# **REJECT IOWA FAIR RATES REVIEW OF STOCK MARKET**

Three Federal Judges Hold Cent and Utterances of Secretary of Treasury Half Charge Wrong.

Cause Some Disquiet.

Question of Reasonableness Not Entered Into, but Declaration Made Law Acted for Benefit of One City.

In a decision Saturday afternoon at Council Bluffs, three federal judges, Judge Walter I. Smith of the United States circuit court of appeals, Judge Smith McPherson of the United States district court for the southern district of Iowa and Judge C. S. Van Valkenburg of the Missouri federal court, upheid the contentions of the Iowa railroads that the state legislature had exceeded its constitutional authority in legislating a 11/2 cent rate for the benefit of the state fair, and issued an injunction restraining the lows rallway commissioners from attempting to put the rate into effect. The decision was written by Judge Walter I. Smith and concurred in by the treasury to deposit government funds with national banks to further the move other judges.

Indiana of the towa full parts of the state of 1% cents per mile to Des Moines.
Judges Smith McPherson for a restraining order. The federal law requires that where rates are attacked three federal judges must sit en banc to hear the case.
The hearing was set down for Council Bluffs on July 23 and the three judges mand called upon to hear it. Attorney General Cosson, Assistant Attorney General Cosson, Assis neys and representatives of the Greator Des Moines committee appeared before the court and made a vigorous fight for the cheap rates.

The railroads were represented by ten lawyers from all parts of the country. Follows Michigan Case.

The decision is largely based upon the supreme court decision in Michigan, where the legislature enacted a law requiring the railroads to sell mileage books to any person seeking them, each book to be good for two years and to be used at any time by any member of the family of the purchaser. The Lake Shore & Michigan Southern Railroad company fought the law and secured from the Michigan supreme court a permanent restraining order. The court there held that it was a contravention of the rights of property and violation of the federal constitution, declaring that so long as priwate ownershi pis recognized unrestricted overnment control is practically equivalent to government ownership.

The same issues were involved in the Jow acase in an aggravated degree. The epinion cites many other federal and state supreme court decisions, all sustaining the contention of the lows railroads in this case.

No question is raised o fthe power of the state to fix maximum rates, but it is held that it cannot suspend those rates and make a still lower rate for the exclusive benefit of a class of for a limited period to promote the interests of a number. Instances are cited of the rank injustice to other citles and towns of Iowa for the benefit of the town of Des Moines.

HELD TO BE CLASS LEGISLATION FEAR OF MONEY TRUST CHASE Rapidity with Which Country' Wheat in Being Marketed is Reassuring Factor-Corn Damage is Offset.

NEW YORK. Aug. 1.—The dropping tendency of stocks, which showed almost from the outset of the west, after almost from the outset of the west, after and week, did not look tor explanation to news of a positively unfavorable charac-ter. Indeed, it was in the receipt of news altogether favorable that the disposition to realize profits was most clearly shown Such market action registers the con-viction of the participants that the rith has taken place in conditions. That im-provement continued very manifest in the money market, where rates for time loans for the shorter period declined turther band hat for and where a demand for mere will be participand to the item and where a demand for mere will be participand to the time of the shorter period declined turther band and where a demand for mere will be participand to the time trained from that certained to the function of the second to the staturation and that per sprang up from seurces dat, hav re trained from that certained to the was taken in an automobile to police headquarters, where he was charged with violating the liquor laws that the meremise of the securing the the time of their meeting last night to talking of plans and prospects for securing the weeks past. The promise of the secretary of the

other judges. The opinion is perhaps one of the most important delivered in recent years by an lowa or federal court, as it holds that the act of the legislature is a contraven-tion of the constitution of the United States. For the avowed purpose of increasing the attendance at the Iowa state fair this year the legislature enacted a law just before adjournment in April requir-ing all of the lowa rallroads to make a uniform rate from all parts of the state

It must, of course, be paid for. The damage to the corn crop by drought is an offset that must be taken into ac-count, and this was a susbaining in-fluence in the week's demand for stocks.

