

Southern Pacific Road Files Brief for Rehearing

Execution of Order of Supreme Court Would Give Retroactive Effect of Sherman Law.

Washington, Aug. 1.—Execution of the supreme court order requiring the Southern Pacific company to divest itself of ownership and control of the Central Pacific railway would give retroactive effect to the Sherman anti-trust law and "create a new and untried condition" in the management of the two roads, according to a brief filed in support of a petition for a rehearing of the case.

Joint control and operation of the Southern and Central Pacific properties, counsel for the defendants contended, had been in effect long before the law was enacted under which the legality of such control finally was attacked.

"If the present properties were disintegrated after 50 years of unified and uninterrupted operations," the brief said, "the effect would be to create two managements where there has been but one since the origin of the properties and also to create a new and untried condition which has no prototype."

Two Lines Unified. "Not only were the two roads built, operated and controlled by the same persons," but the Southern Pacific was constructed as a continuation of the lines of the Central Pacific, and "to prevent duplication," counsel argued, adding that the builders proceeded upon the assumption that the lines would be operated together and through the "50 years of their existence the properties have never been other than a unified whole, made up of integral parts which were the outcome of a normal, natural growth."

"It would be the irony of fate," the brief continued, "if it should turn out that the unified control of Stanford and his associates were destroyed by their stock sales" (referring to the transfer of Central Pacific stock, mostly to foreign investors) "and then find that the restoration of this unified control by purchase of the stock was illegal."

The brief objected to the use of the word "combination" in the opinion of the court, in reference to a consolidation of two "systems," insisting that the case presented only "the building of integral parts of a property."

Numerous citations were given to support the alleged rights of the Central Pacific as a California corporation, to lease its property to the Southern Pacific, free of restriction by federal statute, the contention being made that the lease was like many others made by California companies holding federal franchises to construct and operate railroads which "have stood unchallenged from earliest times."

Declaring it was not the intention of the Sherman law "to subvert" the vested before its passage," the brief presented an exhaustive argument to support the contention that the lease of the central Pacific to the Southern Pacific was valid, made in 1885 for a period of 99 years and that the arrangement could not be interfered with until the expiration of the lease.

Aviator Scalped in Mishap. Formerly Lived in Fairbury. Fairbury, Neb., Aug. 1.—(Special.)—Rube Wagner, the aviator scalped in an accident at Tarkio, Mo., Friday, is in St. Elizabeth hospital in St. Joseph, Mo. He is an orphan and has always made his home with his grandparents, Mr. and Mrs. Ruben Quinn, of Fairbury.

Physicians say that he has a fair chance to recover. An attempt will be made to graft the scalp on as soon as he gets stronger.

Rube left here in 1917 to enter the government aviation service and has been in the service of an Omaha aviation company since his discharge from the army.

Details for Sale of Columbus Courthouse Are Arranged. Columbus, Neb., Aug. 1.—(Special.)—C. M. Gruenther of Omaha was in conference with county supervisors, county attorney and county surveyor arranging details incident to the sale of the old courthouse property which is to be sold August 29th.

Injured Columbus Athlete Undergoes Leg Operation. Columbus, Neb., Aug. 1.—(Special.)—Leonard Miller, son of Mr. and Mrs. A. R. Miller, who was injured while participating in athletics at the high school three months ago, underwent an operation on the affected leg in Methodist hospital in Omaha yesterday.

The Bee Want Ads are best business boosters.

Household Furniture and Piano Storage and Shipping

Mr. F. H. Meyers, president of THE TERMINAL WAREHOUSE CO., 702 South 10th St. (Corner Jones and Tenth), announces the opening of a new department on August 1st, for the packing, storage and shipment of household goods and pianos under the personal direction of Mr. Paul S. Fleming, who until recently was for seven years connected with the "Gordon Company" of this city.

The "Terminal" offers every facility and advantage known to the household storage business, including central location, fireproof warehouse, low insurance rates, separate locked rooms for individual customers and the personal attention of a manager with long years of experience.

It has adopted "PERSONAL ATTENTION" for its slogan, and this every customer is assured of at the hands of Mr. Fleming.

