

# APPEAL IN BANK GUARANTY CASE

## State Takes Disputed Oakland Bank Suit to Supreme Court.

### CHICAGO MAN CHOSEN ORATOR

Professor Merriam is Selected to Deliver Address to Nebraska Graduating Class—Jury Drawn in Murder Case—Reappraisal of Lands.

Lincoln, Feb. 29.—The state has appealed from the decision of the district court of Burt county in the case of the state against the Farmers' and Merchants' bank of Oakland.

At the time the bank guaranty law was passed this bank was operating under a state charter, but the law was held up by an injunction issued out of the supreme court. Before that case was decided and the law actually operative the bank had changed to a national bank.

The legislature had also passed an amendatory law providing that state banks need not pay into the guaranty fund for the two years the law had been operative, but this law did not exempt banks which had in the meantime converted into national institutions. All such banks were sued by the state for the apportionment of the guaranty fund, and the Oakland case was taken as a basis for litigation, the other cases to follow the verdict in this.

The state lost in the lower court, which held that the amendatory law was discriminatory, in that it took money from institutions which could never profit by its terms and exempted those which could. As the state banks had not been compelled to pay the assessment, the converted national banks could not be held.

### Reappraisal of Lands.

Reports have been received at the office of the land commissioner of the reappraisal of school lands in Cherry county. There are approximately 24,000 acres of such lands in the county and more than half of it has been reappraised. The reports show that under the new valuation land runs from 25 cents to \$3 per acre under the lease appraisal, which is an increase of about 75 per cent over the present figures. The appraisals have not been approved yet and there is some question whether the good hay lands are not valued too low.

### Jury in Harris Case.

The jury was drawn to hear the trial of John F. Harris, accused of the murder of David McFry on July 24, 1911. McFry and Harris were quarreling and the accused man struck his opponent a blow which caused his death. The defense will urge that the blow was given in self defense.

### Professor Merriam to Talk.

Professor Charles E. Merriam of Chicago university will deliver the commencement address at the state university, June 13. He will take for his topic "Citizenship." Professor Merriam was a candidate for mayor of Chicago at the last election.

### CALL MEETING TO REVOLT

#### Hastings Woodmen Push Move to Protest Against Rates.

Hastings, Neb., Feb. 29.—A movement calculated to muster the Modern Woodmen of America in a state-wide revolt against the national organization on account of the action of the head camp in ordering a sweeping raise in the insurance rates was inaugurated at a special meeting of the Woodmen of Hastings and nearby towns.

It was voted by an overwhelming majority to call a state meeting of Woodmen to be held in this city on March 20. Invitations will be sent to all of the 692 camps in the state, which embrace a membership of approximately 60,000, and it is expected that a majority of the camps will send delegates.

According to local Woodmen the members of the order are powerless to prevent the enforcement of the new rates unless the executive board should consent to call a special meeting of the head camp to reconsider the action taken at Chicago, which it probably will not do. In the call for the state meeting for this city the local camp makes it plain that the purpose is to consider the organization of an independent state jurisdiction.

### Golden Wedding in Beatrice.

Beatrice, Neb., Feb. 29.—Mr. and Mrs. Jacob Martens, old residents of this city, celebrated their golden wedding anniversary at the Methodist church in the presence of about 200 guests. They were married in Germany and came to Beatrice twenty-five years ago.

### Broken Bow Man Lost in Snowstorm.

Broken Bow, Neb., Feb. 29.—Mr. and Mrs. R. T. Baker, living a short distance north of town, have received word that their son, Albert, has been lost in the snow near Lander, Wyo., and it is feared frozen to death.

### Beatrice to Vote on Saloons.

Beatrice, Neb., Feb. 29.—At a meeting of the city council it was voted to submit the saloon license question to a direct vote of the people at the spring municipal election.

### MAKING STRIKE ARRESTS.

#### Snapshot Views Taken At Lawrence When Women Were Arrested in Riots.



### THOUSANDS OF COAL MINERS QUIT WORK

#### Conference in London is Making Final Effort for Peace.

London, Feb. 29.—One of the reports of the coal owners, after another conference at the foreign office, stated that there was no likelihood of any settlement of the dispute in the coal trade being reached.

