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NEBRASKA'S SUIT AGAINST THE BELL TELEPHONE COMPANY

Of Nation-wide Interest and Constitutionality of the Law is Being Discussed—Various Sections.

Nation wide attention has been attracted to the suit which Attorney General Thompson has instituted in behalf of the state of Nebraska vs. the American Telephone and Telegraph company, better known as the Bell company. An eastern paper recently called attention to this suit, and discussed the constitutionality of a certain Nebraska law. Here is the manner in which the matter is being discussed in the east:

"It will be interesting if the case which the attorney general of Nebraska is preparing against the American Telephone & Telegraph company and its subsidiary, the Nebraska Telephone company, ever gets to the supreme court of the United States. The attorney general is seeking to have these telephone companies ousted from the state of Nebraska, on the alleged ground that they have violated the anti-trust laws of the state by purchasing competing plants from independent operators. What gives the case its peculiar interest is the fact that the law of Nebraska, in addition to other punishments for the purchase of the competing plants such as criminal liability and forfeiture of charter rights, provides that the interests thus purchased shall escheat to the state. If this law should be held to be constitutional, it would provide an answer—if an ever drastic and oppressive one—to all who contend that in the last legal resort there is no practical way of preventing great combinations or monopolies. But would it be held constitutional? Coming at just this time the evolution of the supreme court's doctrine concerning the limits to which fines, forfeitures and money penalties can be carried, the question is a particularly live one. In a number of cases decided by the supreme court during the last few years there has been rather a marked tendency to identify excessive penalties with confiscation of property and so to declare them beyond the power of a state to impose. Often, it is true,

these cases present certain other features that may largely account for the tendency of these decisions. For example, in the Minnesota rate case two years ago, the supreme court decided that:

"By reason of the enormous penalties provided in the state laws by way of fines against the companies and imprisonment of their agents and employes, the companies were in effect prevented from ever questioning the validity of these laws, as the risk of confiscation of property and imprisonment of agents in case the companies failed in their defense was too much to undertake in order to obtain a judicial decision on the question of such validity. Such laws are, therefore, held unconstitutional, as they prevented the companies from resorting to the courts, and therefore deprived them of the equal protection of the laws."

But while the qualifying features of such decisions cause doubts to rise in the mind, they do not dispose of the question as to whether the supreme court in the future will or will not identify excessive penalties with confiscation of property in anti-trust law cases or similar cases in which the wrong for which the penalty is imposed is a purely statutory wrong, one that is not a wrong in itself. If the Nebraska law provided that where competing plants were purchased they must be disposed of by the offending purchaser at a fair price, whether to the state or to private persons or corporations, the questions arising would not involve confiscation of property, whatever other matters they might involve. But when a law provides for escheat to the state without compensation to the offending owner of the property, it is not impossible many will regard it as probable that the supreme court when it drives into the logical corner and is compelled to answer the question whether a state can decree forfeiture for wrongs which are statutory and not moral wrongs, must say that such laws are confiscatory and therefore contrary to the constitution.

SERVICES AT PRESBYTERIAN CHURCH

Interesting Sermon by Rev. Gade on "Millions of Money."

One of the largest audiences that has yet greeted the new pastor of the First Presbyterian church was present Sunday morning to listen to the interesting discourse on "Millions of Money."

The speaker's plea to lay up treasures in heaven was listened to with rapt attention, and the indications are that next Sabbath's congregation will be even larger.

He took his text from Matthew vi, 20: "But lay up for yourselves treasures in heaven."

Among other things, Rev. Gade said: "While money is a great power in the world, Christ's kingdom is of far greater power. Money has to do with commercial and material things, while the cause of Christ has to do with love and christian character and the redemption of humanity. Eternal life is offered without money and without price, yet the gospel of the Son of God in its world wide scope requires millions of money to make it a power among men. When a stranger enters St. Paul's cathedral and asks for the monument of Sir Christopher Wren, he is directed to a simple latin inscription on one of the large stones of the temple—"If you ask for his monument look about you."

Look about you to see the influence of money. Our large cities, our great manufacturing industries, our mechanical achievements represents millions of money.

The making of money may be a great blessing. It is a civilizer and a transformer. It often overturns the false and the bad and sets forth the true and the good. But while money may be a great blessing to any community, yet it is not all.

If you stood on Jordan's stormy bank, millions of money could not pay your passage across the dark river of death. Millions of money will give no comfort or solace in the hour when you sigh, "Oh! for a touch of a hand that is vanished, oh! for the sound of a voice that is still."

