by Morris & Co., South Omaha packers, in wrecking the building gutted by fire July 7, has sued the company in district court for \$0,000 damages for injuries alleged to have been received when heavy timbers were allowed to fall on bim. He alleges that on July 12 he was caused to suffer a fall of twenty feet and was seriously injured.

# BONDS FOR MARITAL BLISS

#### Scheme of Parental Insurance Conaldered a Mighty Good Thing.

If an experiment made by two familles living near Rochester, Minn., succesds a way will have been discovered to make money a means of wedded bliss and thus to give the lis to those old-fashioned folk who insist that it A Squall, a Headlong Dive, a Jackhas nothing to do with marital happiness.

The new scheme consists of the parents of the bride giving to the groom a bond Manesters.

will not gossip nor run around with other men and will cook to her hushand's satlafaction, while the parents of the groom or dancing or philandering with other

It was a week ago last Friday that the Port Limon shark colony camped on the trail of Captain Clarks. The skipper was going ashore in a frail rowboat when there came up one of those sudden squails so common in those waters, and the next thing Captain Clarks knew his boat was capsied and he was in the water with the "big sharks hopping about all pround".

with the big sharks hopping about all pround."... The shore was a mile away, and the skipper realized that it was soing to be a battle to the death. The only weapon he had was a long-bladed pocketknife, and the only place of refuge was the -Chicago Inter-Ocean.

No. 33

For Lower Gas Rates at Once-Vote "Yes"

# Will You Be Stampeded?

There is No Reasonable Doubt or Question as to the City's Power to Regulate Gas Rates Under the Rate-**Reduction Franchise to Be Voted on Next Tuesday.** This is Admitted by the Gas Company Over the Signature of Its Pres.dent. Read the Legal Opinions Below.

No charge is too distorted or monstrous for the rate-reduction franchise objectors to scream into your ears the last few days before the election.

From whom do these charges come?

First-From a single newspaper out of all those published in Omaha-a newspaper which has a fixed policy of attacking public service companies, ALWAYS.

Second-From a small group of real estate dealers who have compelled you to pay higher gas rates than necessary by imposing the heaviest tax on gas in the United States.

Third-From a few politicians and expoliticians.

Tnese interests and men apparently do not want the gas controversy settled fairly. They evidently do not want it settled at all.

The Omaha Gas Company five weeks ago began an earnest effort to have the proposed franchise studied carefully by the people and passed on without prejudice and upon its merits.

We had 30,000 copies of the franchise printed and distributed to citizens, and undertook an economically handled newspaper advertising campaign to present the FACTS to you.

No Question as to Power of City to Regulate Gas Rates Legal Opinion by S out, Rose and Wells

"Omaha, Aug. 14 .- To the Editor of the World-Herald: Dear Sir-We have carefully examined the pending Omaha gas franch'se ordinance, and in answer to your request for our oplaion as to whether it (1) contracts for or otherwise establishes

Ou campaign has been sincere, decent and truthful. We have aimed our arguments at your brain: not at the prejudices from which none of us are free.

We have carefully explained why the proposed franchise is necessary for us to obtain upwards of \$1,000,000 new capital necessary for enlargements and extensions to serve adequately the entire community with gas during the next five years.

We have illustrated the saving of more than \$700,000 to gas consumers during the next 5 1-3 years alone, due to the immediate reduction of gas to \$1.00.

The objectors are now using the most desperate efforts to make you believe that the proposed franchise does not give the city the power of regulation over future rates.