The miners, after a long and stormy meeting, passed a resolution deciding to continue the negotiations with the owners under the auspices of the government, with a view to bringing about a settlement of the dispute.

Some of the miners' delegates are bent on war, especially the representatives of the collieries in South Wales, but the executive committee succeeded in inducing the meeting to make a further effort for peace.

In an official statement the executive committee confirmed the decision of the miners' federation to resume its conferences with the premier.

The conference of the miners' federation also passed a resolution to permit all the men whose services are necessary to keep the coal pits in good working order to continue at work. This action has revived the hope that it will not be long before the disputants are able to meet in a joint peace conference.

There are now upwards of 100,000 miners on a strike.

### DUTCH ON WAY TO IOWA

#### Two Hundred Farmers and Their Families Reach New York.

New York, Feb. 29.—Two hundred Dutch farmers and their families are in New York, en route to Iowa, where they have purchased a large tract for farming purposes. They arrived here on the liner Noordam, from Rotterdam. All are in possession of ample funds and the men, women and children are splendid specimens of the sturdy Friesland yeoman farmers, who have been the backbone of Holland in time of trouble. Heavy taxation and high rents were the causes of their emigration from Friesland.

### Operate on Stomach of Baby.

Pontiac, Ill., Feb. 29.—An operation, said by local surgeons to have been performed on the youngest person in the history of modern medical science, was made on the baby of Mr. and Mrs. Frank Stewart, near El Paso, Ill. The baby was born at 4 o'clock in the morning and at 2:30 o'clock in the afternoon the surgeons operated on the infant's stomach. Physicians said the baby would live.

### Jury in Breen Divorce Case Disagrees.

New York, Feb. 29.—The jury in the divorce suit brought by Ethel Croker Breen against her husband, John J. Breen, erstwhile riding master, returned a sealed verdict in the supreme court, holding that they could not agree. The plaintiff is a daughter of Richard Croker.

### Turks Defeated in Fierce Battle.

Rome, Feb. 29.—A severe battle, resulting in the utter defeat by the Italian troops of the Turkish forces and their Arab allies, with great loss, is reported in official dispatches received here from Homs, about seventy miles east of Tripoli, on the Mediterranean coast.

### Victor School Building Burns.

Victor, Ia., Feb. 29.—The public school building, together with a library of 1,000 volumes, all the furniture and the books of teachers and pupils, was destroyed by fire. The loss is \$10,000, with \$5,000 insurance.

# COMMERCE COURT ANNULS ORDER

## Ruling by Commission in Rate Case Flatly Overruled.

### SURE TO ADD TO THE FRICTION

#### Decision Says Interstate Commerce Commission Assumed Power It Never Possessed and Made Ruling Contrary to the Evidence.

Washington, Feb. 29.—An order of the interstate commerce commission reducing certain class freight rates from New Orleans to Montgomery, Selma and Mobile, Ala., and to Pensacola, Fla., was annulled by a decision of the commerce court.

The decision, handed down by Judge Archbald, is certain to add considerable fuel to the controversy already acute between the interstate commerce commission and the commerce court.

The court declares that congress never intended to clothe the commission with the wide authority it has assumed. It was further asserted that the court could discover nothing in the record in support of the conclusions of the commission or to justify the reductions in rates that it ordered.

### Commission Flatly Overruled.

The court's opinion concludes: "Counsel for the commission and for the government simply rely on the authority of the commission to determine what is a reasonable rate and the conclusiveness of its judgment where it has done so, against which, it was argued, the courts can afford no relief unless the rate which has been fixed is shown to be confiscatory. "This contention must be respected. In our judgment it was never intended to confer on the commission any such unrestrained and undirected power. It is not within the authority of the commission to reduce the rates in this or any other case not merely against the weight of the evidence produced to sustain them, but without anything substantial to warrant the conclusion reached or the reasons assigned therefor.

"And this we are convinced is a case of that character. Having regard to the undisputed evidence adduced at the hearing, the existing rates were not shown to be unjust or unreasonable and there was, therefore, no valid basis for the commission's conclusions."

### First Case in Commerce Court.

This was the first case argued before the commerce court after its establishment, more than a year ago. It was brought by the Louisville and Nashville railroad in an effort to modify or annul the commission's order of reduction. It was learned in the record that if the order of the commission fixing what, in its opinion, were reasonable rates were enforced, the loss to the Louisville and Nashville would be \$209,000 a year.