When the man with his millions came to die he turned to his pastor and said "sing." What shall I sing asked the minister? He said sing:

"Come, ye sinners poor and needy,
Weak and wounded, sick and sore;
Jesus ready stands to save you,
Full of pity, love and power."

Whether rich or poor in this world's good, if you have laid up treasures in heaven, when you begin the life immortal, you will receive an inheritance, incorruptible, undimmed, and that fadeeth not away.

Rev. Gade will speak next Sabbath morning on the "Memories of the Old Home."

Have Fine Time.

The hospitable country home of Mr. and Mrs. John Meisinger, Jr., eight miles northwest of this city was the scene of a very pleasant social affair yesterday afternoon when a number of friends assembled and did have a most delightful afternoon, interspersed with social conversation, music and the like, which caused considerable merriment and assisted in making the afternoon one of the most delightful the guests had ever enjoyed. The pleasures of the afternoon were further augmented when the guests were invited to the dining room where a sumptuous feast was in readiness for them to destroy, and to which they could not help but do ample justice. This jolly company returned to their homes late in the evening, having thoroughly enjoyed themselves and very much gratified at the splendid entertainment afforded them at the Meisinger home. Those in attendance were Louis Born and family, Anton Meisinger and family, William and Allie Meisinger, George Horn, Nettie Meisinger, Bertha Nolting, Maggie Kaffenberger.

Bids Open Next Monday.

There has been some inquiry as to when the paving would be done, which was voted some months ago. Mayor Sattler informs the Journal that the bids will be opened and read and considered at the regular council meeting next Monday night, August 8th. The paving will be done as soon thereafter as the contractor can give his bonds and make the proper arrangements.

In Honor of H. J. Schultz and Wife.

Yesterday was the seventeenth anniversary of the wedding of Mr. and Mrs. H. J. Schultz of this city, and in honor of the event, Mr. C. A. Gauer and wife entertained at their beautiful country home near Cedar Creek. A fine banquet was served to which seventeen persons sat down, covers having been laid for that number. After dinner, games and amusements were engaged in and a very pleasant afternoon enjoyed by the company. Mr. and Mrs. Gauer are royal entertainers and spare no pains in making their guests enjoy themselves.

BOYS ENJOY A FINE OUTING

Fortunate in Catching All the Fish They Could Handle

Last Saturday evening or rather about 2 a. m., Sunday morning, a party of young men from this city with bate and lines and all sorts of fishing tackle, found themselves at Metzger's pond near Cedar Creek. They talked and used the tackle until daylight then threw in their hooks and by breakfast time had a fine bunch of the finny tribe ready for the frying pan. Charles Kunsman was elected cook for the breakfast. He did the stunt to perfection, preparing one of the most appetizing meals the boys have sat down to for some time. Charles had the breakfast all ready to serve by 9 o'clock in the forenoon of the same day he commenced it. The breakfast would never have been ready at that time had not Kassie assisted in its preparation.

After breakfast the boys fished some more, this time bringing to shore something like 250 fish of all sizes and conditions. The champion fishermen were Frank Koubek and Louis Berkinbush, Joe Lbershall, Anton H. Koubek and George Hild coming in for second honors.

Some of the boys had poor luck, and would have gone hungry had not the more lucky ones divided with them. By 1 o'clock enough fish were on land to make a good dinner, and accordingly Charles Kunsman was again selected to toast the trout, with A. H. Koubek assistant, with George Hild to pass the water and other refreshments. After dinner the bunch attended the ball game and saw Cedar Creek win in an easy game from the Springfield or Cullom team. A. H. Koubek acted as umpire for the game. The party were compelled to leave the grounds before the ball game was over and on their way home stopped with J. M. Meisinger for a short visit. At the Guenther farm supper was prepared and served, A. H. Koubek taking the cook's position this time. It was a great day for all the party and one that will be a green spot in their memories for many years. The party was composed of Charles Kunsman, Albert Egenberger, Joe Lbershall, Frank Koubek, Henry Hees, Kassie, A. H. Koubek, George Hild and Louie Berkinbush.

Organize Private Sewer Company.
A Private Sewer association is organizing in the city to accommodate those interested along the route, and thus do away with cesspools which are a sort of nuisance. The sewer will begin at or near Dr. T. P. Livingston's residence on north Sixth street and cross the street to the east, thence north to the alley near V. V. Leonard's residence; thence east to Fifth street. This will reach the residences of D. O. Dwyer, H. N. Dovey and A. J. Beeson. Another extension will continue up Sixth street to the alley south of the Gerding home; then extend east to Fifth, reaching the home of County Treasurer Frank Schlater and J. H. Halde-man. There will be about one thousand feet of the pipe and will cost the beneficiaries in the neighborhood of \$500. The contract for putting in the sewer has been awarded to Walter White.