This charge is baseless. Below you will find dependable legal opinions over the signatures of the first assistant city attorney, and a law firm of the highest standing regularly retained by the World-Herald; also the signed concurrence of the President of the Omaha Gas Company in their declaration of the legal right of the city to regulate gas rates under the proposed franchise.

need more than its mere statement, that in order for the city, by contract, to fix a rate or price for a definite periol, he legis-lature must have authorized such contract. The legislature has not authorized the city, in any franchise to be granted a gas company, to fix rates and prices, but has simply authorized the city in granting a franchise to provide for short time con-tracts. It is therefore manifest that a maximum figure, such as \$1, being a limitation, and nothing more would in no sense

People's. Sis North Eighteenth, Rev. Charles W. Savidge, Pastor-Bervice in the morning at II a. m.; subject, "Are the Family Bibles in Omaha Becoming Junk?" No evening service on account of heat. heat International Bible Htudents' Associa-tion, Third Floor Barisht's Hall, Nine-toenth and Farnam-Bunday at 2. Sub-ject, Hebrows, 12.8-23, "But ye are come unto Mount Zien and unto the city of the hydra God: the heavenly Jerusalem and to an innumerable company of angels; to the general assembly and church of the first born, which are written in heaven, and to God, the Judge of all, and to the spirits of just men made per-fect." C. W. Parwell will be the speaker

Miscellaneons.

SKIPPER'S FIGHT WITH SHARK

Presbyterian.

kalfe and Three Carved

that his bride will make a model wife, The Panama liner Advance, from Colon, was lucky to end her voyage at New York with her veteran and popular skipper, Captain James J. Clarke, on the will give a bond in equal amount to the bridge, if the exciting tale of man-eat- bride to insure her against her husband ing sharks, as told on the arrival of the loafing, drinking, gambling, playing pool liner, is true.

It was a week ago last Friday that the

upturned boat.

#### unl.

Epiceopal, Et. Mathlas', Tenth and Worthinston, aw. George S. Southworth, Pastor-Holy rnumunion at E. Sunday school at 10. Gorning prayer and sermon at 11. Charch of the field "herherd, Twentieth ned Ohio, Rev. T. J. Cotten, Rector-dorning prayer at 11. No synaling serv-tion and no Sunday school. The rector will occupy the chancel next Sunday. Charch of the Epicipal the Descon

hurch of St. Philip, the Deacon, enty-first near Paul, Rev. John Albert Illams, Vicar-Thirteenth Sunday after nity, Holy communion at 7:00 a. m. tins and Sunday school at 10. Holy harist with sermon at 11.

Martin's, Twenty-fourth and J. h Omaha. Rev. Marold Linwood en. Priest-Boly communion at E. lay school at 15. Holy communion and ion at 11. Hev. A. R. Corbett will late at all the services.

## Luthorsn.

Matthew's Envlish, Ninetcenth and linr, Rev. G. W. Snyder, Pastor-school at 10. Subject. "Crossing the Services at & Subject, "An Evil tion; a Great Deliverance."

Kountze Memorial, Twenty-sigth and Parnam, Rev. Oliver D. Baltziy, Ph. D., D. Pastor; Rev. Ralph Weissmiller, Assistant Paster-Morning worship at 11 Subject, "The Two Ways." Sunday school at \$48; Oscar P. Goodman, superintend-and

n English, Magnolia Hall, 2004 Amen use, Rev. G. W. Snyder, Pastor-ness at L. Subject, "The Cruelty of Svil in Man." Bunday school at 2:30 Ladies Pastor's Ald society will Thursday afternoon at the residence ins. J. O. Beebes, 419 North Seven-to waters.

isenth. 51. Fault's, Kev. E. T. Otto, Pastor-herviews at 16 is stanpel, Thitty-fourth and Seward. Sunday school at 11:80. At 1

#### Methodist.

Trinity, Twenty-first and Binney, Rev. Thomas Bithell, Pastor-Morning service at 19.20. Sabbath school at 12. Vesper ervice at 6.20,

Wainut Hill, Forty-first and Charles, Rev. William Boyers. Pastor-Public worship and sermons by the pastor at 19 20 and 5. Bunday school at 12. Epworth league at L

MrCabe, Fortleth and Farnam, Rev. W. MrCabe, Fortleth and Farnam, Rev. W. H. Underwood, Pastor-Sunday school at 16; H. O. Campbell, superintendent. Morn-ing service at I. Evening service at a hyworth league at 7; T. E. Calvert, presi-