fluence in the week's demand for stocks. The mixed crop outlook leaves opinion undecided as to revived demand this fail for manufactured products. It was this uncertain future demand which held United States Steel in check, in spite of the brilliant showing of earnings for the last quarter, only once exceeded in a corresponding quarter and only four times in any quarter. Another advance in price of refined copper also failed to pull copper stocks out of the line of the general trend of the market. General mercantile activity, however, is reported as remarkably well sustained. Reduction of the Linois Central dividend. clearly aroused anxiety regarding the

learly aroused anxiety regarding the henapeake & Ohio dividend. Publication Chenapeake & Ohio dividend. Publication of June net earnings of railroads prompts a summing up of results for the last flacal year. Increases in operating cost there shown are read in the light of the pending arbitration of wage increases and increases in interest charges in the light of the difficulty of selling new bonds.

Ak-Sar-Ben Carnival Grounds to Be Well **Censored First Day** 

To make sure that all the concessions on the Ak-Sar-Ben carnival grounds will be clean enough for everybody, Secretary Weaver will invite the ministers, the public social service board, the sity officials and newspaper men to go through all the THE BEE: OMAHA, MONDAY, AUGUST 4, 1913.

# Schools and Golleges

ARREST OWNER OF SATURN MAIL CARRIERS WANT MEET Summer Activities of

Accused of Selling Liquor Without Local Branch After Convention of Having License. National Association.

DECLARES WILL FIGHT CASE PLANS ARE VERY WELL LAID

the project is high, and the local organ-

ization believe the chances are more than

favorable for Omaha. Assistance is be

ing given by the Commercial club and

other bodies and everything is being

done that can be. Literature has been

sent to the headquarters of every local

branch of the national association, which

means to every "free delivery" postoffice

in the United States, and the word that

comes back from the other towns is

Milwaukee is Omaha's chief rival for the honor of entertaining the convention

in 1915, and is building its hopes on a

sentimental campaign that has just been

**Turn Into Criminals** 

ATCHISON, Kan., Aug. 1-(Special

rmerly of Omaha, arrested here after

Felegram.)-Fred Lentz, an accountant,

confessing to forgeries within the last month amounting to \$500, used to cover

gambling debts. has been sentenced to

Monday his daughters, Ethel, aged 18,

and Mary, aged 16, broke into the Kloph

dairy and relieved the cash drawer of

and were bailed out. In the last two days

they set fire to their home twice, and

were again arrested. Ethel has been

sent to prison for five years and Mary

Mrs. Lents is prostrated. She cannot

explain the actions of the three, as the

family was not poor, but about six weeks

ago Lents took to drinking and gambling.

**Bluffs Players Are** 

They were arrested and confessed,

four years in prison.

to the reform school.

\$22.

in Space of a Month

The

very encouraging for Omaha.

charged with violating the liquor laws plans and prospects for securing the by selling without a license. He put up next national convention, which will be a cash bond of \$100 a few minutes after held in 1915, for Omaha. Enthusiasm for he had been taken into the station, and obtained his release.

"The Saturn made the trip last night as wide open as all outdoors," declares young man who made the trip. "As soon as the boat pulled out the bar opened," he said. "Some of the patrons in the dance hall were under the impression that the boat was "dry," but when

an employe of the boat and a plain slothes policeman spread information to the contrary, the rush to the saloon deck started. There was no letup on the liquor until the boat landed." Boat Owners Will Fight.

As Baughman was leaving the station se suid to a Bee reporter: "This is outrageous. I quit selling

sprung. It will be the twenty-fifth anquor for two days until I could look niversary of the birth of the organization, up the marine laws. I have done so, and and as Milwaukee saw its coming to now I know that when I sold beer on life, the boosters for Schlitzville are the boat last night I was within the law. clamoring for the silver jubilee, I admit that I sold the liquor, but I con- convention calls together about 1,800 deletend that under federal statutes I have gates and many visiting mail carsters, that right so long as I have a govern- with their wives and sweethearts, and ment liquor license. I will fight the case is one of the big prizes in the convention to the end, but if I lose, I'll quit. line.