The New Orleans board of trade alleged that discriminating rates against New Orleans were made by the Louisville and Nashville and urged that that city be put on an equality of rates to the southeastern territory with New York, Baltimore, the Carolinas and Virginia. The opinion of the court is directly opposed to that contention.

### Peavey Company Asks Rehearing.

Washington, Feb. 29.—On the ground that the recent decision of the supreme court of the United States in the "grain elevation cases" is being used as a "rank discrimination," both as between shippers and localities, F. H. Peavey & Co. and subsidiary companies at Omaha and Kansas City petitioned the court for a rehearing.

### KNOX EXPLAINS MISSION

#### Secretary Appeals for Closer Union With Latin-Americans.

Panama, Feb. 29.—The American secretary of state, Philander C. Knox, made his first formal appeal for a closer union of the American republics. The occasion was a state dinner given by the acting president of Panama, Rodolfo Chiari, in honor of Mr. Knox, and judging by the applause the secretary's remarks were received in a spirit that was largely sympathetic and cordial.

This speech, while delivered before the acting president of Panama, was in reality addressed to all the countries he will visit and included an explanation of the attitude of the United States towards South and Central America. Mr. Knox said the president believed the early completion of the canal should mark the beginning of closer relations between the United States and all Latin-America; that the purpose of the United States towards all the American republics was to live in amity and essential harmony, and that the United States desired more peace, more prosperity, more happiness and more security in their national lives. He declared the United States craved neither sovereignty nor territory in Latin-America.

### Cuba to Honor Dead of Maine.

Havana, Feb. 29.—Full honors will be paid to the dead of the battleship Maine before they are put aboard ship for transport to the United States. President Gomez issued a decree setting forth the program of ceremonies

### PETER MORTENSEN IS DEAD

#### Former State Treasurer Dies Suddenly at Home in Ord.

Ord, Neb., Feb. 29.—Peter Mortensen, president of the First National bank and one of Valley county's most respected citizens, died suddenly at his home here. He came to Valley county in the early days and has been a prominent figure in the development of this section of the state. The funeral will be held tomorrow afternoon.

Mr. Mortensen was for many years a leader in the Republican party of the state. He had served as state treasurer for two terms. He was first nominated for this office in 1898, but suffered defeat with the rest of the ticket. In 1902 he was again given the nomination and was elected. He won a reelection in 1914.

Mr. Mortensen was a native of Denmark, born Oct. 18, 1844. He came to America when twenty-six and located in Valley county in 1872. Here he built the first civilized dwelling in the county, a dugout, that section of the state being principally occupied by Sioux and Pawnee Indians when Mr. Mortensen arrived.

### NEBRASKA SOCIALISTS IN SESSION AT YORK

#### Convention Will Adopt Platform and Pick State Ticket.

York, Neb., Feb. 29.—The Socialist state convention convened for a three days' session, in Armory hall. The meeting was called to order by the state secretary, Clyde J. Wright. The party has 100 local organizations in the state.

The business of the convention will be to make the state platform for 1912 and suggest candidates for the state ticket and the matter of financing the state paper.

E. E. Olmsted of York is a candidate for delegate to the national convention, which convenes at Oklahoma City, May 12. Nebraska will send three delegates.

G. G. Foster, the preacher Socialist, from the Sixth district, will address the meeting. Mr. Foster was formerly a resident of York county.

### WATER USERS SEEK RELIEF

#### Homeowners Say They Must Be Given Additional Time.

Morrill, Neb., Feb. 29.—For the last week or two the homeowners under the interstate canal, government reclamation project, living in the vicinity of Henry and Morrill, Neb., have been holding local meetings at their respective school houses and discussing and passing resolutions concerning charges which the secretary of the interior is assessing against their lands. Some of these resolutions declare that if no relief is offered in the matter of payment at least 80 per cent will lose their lands and all buildings and labor.

The local meetings culminated in a mass meeting of the stockholders of the North Platte Valley Water Users' association residing in the first lateral district in Morrill. About 150 homeowners were present.