Pearl Memorial Twenty-fourth and Latimore, J. Franklin Rass. Minister-Morning sermon at 10.45, "Going and Presching," Evening, from 8 to 5.30, "A Great Purpose," Sunday school at 3:30. Enworth Isague at 7. Special music for all services.

all services. Hanacom Fark, Woolworth Avenue and Twonty-ninth Street, Rev. C. W. MoCas-shill, Pastar-Preaching services at 11 and the conducted by the paster. Stinday school at 9:65; classes for all Epworth lengue at 7. Midweek prayer service Wednesday evening at 8. Diets Memorial, Tenth and Pierce, Rev. C. N. Dawson, Minister-Sunday school, 120. Prescling, 10:45; "Church Growth." Dynamic Istan, 10:45; "Church Browth." Producting, 10:45; "Church Browth." Prod. String, 12:50, Concert, 5: Prod. Atvin Pools. Fourth guarteriy conference, Tumbay at 8. York .- New York Times.

tay at E

day at 5. Norwegian and Danish. North Twenty-rith and Denstur, Rev. R. P. Petor-en. Pastor-Morning service in the church at 31 o'clock; preaching by the pastor. Sunday school at 3.5. The roung people's meeting and evening ser-les will be held in the Tabermela-bar will be held in the Tabermela-strat, I and I. Last zervice there.

First. Twentieth and Davenport. Rev. M. B. Williams, Minister-Sueday school at 5.6. Public worship at 11: sermon by the minister, "The Inside of the Cup."

"When the squall get me and tumbled me into the water." said Captain Clarke, "the first thing I thought of was sharks. I knew the waters of Port Limon were

full of them, and you with the assured that I had not long to walt, for the very first object I sighted was a big, gray-bellied fellow based straight for me. Behind him trailed a few more, and I knew it was up to me to get busy, as they may in New York. I got buay, all right.

"I only had a jackknife, and, taking it out of the water-scaked pocket of my troumers, I opened it, and braced myself for the battle that was also.d I had caught hold of the bottom of the upturned board, and clung with one hand to it while with the other hand \$ clutched the knife."

The skipper than told how the first of the man-esters came up, and how with a swing of his starboard arm he landed the blade of the knife in a part of the shark's body where it did the most good, so far as the safety of the skipper was concerned. The capialn was weighted down with his clothes, but being a crack swimmer he had no trouble in keeping afloat with the support the upturned boat afforded. In a fow seconds another

shark came up, and once more the skip-per's starboard arm described a wide circle, and a second shark sought deeper

"The third shark, and it seemed to m the biggest of the lot," continued Cap-tain Clarke, "was almost upon me be-fore I caught sight of him. He was about the most wicious-looking thing I even saw, and I know the moment I looked into his black, squinty eyes that I had a fight on hand that was going to be

"This old fellow was maneuvering for position. I could see that, and my chance iny in getting him before he was ready to make his final dash for me. So, instead of giving him a chance to come at me I want for him in a headlong dive with my knife straight out in front. By a stroke of good luck. I finished him, and he mank with a deep gash. and that

was the last of him, so far as I was concerned." By the time the skipper had finished with the third shark the first two he had fought were dead, and the other sharks were swarming around the bodies. It was those dead figh that probably saved the captain's life, and while the unin-

jured sharks fought over the bodies of the dead ones the skipper struck out for shore. On his way an Indian in a native boat sighted him struggling in the water. and going alongside, pulled him into the boat. That ended the adventure of Port Limon Bay, and two hours later the skipper was on the bridge of the Advance, and the liner was headed for New

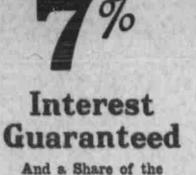
## Muffled Knocks.