"Anyway, liquor was sold only on the The Omaha delegates to San Francisco lows side of the Missouri river. As long are: William Maher, president of No. 5, as the boat was in water on the Ne- delegate-at-large; M. A. Past, W. C. braska side no liquor was in evidence. Bouk, Charles E. A. Johnson, Arthur But even had there been, there is so way Asher, Albert Saalfeld and Fred Jorgenthe city or state authorities can touch sen.

me, for as I said before, I have a government license to sell liquor and as long Father and Two Girls trolled by the federal government only. was safe." Except for the selling of liquor on the

Saturn last night, the excursion trip was as orderly as could be wished. The slot machines were not in operation, and the dance was a highly orderly affair.

Fights After Bont Lands. After the boat landed, though, several youths that had been drinking overmuch of the beer served on the boat got into a fist fight near the Douglas street bridge approach, but the arrival of police put the combatants to flight. Several young girls, also under the influence of liquor, marched unsteadily up Douglas street on the arms of questionable looking es-

corts and screamed loud and repellant words at friends, "just for fun." The officers who arrested the captain of the Saturn did not say whether liquor was sold on the Nebraska side of the river or not.

In fact, they appeared very unwilling to say anything at all.

shows the opening day and give their BRIEF CITY NEWS opinions. He and the board of governors want the carnival grounds to be thoroughly clean in every respect, all gam-

of Wesleyan headquarters at the Epworth assembly and have arranged a moving picture exhibit that is attracting

August 18 for a week's camp at Milford. ay at the Epworth Assembly. The Com sured. Chancellor Fulmer will lecture in the evening.

Every high school graduate in Ne-brasks receives a letter from the Uni-versity of Nebraska congratulating him on his graduation and urging him to con-sider the advantages offered by the state university.

hold branches. The National Kindergarten college in Chicago is devoting a large part of its summer program to the methods of Dr. Montessori. Two of Dr. Montessori's graduate students, who have apent over a year with her in Rome, have charge of the practice work with the children. School children and teachers of Points Coupse parish. In the flood district of Louisiana, planted 15.000 fruit and pecan trees last year. Superintendent Trudeau has also a plan whereby road work in the parish will be done by schoolboys. Students at the Georgia State Normal Students at the Georgia State Normal

STANLEY COLLEGE

1890-1913

and STANLEY HALL

Art.

privileges.

Staff of Nebraska Wesleyan University

zoology is doing research work in the University of Chicago. Dean Alabaster and family are spending

the summer at Pelican Lake, Minn. Dr. F. E. Howard of the Teachers

chool at Casleton, Vt. He expects to arrive in University Place about Augunt 15.

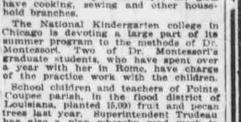
outmasters Beck and Jensen, will start Next Tuesday will be University Place pooklets and a large attendance is as-

A vocational summer school, with practical men and women in charge of it, is in operation in Baltimore, Md., this year. Printing and woodwork are among the subjects taught the boys; the girls have cooking, sewing and other house-hold branches.

Frof H. B. Latimer of the department leiphia, after serving seventy years as a teacher in public schools.

The University Place boy scouts, led by mercial club has provided badges and

Ada county, Idaho, has a school dis-trict containing 24 square miles.



college is lecturing at the State Normal Profs. Bisbop and Jensen have charge

much attention.

Education Notes.

Seven hundred home gardens were started in Port Ewen, N. Y., this year under the direction of the school au-thorities.

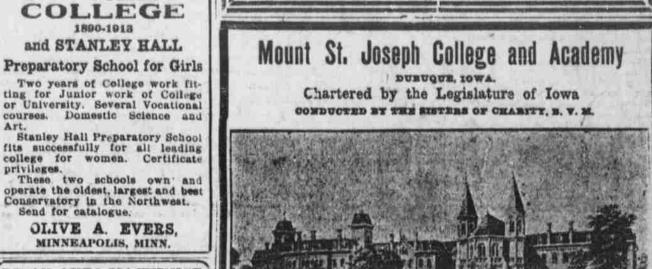
Omaha School. The Position of Boyles College the largest business collage in the United States, west of Chicago, was not gained by accident. IT WAS WON BY MERIT, No school in the west ever attained the record maintained today by Boyles

College. An annual enrolment of over 1,200 students. A curricu-ium surpassingly greater than that ever attempted by even the best business colleges. A faculty that is truly the envy of every business training institution in the west.

