

Council Bluffs.

Minor Mention.

The Council Bluffs office of The Omaha Bee is at 15 Scott street. Both phones 42.

Council Bluffs.

OBJECT TO COAL CUT IN IOWA

Roads Seek to Enjoin Railway Commission's Recent Order.

AFFECTS RATES IN NEAR STATES

Judge McPherson and Others Surprised that Operators Are Opposed to Change—Decision Comes Today.

Judge Smith McPherson of the federal court was yesterday impudently at Council Bluffs by the attorneys for five of the Iowa trunk line railroads to head a restraining order preventing the Iowa railroad commission from enforcing the reduction of rates on bituminous coal mined in Iowa and shipped to points within the state.

The revised rates, which are very comprehensive and cover nearly all of the grades of Iowa coal with a different rate for each, are to go into effect on Saturday, December 31, and the attorneys for the Iowa roads, which carry practically all of the coal mined within the state, the Northwestern, Burlington, Rock Island, Milwaukee and Great Western, asked Judge McPherson to come to Council Bluffs yesterday afternoon for the purpose of considering their appeal. Carroll Wright appeared for the Rock Island, J. C. Davis for the Northwestern, George H. Carr for the Milwaukee, Judge Eaton for the Great Western and William Ellis, general commerce counsel for the Great Western railroad.

Through a misunderstanding the Iowa commissioners were not represented by counsel, and in response to inquiries by Judge McPherson it was discovered that the notification sent to Attorney General Myers was not delivered in time for him to reach Council Bluffs and attend the hearing.

Order Given This Month.

On December 31 of the present month, the Iowa railroad commissioners promulgated a new rate affecting the shipments of Iowa coal to all points within the state making a material reduction. The railroad traffic managers objected to this rate on the grounds that it was not only too low to permit a reasonable profit on the Iowa coal business, but it was in conflict with the interstate commerce law for the reason that it would compel a readjustment of the rates on coal shipped into Iowa from Illinois and other states adjoining it except in cities located at the border touching the states where the shipments originated.

Each railroad presented a big petition representing its contentions, but when Judge McPherson was informed that all were identical he told the attorneys that it was needless for them each to argue the matter; that he would hear any of them to a reasonable length, but would prefer to take the petitions and consider the statements therein set forth. This was agreed to after Mr. Wright had made a few explanatory statements deemed necessary. Judge McPherson placed the bulky documents in his capacious overcoat pockets, saying that he would read one of them on his way to his home at Red Oak last evening and reach a decision early enough this morning to permit his opinion to reach Des Moines in time to be effective if he decided that a restraining order was desirable.

Claim Operators Oppose.

One statement made by the attorneys for the railroads caused an exclamation of surprise from Judge McPherson. It was said that 80 per cent of the Iowa coal mine operators were opposed to the rate reduction ordered by the commissioners, and that the remaining 20 per cent were not enthusiastically in favor of the reduction. Judge McPherson said that he could not understand this phase of the case and regretted very much that the railway commissioners were not present by counsel to explain this, of that the mine owners who should be pleased with a rate that would get their product to the customer at less cost, had not come forward with explanations of their hostility to the reduction.

The arguments following this, although not intended in any measure as an answer, declared that the reduced rate would place the coal carrying business in many parts of Iowa at a loss of actual loss to the railroads, and that the rate was unreasonable because they were unworkable. It was manifest that if any order at all was issued it would be temporary and an early date set for the hearing and the evidence to be submitted by the railroad commissioners.

CORSAN EXHIBITION TONIGHT

Swimming Teacher Will Show Public Some Fancy Stunts in Y. M. C. A. Pool.

H. H. Corsan, the international young men's Christian association swimming teacher of New York, who is teaching both boys and men this week in the association swimming pool will give a public exhibition tonight in the pool in which he will demonstrate thirty different kinds of strokes, fancy diving and swimming. The exhibition will start promptly at 8 o'clock and will be open to both women and gentlemen. The association is making arrangements for a big crowd and all who come will be taken care of and provided comfortable positions to witness the entire program.

Making Council Bluffs Beautiful.

A young lady from Dublin who spent some months in California and then lived at Colorado Springs, Colo., a short time ago, remarked that she liked the scenery in Council Bluffs the best of any place she had seen in the country. Why not make this city known not only for its beauty of location, but for the charm of its dwellings? If every man would plan to build a better home for himself it would mean a big improvement over box houses built merely for rent, or for sale at largest possible profit. It is within every man's ability to accomplish this by systematic monthly savings with the funds placed in the local savings society, the Council Bluffs Mutual Building and Loan association, earning good interest till the money is ready to build, then the association lends the remainder needed. It is a good way to help yourself and to help the city.

Marriage Licenses.

Marriage licenses were issued yesterday to the following:

George J. Jones, Chadron, Neb., to Mrs. Rose P. Land, Denver.

Council Bluffs.