Stull Case Called for Trial.

At 2:30 this afternoon the case of the State vs. Lawrence Stull, for assaulting his sister, Mrs. Monroe with intent to do great bodily harm was called in the county court. The state was represented by County Attorney Ramsey and the defendant by A. L. Tidd. A motion and affidavit was filed for continuance for ten days, and the same was continued to August 13.

THE DOG DAYS, THE DOG STAR AND THE OLD DOLDRUMS

Where "Dog Days" Derives Its Name and Why It is the Season of [the Year When Dogs Go Mad.

Many people do not know the meaning of the term "Dog Days," and always look upon August as the dog days month. The dog days is the name applied to that season of the year when heat is most intense and its consequences most baleful upon all creation. In this latitude its exact beginning and end is indeterminate, only that it begins in July and lasts well throughout August. It is the season when dogs are most affected by heat; when snakes go blind; when the fish refuse to bite; when the water in the ponds and creeks becomes part covered with green scum, and, scum covered or open, is fraught with queer ills for the boy who goes swimming; when cats are most liable to fits; when song birds are mute in the woods; when pawpaws, shrubs and bush in the pastures, if cut down, do not sprout again. It is a season when man is liable to heat prostration or sunstroke, is languorous and full of lassitude, or silly or irritable, prone to take offense at trifles, seeking for comfort and rest and not finding them by night or by day.

The season does not, as many suppose, obtain its name by reason of any peculiar susceptibility of dogs to its influence. It received its name long, long ago from the ancients and the dog had nothing to do with the naming. The early astronomers in the regions about the Mediterranean and the hot countries of Central and Southern Asia gave it the name of Canicula, which was an old name for the constellation, Canis Minor, the Little Dog. This name was also applied to Sirius, the Dog Star, in the constellation Canis Major, the Big Dog. That star, the largest and brightest of all the stars, gave the name to the season. From the rising of this star during the hottest season of those latitudes, the ancients reckoned their dog days, which were forty in number, and they attributed the evils of the season to a baleful in-

fluence proceeding from the star. These forty dog days were twenty before the rising of Sirius and twenty after. The rising of the star was supposed to be the occasion of the extreme heat and the troubles incident. It was, however, by mere accident that the rising of Sirius in old times coincided with the hottest season of the year in the countries of the ancient astronomers. The time of its rising depends upon latitude of the place. It is later and later every year in all latitudes owing to procession. In time the star may rise in the dead of winter in countries where once it was coincident with the hot and silly season, the dog days. This star and not man's companion and friend, the dog, gave the name to the dog days season.

As the dog days are to the land so in great measure are the doldrums to the sea. This is a name given by sailors to that part of the ocean near the equator in which calms and light, buffeting winds prevail with hot and sultry air. An old sailor, this July and August in Kansas or Nebraska, would be very apt to say: "I've struck into the doldrums ashore." In the doldrums sailing vessels used often to beat about for weeks, and they were formerly the dread of every mariner. Maury's charts were the first to give comprehensive directions for avoiding those parts of the sea most troubled by the doldrums. The doldrums oscillate north and south of the equator with the year's seasons. They lie further to the north of the equator in July, August and September, the season of our latitude's dog days, and farthest to the south in January, February and March, the dog days season in the southern hemisphere.

If one suffers from the evils of the dog days on land or the doldrums in the same latitude at that time there may be some consolation in shaking a fist at Sirius, but one must get up mighty early in the morning to do it.

SEVERAL PLACES BURGLARIZED

Ed. Donat Loses Seven Watches and Money, Billy Barkley Loses All His Chickens.

The criminal classes were at large in the city Saturday evening last and got in their nefarious work at several places in the city. When Ed. Donat came down Sunday morning to scrub out his saloon he discovered his place had been robbed of fifteen dollars in cash and five gold and two silver watches. Among the stolen property was Mr. Donat's gold watch which he values very highly.

On inspecting the premises to find where the robber entered he found that the screen over the east window had been removed and the culprit had come through and alighted on the tall music box standing against the east wall had descended to the floor and made way with the loot. There was nothing else disturbed which indicated that the money and valuables were all that the prowler needed at the time. If any liquor was taken it was taken in the original package and could not be missed. The doors were still locked and barred, indicating that the thief had departed through the same window at which he entered the saloon.

At William Holly's clothing store an attempt had been made to break in but either the criminal was frightened away or was fearful that in breaking the window he would make too much noise and might be detected. At this place he had removed the steps from the window but could not effect an entrance without smashing the whole sash which would have made quite a loud noise.