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wehood at Athens, Ga, study runal soon ology as applied to their own districts, so that when they go out to leach they know the opportunities and needs of the locality better that those who have lives in it all their lives. How this work makes for community betterment is told by E. C. Biranson in a builterin just is-field by the United States Bureau of Education. Zephaniah Hopper is dead in Phila-delphia, after serving sevently years as a teacher to public schools.

a teacher in public schools. J. A. Pease, president of the Board of Education opened the Newcomer (Eng.) Foundation school, the sim of which is to provide a two-year course of ing into domestic service. According to a recent bill passed by the general court of Massachusetts the teachers of that state are required to provide for the future out of their own salaries through the Teachers' Retire-ment association Each teacher during

Council Bluffs School.

For Benefit of Des Moines. Speaking of this phase of the law, the ppinion says:

"The fact that the law applies to all persons going to Des Moines either to attend the state fair or otherwise would of itself invalidate it."

"The city of Des Moines, with its pize, wealth and prestige, has no need for discriminating rates from all parts of the state in its favor, and the state cannot exercise the right to reduce maximum rates based on earnings and invest ment and then insist upon the gratuities voluntarily granted by the carriers when

left in the undisturbed control of their ncomes."

Legislators Scored. In another portion of the opinion the judges hit the legislators this vigorous

"Without any intention to reflect tap: upon the legislature, its action is an attempt to establish the principle of legisthe age of 71 years. Paralysis, accentutative authority to prescribe mere exursion rates under the form of an exerated by old age, was responsible for her cise of police powers." death.

The illegality and weakness of a legismiles from Portland, and she came to fative enactment that is palpably meant Nebrasks in 1869 with her husband, They to benefit one city to injury and disparagement of all the others in the state settled at Schuyler, where Mr. Sumner is made sharp and clear throughout the organized and occupied the president's whole opinion and is thus pointed out chair of the First National bank and n the concluding paragraph:

"Our conclusion is that the question of ous grain interests of the town. Mr. the validity of the act in question and Sumner died in 1894. the order of the railroad commission In 1890 Mr. and Mrs. Sumner moved to future.

made in pursuance thereof, involves the Omaha. Mrs. Sumner went to Pasadena power of the state and not the reasonthis apring.

SAYS.

ableness of rates. So viewed it falls Mrs. Sumner was a member of the within the inhibition of the constitutional Daughters of the American Revolution guaranties as construced by the supreme and also an ardent worker in the First court, and the injunction should be is- Congregational church. She is survived by four children, three used as prayed."

To Appeal Fair Rate Case.

sons, George, John and Chester, and one daughter, Mary. George Sumner, treas-Decision of the federal court denying the right of the state to order reduced urer of the Fairmont Creamery comgates to the state fair will be immediately pany, lives in Omaha. appealed to a higher court by the state. The funeral will be held Wednesday

August.

Big Returns.

The secretary of the state fair estimates at Schuyler with services at the Episcothe decision will greatly reduce the atpal oburch, there being no Congregatendance at the fair. The appeal will tional church in Schuyler. be taken to establish precedent for the **BUYERS FOR BRANDEIS** 

ment year.

BEGEROW GIVEN RECEPTION BY BOARD OF DIRECTORS

last night for New York for the pur-George E. Begerow, who was elected a pose of buying fall merchandise for varimember of the board of directors of the ous departments of the establishment. Travelers' Protective Association of The party, headed by George Brandels, America at Richmond, Va., in June, was includes B. L. Danforth, D. B. Amsden, honored by Post A at a buffet luncheon E. A. Besaire, E. H. Ella, Harry Boyd, smoker and reception Saturday night at William Culkin, Frank Reed, Mrs. B. the Paxton hotel. Ragerow is also chair-Rubin and Miss C. Jones. man of the state board of directors of In a few days this buying party will be the association.

reinforced by another group of Brandels About fifty members of the order attended the meeting. Several short talks by members of the post and a general get-together meeting was held. The post Ballowitz, H. J. McCarthy, Miss E. Burmaster and Miss T. Cohen, while the remade arrangements for a campaign for maining half of the buying force will folnew members. low into New York about the middle of