St. Joseph Not Ready For the Fruit Show; May Go Elsewhere

Proposition to Take Big Exposition Slightly Larger Than at First Contemplated.

President Keeline, Vice President Hess and Messrs. Hamilton, Wallace, Beers, Scollie and other officers of the National Horticultural congress, returned from St. Joseph, Mo., yesterday morning, where they went to have a conference with the St. Joseph men relative to fixing the location of the congress and its 1911 exposition. The Council Bluffs delegation was hospitably entertained and given a complete exposition of the ability of the Missouri city to handle the big national fruit show, but the congress officers and founders all returned with the exception of Roy Wilcox and Paul C. Moore, who continued their journey north, without leaving assurances that St. Joseph was to get the exposition, or fixing definitely upon the fact that it was not to be held again in Council Bluffs.

The Council Bluffs men went fully into the details of the big enterprise and clearly showed the St. Joseph men that the location of the exposition meant heavy responsibility, financially, mentally and physically. It proved to be a larger proposition than was anticipated and the St. Joseph representatives asked for reasonable time to consider it.

The Council Bluffs men had a most pleasant visit. They were shown the city and then taken in automobiles about the city. The Auditorium building, where the exposition would be held if located in the city, was inspected. It is a handsome building that cost more than \$300,000, and fully capable of taking care of the national fruit show. It is not as wide, however, as the Council Bluffs auditorium, but is longer, and is provided with a big basement story with cemented floors that could be used for a large part of the exhibition, especially the machinery and spraying demonstrations.

Several members of the Council Bluffs delegation went to St. Joseph with distinct aversion to the plans for changing the location, and they returned more than ever convinced that the exposition should not leave here.

A sentiment is growing that would require slight encouragement to become dominant in favor of making an effort to enlist Omaha in the 1911 exposition on some proposition that would be mutually helpful to both cities. This sentiment contemplates the location of the exposition in Omaha. It is believed that if the two cities were to enter in a patriotic effort the original plan of the founders of the congress to keep its headquarters and its expositions here permanently can be fully realized.

Real Estate Transfers.

The following transfers were reported to The Bee, December 29, by the Pottawattamie County Abstract company, Council Bluffs:

Brown C. Ensign to Mary D. Knigge, part of lot 1, Auditor subdivision, block 20, No. 14, w. d. \$4,500. Grant Trotter and wife to Abraham J. Graft, lot 1, Auditor subdivision, Council Bluffs, Ia., w. d. \$1,300. Painter Knox and wife to Aaron Z. Lewis, lot 13, Auditor subdivision, Council Bluffs, Ia., w. d. \$1,200. Christine E. Jensen to Andrew J. Jensen, lot 11, block 8, Crawford's addition, Council Bluffs, Ia., w. d. \$1,100. Charles E. Cooper to Mary A. Hastings, lots 1 and 2, block 8, Street's addition to Council Bluffs, Ia., w. d. \$1,000. Sarah Plummer to Charles C. Plummer, lot 14, block 16, Auditor subdivision, Council Bluffs, Ia., w. d. \$742. Brown G. Ensign to Mary D. Knigge, undivided 1/2 of lot 1, w. d. \$4, and part nw 1/4 of s. d. and part e 1/4 ne 1/4 s. d. \$77-62. w. d.

Charles Klein in "The Lion and the Mouse" took a bull's eye shot at frenzied finance. George Broadhurst in his "Man of the Hour" lampooned the political trickster, now comes William F. Mann in his truly remarkable unveiling of the secret machinations of the denizens of the city underworlds in "Shadowed by Three." Mr. Mann has not been content, however, in merely showing up hypocrisy, greed and craft, but pointing the way to reformation and redemption. His narrative is replete with dramatic power, thrilling suspense and tremendous climax. Its plot and action contain material for a half dozen plays, but though he has been prodigal with his material, there are no diffuse or irrelevant scenes. Every line and scene all lead up to a successful and compelling climax. To be seen at Dooney theater Sunday matinee and night.

N. Y. Plumbing Co. Tel. 360. Night, L-1923.

First District Calendar.

TECUMSEH, Neb., Dec. 30.—(Special.)—Judges J. B. Raper and L. M. Pemberton of the First judicial district of Nebraska have issued the following court calendar for the year 1911: Gage County—January 20, May 8, November 12. Richardson County—February 20, May 22, September 25. Pawnee County—March 13, June 5, September 18. Johnson County—March 20, June 12, October 9. Jefferson County—April 3, June 19, October 25. Nemaha County—April 17, June 19, December 4.

The first and last term for the year in each county will have a petit jury, the petit jury to report on the second day of court in each instance. Terms in May and June will have no petit jury. No grand jury is called for any county.

Wealthy Farmer Kills Life.