At William Barclay's restaurant the thief robbed the henroost, taking everything in sight. Mr. Barclay does not know just exactly the number taken, as he had not counted his fowls that day. He is of the opinion

that local talent did the job, and that yesterday spread quite a feast of chicken, cigars and liquor.

Boy Gets Leg Crushed.

At the gravel pits of Gilmore & Philpot near Cedar Creek yesterday, Frank Houk, a young man who was in their employ was run over by a car and suffered a dangerous, if not fatal wound. Young Houk it seems, had charge of one of the small cars which is used for conveying the gravel from the bank to the sieve where it is washed, and while manipulating one of these yesterday, which was loaded with gravel in some way he fell from the car, alighting on the track directly in front of it when it passed over him, crushing one leg in a frightful manner, a compound fracture resulting, and piercing the fleshy part of the other leg with a bolt. Dr. Cummins of this city was summoned and went to the scene of the accident as quickly as his auto could take him. He brought the young man to town and took him to the hospital at Omaha where he could receive proper care. It was thought that the limb could be saved and when the doctor left the hospital last evening the young man was resting as easy as could be expected under the circumstances.

Visited in the Country.

M. Hild and wife and Miss Mabel Kiser and Miss Marie Bookmeyer drove out to the home of Mrs. Hild's father, J. M. Meisinger yesterday and visited a few hours. Mr. Hild thinks crops are looking fairly well, at least some of the fields will make some good corn. There were a few fields where the crop was put out late which did not make growth before the hot dry weather came on, which is tassing out very low, this Mr. Hild says cannot make anything. The third crop of alfalfa will be very short unless rain comes this week.

Robert D. Taylor of Franklin, this state, is in the city the guest of his brother-in-law, James Robertson. Mr. Taylor is on his way home from New York.

PRIMARY ELECTION TUESDAY, AUG. 16

A Few Tips to the Voters Which May Benefit Them Materially

On primary day the voter will find all tickets and candidates on a large "blanket" ballot, the different party tickets being arranged in columns running from top to bottom, under the different party names.

Under the "Open" primary law now in force in Nebraska a voter may vote whatever ticket he wishes regardless of his party affiliation. For example: A voter who has affiliated with the Republican party may vote the Democratic ticket, or vice versa; but he cannot vote for candidates on both tickets. He need not vote all of a party ticket. He may vote for just one candidate or for two or such number as he desires. The important thing to remember is that you cannot vote for one candidate on one ticket and for another candidate on another ticket. You must stay by one ticket or your vote will be thrown out.

The law says that a voter "upon presenting himself at the polling place where he is entitled to vote shall receive an official ballot and shall then proceed to the voting booth and mark by placing a cross (X) opposite the name of the candidate he wishes to vote for, but all candidates voted for must appear in the same party column and should any voter vote for candidates in more than one column the ballot shall not be counted."

The voter who would like to vote for certain candidates on the Democratic ticket and for others on the Republican ticket will have to think the matter over and decide what is most important to him and the welfare of the state in the campaign that is now on.

All young men who have become of age since the last registration day,

October 5, 1909, are entitled to vote at the primary election to be held on August 16th.

The above instructions concerning voting at the primary election on August 16 apply to all voters whether they live in the country or in cities or towns where registration is required.

Day Light Burglary.

The residence of Mr. Wintroub, the Main street merchant, was entered yesterday between the hours of 4 and 6 p. m., and robbed. Mrs. Wintroub and the children had gone to the store, leaving the doors of their residence, which is located on west Pearl street, closed but unlocked. For the nine year the family have resided in this house they have never had anything touched before. Mrs. Wintroub found that the rooms upstairs had been entered and the drawers, where she kept her table linen, had been rifled. Down stairs the robbers had opened a cupboard where her glassware was kept and from a small purse therein took \$3.20. The money was all that could be missed. The supposition is that someone who knew of the absence of the family did the deed. It is a bold thief that will go into one's dwelling in the broad daylight. A term in the penitentiary is the only thing which will cure the thieving habit.

Mrs. Furlong Goes to Hospital.

Mark Furlong accompanied by Mark White went to the hospital in Omaha this morning with Mr. Furlong's mother, Mrs. S. L. Surlong, who has been sick for some time. Mrs. Furlong's trouble seems to be hardening of the arteries. She was taken to Wise Memorial hospital, where the best of care could be given her.

Buys Auto.

Ed. Mason, the prosperous Main street confectioner, is the owner of a fine Ford auto, which he expects to use in delivering goods to any part of the city and adjacent territory. Ed. is a hustler and since embarking in the confectionary business has been climbing right up.