# Coatly Treatment.

On account of the unusually good out-"I was troubled with constipation and indigestion and spent hundreds of dollook for a heavy volume of fall buying, the buyers will find it necessary to re tars for medicine and treatment," writes C. H. Hines of Whitiow, Ark. "I went main in the east for a longer period than usual, assembling a greater quantity of to a St. Louis hospital, ulso to a hospitui merchandlse for the coming season than in New Orleans, but no cure was effected. On returning home I began taking Chamthey have ever purchased for any correberlain's Tablets, and worked right along. sponding season. I used them for some time and am now Porsistent Advertising is the Road to

all right." For sale by all druggists .--Advertisement.

ing and suggestive p 180005 Lighting Fixtures. Burgess-Granden Co. eliminated from the highway. Secretary Weaver has just signed Have Boot Frint It-Now Beacon Press,

Mrs, Sumner Dies;

Mrs. Sumner was born in Maine, a few

contract with the managers of the big Fidelity Storage & Van Co.-Doug. 1516. Hippodrome show. It will occupy a con-Mrs. M. Woodham has again joined spicuous place on the grounds under a the Union Outfitting company and will tent which will seat 2,500 persons. Four be pleased to meet all her old friends and performances will be given each day in ustomers. the center ring. Secretary Weaver has

Start Apartments Soon-L. D. Willis. the architect, soon will start the erecseveral concessionaires yet to hear from. tion of a three-story brick apartment He is sending notices to them to come house at 410 Park avenue. It will be in immediately and sign the contracts. 53x29 feet and cost \$10,000. While the carnival ground has almost

entirely been contracted for, there are a Eighth Graders Graduate-Sixty eighth gradenra will complete the eighth grade few choice locations for booths left, he work in the vacation school when it closes two weeks hence. They will be qualified to enter high school next year: Referens for Taschuck Estate-I. Sib-bernsen and Stanley P. Bostwick have Nebraska Pioneer been appointed referees to make a partition of the estate of the late Brune

Taschuck in accordance with a petition Mrs. Charles Sumner, Nebraska ploneer filed by the heirs in district court. and former resident of Omaha, died Iowan Dislocates Shoulder-Charles Hahn of California Junction, Ia., dislo-Saturday morning at Pasadena, Cal., at cated his left shoulder last night when

he fell from a street car at Tweifth and Douglas streets. He was brought to police headquarters, where Dr. C. B. Poltz soon had him in good shape again. Delivers New Autos-The Stewart-Tooser Motor company has just delivered

to G. W. Megeath & Pierce-Arrow 48-B-3 car, which is coach painter's blue. They was, in addition, connected with the vari- have also delivered a Chalmers six-cylinder car to V. B. Caldwell, who expects to drive his car to Colorado in the very near

Omaha Woman to Wed-License has been granted in Chicago for the marriage of Mrs. Maude Verrill of Omaha to Absalon H. Gale of Mason City, Ia. Mrs. Verrill was the divorced wife of George E. Verrill, a traveling salesman. Mrs.

Verrill has lived in the Strehlow apartments for the last five years. Restaurant Men Obey Ordinance

Omaha restaurant men are complying with the new city ordinance which requires that all milk and cream be served patrons in the original bottles in which it was delivered. Restaurant men say that the ordinance is a good one, and

that they are put to no extra trouble whatever in obeying.

## STORES GO EAST TONIGHT ONE HUNDRED AND FIFTY MORE FOR RELIEF FUND Nine buyers from Brandels Stores left

Pollowing is a complete list of contributions to the Raiston relief fund received up to August 2: .\$35,622.97

Previously acknowledged. W. P. Hohenschuh, Iowa City, Ia. Omaha office Sales Adding Ma-K. Fairbanks company. Chi-15.00 cago ton Potteries company, Tren-George D. Locks, Rogers, Ark. Welsbach company, Gloucest N. J .... Orpheum Theater and Realty Andrews Grain company, Minne-apolis, Minn Herbert D. Shivers, Philadelphia. Farmers State bank, Fairmont, Neb 25.01 10.00