When considering household storage or shipment, phone Jackson 1504 and ask for Mr. Paul S. Fleming.

Davis Is Proposed for G. O. P. Committee

Lincoln, Aug. 1.—(Special.)—Friends of Attorney General Clarence A. Davis feel that if he finds he can spare the necessary time to handle the state campaign that he may be a candidate for chairmanship of the republican state central committee.

So far there has been no antagonism from any quarter relative to the proposed selection of Davis. The vim put by the attorney general into his short and spectacular campaign for nomination for United States senator, coupled with the big vote he received in country districts is reported to be taken by nominees as proof of ability to get the facts concerning the state government before the voters in the fall campaign.

Nebraska Land Valuations for Taxes to Be Lower

Assessment Totals to Be Lessened but Many Counties Will Be Asked for Larger Figures.

Lincoln, Aug. 1.—(Special.)—Nebraska land valuations will be lower this year than they were last year. This was the statement made today by W. H. Osborne, state tax commissioner, following an all-day conference with the state board of equalization relative to valuation reductions requested by 35 counties. A hearing on reductions was held Monday at Lincoln.

"I do not mean all reductions requested will be granted," Osborne said. "This will not be the case. But there will be a decrease in total valuations placed on Nebraska land this year."

The reduction in valuation, together with almost a 33-1/3 per cent reduction in the state levy to be made by the state board of equalization, is made possible by the special session of the legislature called by Governor McKeely last winter when millions of dollars were sliced from appropriations.

Osborne was unable to state today whether like reductions would be made in city, county and school levies. He stated that the names of counties compelled to increase valuations over those returned to the state board would be announced shortly.

"Some of the 35 will be requested to raise their valuations," he said. "But the total in valuation of the state will be considerably lessened."

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THE BEAUTY SHOP Raymond Hitchcock and in all star production Created by Cosmopolitan Productions

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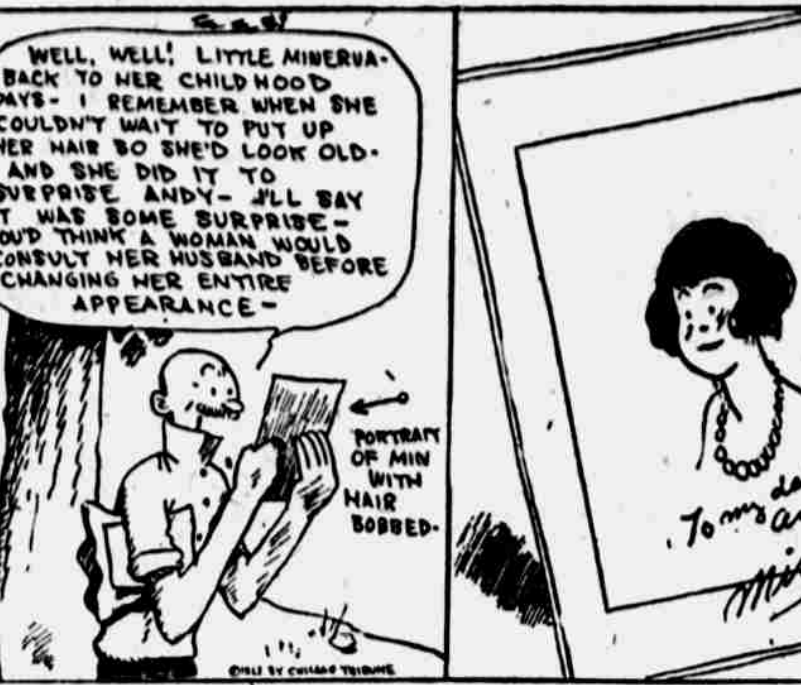
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THE GUMPS SEE IT IN COLORS IN THE SUNDAY BEE



BACK—GIVE HIM AIR



Drawn for The Omaha Bee by Sidney Smith (Copyright 1922)

BRINGING UP FATHER



SEE JIGGS AND MAGGIE IN FULL PAGE OF COLORS IN THE SUNDAY BEE



Drawn for The Omaha Bee by McManus (Copyright 1922)

Smith at Hill Hotel; Wife's Meal an Apple

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