WAHOO, Neb., Dec. 30.—(Special.)—Martin Wetpica, a highly-respected and wealthy farmer living several miles south of Wahoo, committed suicide yesterday by shooting himself with a shotgun. He used a forked stick to pull the trigger and then fell on his side. He told his family he was going out to kill some rabbits, and when he did not return they found him out back of a corncob. He had been acting strangely for several months. He leaves a large family.

Local Thinker Has Job.

WAHOO, Neb., Dec. 30.—(Special.)—Editor Leach of the Wahoo Democrat has the job of chief clerk of the senate in view and claims to have the position clinched. Tremmore Cone, former chief clerk of the house, is an applicant for the house position this winter also. The democratic politicians are backing Mr. Leach.

Frightful Spasms.

of the stomach, liver torpor, lame back and weak kidneys are overcome by Electric Bitters. Guaranteed. For sale by Beaton Drug Co.

The Key to the Situation—Bee Want Ads.

SENATORS UNITE ON ELLIOTT

Railway Commissioner Rice Enters Lists Against Him for Judge.

TORRID TURN IN DAKOTA FIGHT

One State Officer Arraigns Chosen Candidate of Nearly All Others in Letter Sent to Washington.

(From a Staff Correspondent.)

WASHINGTON, Dec. 30.—(Special Telegram.)—A spirited attack upon the proposal to elevate James D. Elliott to the federal bench is expected to be made by Senator Rice, who is being urged by State Railroad Commissioner George Rice of South Dakota.

Commissioner Rice declares that Mr. Elliott has been a railroad attorney for twenty-five years and that as such he is disqualified from sitting as a judge in cases affecting railroads. Mr. Rice's letter was written as a result of the announcement that Senator Gamble had for nearly endorsed Mr. Elliott for nomination to the place on the district bench in South Dakota that will be vacated by the transfer of John Emmett Carland to the commerce court.

Senator Crawford today formally endorsed Mr. Elliott. He called at the White House for the purpose. In a conference with the president he made it known that he would support Mr. Elliott in urging that Mr. Elliott be elevated to the bench.

While Mr. Elliott now looms up as the probable nominee to the judgeship there is bound to be a good deal of controversy over the case before action is taken by the president. He has been recommended for the appointment by the South Dakota senators, former Governors Herriot and Elrod and all the members of the state supreme court, Wilbur S. Glass, who was a candidate for congress; Charles M. Harrison, chairman of the committee on resolutions which reported to the republican convention the plank expressing disapproval of the appointment to the judiciary of lawyers engaged in corporation practice, as well as many practitioners in South Dakota. They have been organizing all of their employes and urging them by public addresses and otherwise asking the increasing of freight rates. Is it reasonable to suppose that Mr. Elliott has not been in harmony with this action? If so, would the company have taken him from the class of local attorneys and made him general attorney for the state of South Dakota at a large salary? If you had a case against the Milwaukee Railroad company where there was \$100 or even less involved, would you consent that Mr. Elliott should act as referee to try the case, even though he had not been an attorney in that particular case?

The Rice letter is a torrid document. It numbers about 500 words. Mr. Rice writes in part: "Mr. Elliott has been an attorney for the Milwaukee road constantly for twenty-five years. For some time past and at least during all the time since the railway companies of the country combined to raise freight rates they have been organizing all of their employes and urging them by public addresses and otherwise asking the increasing of freight rates. Is it reasonable to suppose that Mr. Elliott has not been in harmony with this action? If so, would the company have taken him from the class of local attorneys and made him general attorney for the state of South Dakota at a large salary? If you had a case against the Milwaukee Railroad company where there was \$100 or even less involved, would you consent that Mr. Elliott should act as referee to try the case, even though he had not been an attorney in that particular case?"

"Berg Suits Me" The Last Bargains of the Old Year A splendid opportunity to make yourself a fine New Year present. A before New Year sale of high grade Shirts, Hosiery and Underwear. "Be sure and get your share"

The Thing To Do Put It In The Bee

An Average Saving of Fully One-Third on Suits and Overcoats Saturday. HAYDEN'S THE RELIABLE STORE. INVENTORY CLOTHING CLEARANCE. The one great sale to which all Omaha looks forward as the most important event of the season is now in full swing.

Des Moines Gas Men Appeal for Injunction

New Ordinance Would Send Them to Jail at Once and They Protest to Federal Court.

The conflict between the Des Moines municipal government and the Des Moines Gas company, which has reached a strained situation by the determination of the commissioners to force the gas company to supply 50-cent gas to all its consumers, reached Judge Smith McPherson yesterday afternoon in the shape of an application for a temporary restraining order. The council commissioners passed an ordinance Monday night with an emergency clause putting it into operation January 1, reducing the price of gas from \$1.10 to 50 cents flat. The ordinance was equipped with some sharp teeth in the form of penalty clauses that mentioned fines and imprisonment for refusal or failure to obey the new ordinance.

New Year's Gifts.

Calendars, pictures, etc. Faubus Art Shop.