1.94

6.00

3.00

\$25,778.97 Total An Auto Collision

means many bad bruises. which Hucklen's Arnica Salve hasls quickly, as it does sores, cuts, burns and piles. ESc. For sale by Beaton Drug Co .- Advertisement

Beaten by Nebraskans

The Pottawattamie Indians proved the fact that they possessed metal a little bit inferior to the burnished bronze and steel that constitute the sinews and muscles of the Douglas county court house

crowd when the two forces met for a championship abll game on the Council Bluffs grounds yesterday afternoon. At the end of seven innings the score stood

11 to 6 in favor of the Nebraskans. Anticipation of what was to follow after sundown at the Eagles building hastened the decision to call the game at the seventh inning. Possibility of a still more crushing defeat also helped some, for the Pottawattamle court house team was weakened by the breaking down of Supervisor Children in the box and County Clerk Harry M. Brown.

There were no sore places and if there had been they would have been healed under the gnial influnce of the hospital ity at the Eagles' building when the Iowa men banquetted their opponents and royally entertained them. There were some speeches and plenty to eat, music and something to drink, and George P Hughes devoted half an hour and his best ability as a professional entertainer.

> HARRY ZARP INJURED BY HOWARD AUTOMOBILE

Twelve-year-old Harry Zarp, 2428 South Sixteenth street, was so badly injured

yesterday afternoon when he was hit by an automobile driven by Harry Howard of the Chatham hotel that physicians ordered his removal to St. Joseph's hospital. The boy was hadly bruised and is thought to have suffered internal injuries. Witnesses say the accident was unavoidable and in no way blame How-

ard. They say that the boy dodged one auto and was struck by Howard's machine, which followed the first car.

# ATTEMPTED MURDER, CHARGE PREFERRED AGAINST INDIAN

Edward Blackfish, a Winnebaso Indian, wanted, it is said, for attempted murder, was arrested in Omaha last night by Detectives Van Deusen and Ring. The Indian had just arrived in Omaha and was stepping off a train at the union station when the detectives seized him. He will be taken before United States missioner Singhaus.

Persistent Advertising is the Road to 23,00 Big Returns.

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onservatory in the Northwest. Send for catalogue.

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FOR WOMEN

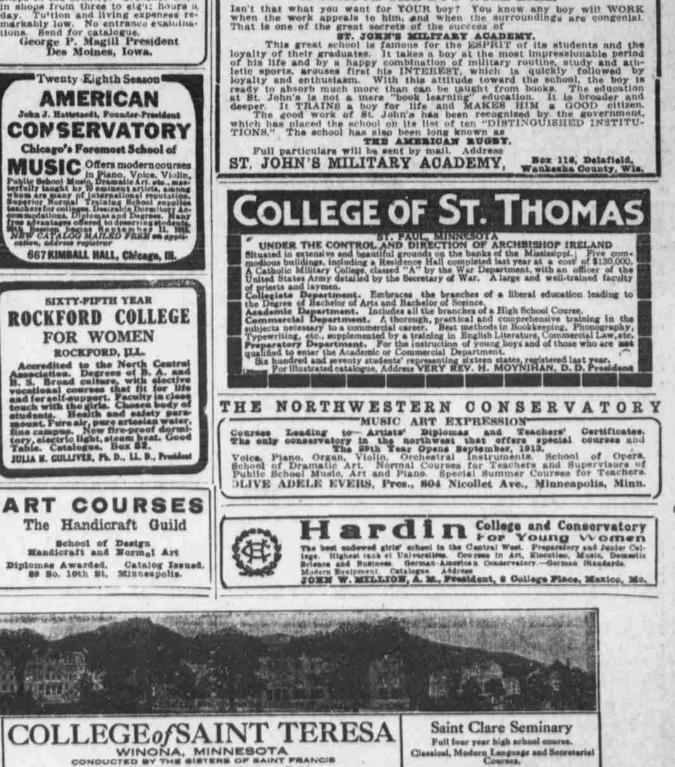
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THE REPORT OF ANY LAND AND A DEPOSIT OF AND A DEPOSIT OF A

温度。新花花

Key to the Situation-See Advertising