Matthed Raseks. "Bobby, you musta's pot your sticky ingers on Mrs. Kawler's nice dress; it's ine only silk dress sha." "No. Mr. Smyjer. I haven't the elighest objection to your smoking in uy bouse; let me nffer you a good cigar." "Old scout, you always pitch a good game of ball-except when I'm betting on you." "Tou live in Outsomehurst do you, Mr. Biubbins? Has that suburb a respectable residence section?" "Tou show good literary judgement, Mr. Let you're sinways steeling my stuff." "Wen't you ist your little bog come to por funday school, Mrs. Jordis? I it can't make him any worse, and it may do him much good."-Chicago Tribune.

The Persistent and Judicious Use of Newspaper Advertising is the Road to miness Huccass



This institution is the only one in the central west with separate buildings situated in their own ample grounds, yet entirely dis-tinct, and rendering it possible to clissify cases. The one building being fitted for and devoted to the treatment of non-contagious and non-mental discases, no others be-ing admitted; the other Rest Cottage being designed for and devoted to the exclusive treatment of select mental cases requiring for a time watchful care and spe-cial nursing.



Profits Besides.

will be paid in cash to stockholders of Bankers Realty Investment Company. This dividend is payable semi-annually, Jan. 1st and July 1st of each year.

## The security behind this company is high grade real estate which assures stockholders of absolute safety. For full information, call on or address Jno. J. Gillan, General Manager.

South Omaha Branch Office



512 N. 24th St. Telephone South 1161. the rate of one dollar per thousand feet for any period of time or (2) surrenders the city's right in exercise of the pol'ce power conferred by the charter to regulate gas rates, we have to advise:

to advise: "First-Section two of the ordinance provides that the price 'shall never exceed one dollar for one thousand fest of g s furnished and supplied." This provision is merely a limitation of the maximum rate. There is no agreement upon that rate or any restriction upon the right of the city to insist upon a lower rate at any time on or after the approval of the ordi-nance. It leaves the determination of what is the proper and just rate absolutely open, subject to the condition that it must not exceed one dollar. "Second—This section of the ordinance contemplates that

Second-This section of the ordinance contemplates that rates, within the maximum of one dollar. 'shall be fixed and determined from time to time for periods not longer than ten years each by contracts between the city and the grantee.' The necessary and unavoidable incident of this provision is, within the maximum limitation, to leave the subject matter of the ap-propriate rate to be charged entirely open and unisterminel. We are of the opinion that the clause providing for an agreement between the city and the gas company upon the ra e for some specific period, not exceeding ten years, does not operate as a surrender by the city of its power to fix and control rates. It obviously requires some action by the city in order to estab-lish a gas rate, and that the contemplated contract rate shall be dictated or at least concurred in by the city. Doubtless the presence of this provision is a recognition of a popular notion presence of this provision is a recognition of a popular notion that the better course in dealing with rates is to negotiate and agree upon a rate that will be put in force at once, and give the patrons immediate relief, instead of sujecting the clip to burdensome litigation, during which the lower rate arbitrarily adopted would be suspended by injunction. But there is no surrender of the power granted by the clip charter to regulate rates by ordinance. If the company refuses to agree with the city upon a fair rate the clip charter is ample authority for fix-ing the rate by ordinance. "The rule always applied in interpreting gran's of this char-acter is to construe them in the interests of the public, and to hold that the public retains all of its powers and rights that are not in express terms surrendered. There is in this ordi-nance no surrender of the power of the city to regulate rates.

nance no surrender of the power of the city to regulate rates. The ordinance does not of itself fix or es ablish any rate. It is clear that only a definitely fixed franchise rate could suspend the city's police power to fix reasonable rates. It is well settled in numerous cases that one city administra ion cannot surrender the police power of its su cessor, and that ordinances purporting to do so are of no validity. There is, therefore, in our opinion, no doubt that the power of the city over the sub-ject matter of gas rates is reserved by the ordinance.

"Very truly, STOUT, ROSE & WELLS."