At this meeting resolutions were unanimously passed memorializing the secretary of the interior to allow them to have a hand in making a contract which they could meet. A publicity committee, with H. A. Mark of Morrill as chairman, was appointed, with instructions to begin a vigorous campaign of publicity if their delegate now in Washington does not succeed in inducing congress or the secretary of the interior to make suitable terms.

### PEARSE FOR TRADE SCHOOLS

#### Milwaukee School Man Reads Paper to Superintendents.

St. Louis, Feb. 29.—Delegates to the convention of the National Education association spent a busy day—the third of the meeting. The department of superintendence, the national council of education, the national committee of agricultural education and the Educational Press association of America were in session.

Carroll G. Pearse, superintendent of schools at Milwaukee and president of the National Education association, read a paper on "The City Trade School," in which he discussed the importance of trade schools as instruments for improving the vocational need of the city child.

### Oregon Short Line Draws Fine of \$800.

Boise, Ida., Feb. 29.—Eight hundred dollars in fines was assessed against the Oregon Short Line railroad in the United States district court. One fine was for allowing eight train crews to work more than sixteen hours without the legal rest period; another for holding stock in transit more than twenty-eight hours, and the third for maintaining unsanitary premises at Pocatello.

### Chief Justice and State Printer Mix.

Carson, Nev., Feb. 29.—Chief Justice Sweeney of the state supreme court and State Printer Farnsworth came to blows over a relief bill that was pending in the lower house of the legislature. Friends separated them before any damage was done. The extra session of the legislature adjourned.

### Blue Springs Pioneer Drops Dead.

Blue Springs, Neb., Feb. 29.—J. G. Allen, a pioneer resident, fell dead while engaged in shoveling snow off the walk in front of his home.

### LOCAL NEWS

#### From Tuesday's Daily.

Miss Bess Edwards came up from Union last evening, her school having been closed for the rest of the week on account of the deep snow.

Mrs. Chris Gauer, Miss Emma Gauer and Miss Cora Meisinger of Cedar Creek came in on No. 4 this morning and spent the day in this city shopping.

Chris Tschirren of Plattsmouth precinct was a visitor in this city Saturday and called at this office and renewed his subscription to the Daily for another year.

Mrs. Gustave Heidemman, who has been visiting her parents, Fred Kehne and wife, for several weeks, departed for her home at Creighton, Neb., this afternoon, accompanied by her sister, Miss Kehne, who will visit at Creighton for a time.

#### From Wednesday's Daily.

John Whiteman and Mike Yeleck of Nehawka were county seat visitors today, looking after some items of business.

Dave Young and daughter, Mrs. Seeley Lawton, of Murray, were visitors in the city today and Mr. Young was a pleasant caller at this office.

Niles Coleman and his brother Harvey Coleman, of Greenwood, transacted business in the county seat today, having come down on No. 4 this morning.

Charles C. Barnard of the vicinity of Mynard was a business visitor in this city yesterday and called at this office and ordered the Journal sent to his address.

E. J. Meisinger and A. L. Todd were visitors in the city yesterday. They were pleasant callers at this office, and while here Mr. Meisinger ordered the Journal sent to him on Route 2.

Albert Tschirren of the vicinity of Mynard was a visitor in this city yesterday and called at this office and informed us that he had moved from Mynard to Route 2, Plattsmouth, and that he wished to have his paper sent to the new address.

G. P. Heil and son, H. Heil, of near Cedar Creek came down on No. 4 this morning to do some shopping and look after business matters at the court house. Mr. Heil remarked that he had never seen the snowdrifts piled higher than was done during the recent storm.

O. E. Mayfield and wife arrived on the afternoon train today to visit their son, Claude and wife, for a short time and look after business matters at the News-Herald office. Mr. Mayfield has not been in Plattsmouth for three months, and was not out of his house during the months of December and January.

Dr. Herman Gerhard, director of the German Castle colony of Texas, is in the city and registered at the Plattsmouth hotel. On March 19 a large excursion of German colonists will leave Lincoln to go to Texas with Dr. Gerhard. Ludwig Wendt, who formerly resided in this city, is already on the ground, having resided there for six months, and is greatly pleased with the country.

#### From Thursday's Daily.

Ben Dill, from near Murray, was looking after some business matters in the county seat today.

D. A. Young and son, Rex, from near Murray, were in the city today looking after some business matters.

Crede Harris of near Union was in the city last night attending the M. W. A. rate discussion at their hall.

Mrs. John Albert went to Immanuel hospital this morning to visit her daughter, Miss Emma, for the day.

Mrs. Hendricks, from south of the city, was in town today doing some errands, driving up from home this morning.

F. J. Hild, from near Mynard, was in the city last Friday and called at this office to renew his subscription to the paper.

Herman Klitch, the Weeping Water miller, was a Plattsmouth visitor last night and registered at the Plattsmouth house.

J. W. Edmunds, the new manager of the Farmers' Elevator company at Murray, was in the city today looking after some business matters.

C. G. Spangler and children of Deweese, Neb., arrived in this city yesterday morning for a visit with relatives in this vicinity. Mr. Spangler was a pleasant caller at this office today and informed us that he had moved from Deweese to Nelson, Neb., and asked us to

send his paper to his new address. He also said that there was more snow in this vicinity than at Deweese.

D. O. Dwyer was called to Omaha on the afternoon train today.

John Whiteman, one of the leading Woodmen of Nehawka, was an interested listener at the rate discussion last night.

C. B. Chapman of Union attended the M. W. A. meeting last evening, having been invited to the county seat for that purpose.

John Edmunds of Murray transacted business in Plattsmouth for a few hours today. He was accompanied by James Brown.

A specific for pain—Dr. Thomas' Electric Oil, strongest, cheapest liniment ever devised. A household remedy in America for 25 years.

E. O. Mayfield and wife returned to South Omaha on the morning train today, after looking after business matters in Plattsmouth for a short time.

A mistake occurred in the date of the opening of the M. E. Manspeaker livery barn formerly printed in the Journal. The date of the opening is Saturday, March 2, 1912.

"I have been somewhat costive, but Doan's Regulets gave just the results desired. They act mildly and regulate the bowels perfectly."—George B. Krause, 306 Walnut Ave., Altoona, Pa.

Mrs. A. W. Smith left for Carson, Iowa, on the morning train today in response to a telephone message informing her that her daughter, Mrs. Boruff, was much worse.

Ben Wiles of near Mynard boarded the train for Omaha today, where he was called on business. On his return Mr. Wiles will go to Malvern, Iowa, for a few days.

Henry Born drove in from the farm this morning to attend to some business matters. While here he was a pleasant caller at this office and renewed his subscription to the Daily.

Dyspepsia is our national ailment. Burdock Blood Bitters is the national cure for it. It strengthens stomach, membranes, promotes flow of digestive juices, purifies the blood, builds you up.

# "SUNDAY" AT PARMELE THEATRE ON FRIDAY

#### Comedy Drama Entitled "Sunday"

On Friday evening, March 1, at the Parmele theater, a company of ten Louisville young people will present the beautiful little comedy drama entitled "Sunday." The play deals with the life of a young girl whom at the tender age of 1 year had been left in the care of four rough miners in a western town—Silver Creek, U. S. A. When she becomes of age she is sent to England to complete her education. While there she meets and falls in love with a young army officer.

But Sunday does not then marry this man and remains in England, but, for very good reasons, which are revealed in the play, tells him she can never marry him and returns to her boys, as she calls them, at Silver Creek. The young officer, of course, follows her.

The play ends happily, as all good plays should. The young people have secured the services of a professional stage director and will give a first class performance in every respect. Following is the cast:

- Col. Brinthrop... Joseph Kelley
- Arthur Brinthrop... James Donlan
- Tom Oxley... Armin Lee
- Towler... Victor Lee
- Davy... Harold Koop
- Lively... Roy Clifford
- Jacky... Sidney Spence
- Mrs. Alice Narsey... Myrtle Clifford
- Mrs. Alice Shelton...
- Mabel Thompson
- Maid... Mabel Ward
- Sunday... Ruth Noyes

Act 1.

The room at Silver Creek, U. S. A.

Acts 2 and 3.

Brinthrop Abbey, England.

Act 4.

The room at Silver Creek, U. S. A.

Prices—25, 35 and 50 cents.

### German St. Paul's Church.

During the Lenten time we will have the Lenten services on Friday evening at 7:30.

### Hogs Wanted.

Will pay market price for hogs weighing from 80 to 150 pounds. See J. P. Falter, in Coates' Block.