# Legal Opinion by W. C. Lambert

"Omaha, Aug. 14 .-- To the Editor of the Worl4-Herald: Replying to the letter of William M. Giller and similar letters and contentions to the effect that if the city and company should fail to agree upon prices, in the event the proposed gas fran-chise should be approved, then the price of \$1 would prevail for the life of the grant. Mr. Giller relates some experience in gas controversies, but hardly such as to make his declarations ex cathedra on the controverted point. "Sufficient reasons for the position taken or assumed are

not apparent. Certainly those advanced fail to convince, and

will not bear out the claim when examined. "The proposed franchise does not and does not pretend to fix rates and prices. At most it only undertakes to provide a method by which prices might be fixed from time to tive, not longer than ten years for any one period. This is unlike the present grant, which purports to be a franchise to use the streets and also a contract fixing defin'te prices for the full period of twenty-five years. The rule is too well establishes to

control or govern the charges which could be made, in the abnce of an agreemen

"In the absence of a contract and in the absence of an ordinance fixing the rate, under the general power to fix ra ea, then the service corporation could charge and recover only the fair reasonable value of the gas furnished, whether that be \$1, 95 cents or 90 cents, or lesser sum. No consumer could be required to pay more. The only possible way for the company to have a claim to recover a particular and fixed price would be by a contract with the city allowing it to charge such price. The provision of the grant restricting the highest figure which might be named in any contract to \$1 could not

be resorted to to justify a charge of that amount. "Should the company willfully refuse to enter into a reason-able contract it is the opinion of the writer that the city world have these remedies available, to-wit: First, forfelt the grant, leaving the company on the streets as a mere licensee and at sufferance, and then under the rate making powers the city could fix reasonable rates and enforce them. Section two of the proposed grant provides that the company shall enter into contract with the city. (Doubtless this means reasonable con-tracts.) Section eleven provides for forfeiture in the event. of wilful refusal or failure on the part of the company to carry out the terms of the franchise binding on it. Second, should the city so desire, upon presentation of a reasonable contract and a refusal upon the part of the company to enter into it, it could require the company in a proper proceeding to enter into and perform such contract. The company cannot defeat the city's rights and secure advantages to i self by refusing to carry out provisions of the grant, nor could the city defeat the companys right by a similar course. Until a con-tract was made under the provisions of the grant there exists no restrictions upon the power of the city to detrmine and fix reasonable prices and charges. To aba e or suspend this power upon the part of the city it would be necessary for the company to have a contract wherein the prices were fixed to have a contract wherein the prices were fixed.

"Where has the city surrendered a remedy or bartered away power? Yours truly, W. C. LAMBERT. a power? "First Assistant City Attorney."

# Letter of President of Gas Company

Omaha, Aug. 15.-To the Editor of the World-Herald: Dear Sir-I read in the morning issue of your paper the op.n-ions of Mezzrs. Stout, Rose and Wells, and Assistant City Attorney Lambert dealing with a phase of the pending gas fran-chise ordinance as it affects the rights of the city in the matter of fixing the price of gas if the company refuses to enter into a contract.

Attorneys Stout, Rose and Wells make this statement: "If the company refuses to agree with the city upon a fair rate the city charter is ample authority for fixing the rate by ordi-nance." Mr. Lambert says: "Un il a cont act was made u der the provisions of the grant there exists no restriction upon the power of the city to determine and fix reasonable prices and harges.

The company itself has placed the same construction upon the ordinance as to the rights and power of the city. At the time the mayor and city commissioners made the agreement which resulted in the preparation and submission of the pend-ing franchise ordinance, they insis ed that the power men-tioned in the opinion of Messre, Stout, Rose and Wells and Mr.

Lambert remain in the city and the gas company agreed that such power should remain with the city. It is therefore only fair and proper that the Omaha Gas company express its approval of and assent to the opinions upon this question which seems to be in dispute and express its acceptance of the same as a correct statement of the law.

Yours very truly, FRANK T HAMILTON, President, Omaha Gas Company,

OMAHA GAS COMPANY Use Your Own Judgment Based on Facts

