

Live One's Monologue:
"I should worry because my
sleepy competitor does not know
enough to advertise."

VOL. XLIII—NO. 160.

THE OMAHA DAILY BEE

OMAHA, MONDAY MORNING, DECEMBER 22, 1913.

On Trains and at
Hotel News Stands, So.

SINGLE COPY TWO CENTS.

THE WEATHER.
Fair

CONFEREES SMOOTH OUT DIFFERENCES BETWEEN HOUSES

All-Day Conference of Joint Congressional Committee Held on Currency Bill.

DIFFER ON FORTY-TWO POINTS

Capital Stock Four Million Dollars for Reserve Banks.

COMPROMISES ARE IN ORDER

Each Side Disposed to Yield Something for Settlement.

HOPE TO PASS BILL TODAY

Every Effort Being Made to Settle Controversy as Members May Take Their Holiday Vacation.

WASHINGTON, Dec. 21.—An all-day conference of the joint congressional committee on the currency bill passed that measure close to perfection tonight. Problems involving the reserve provisions, the size and character of the federal reserve board, the redemption of 2 per cent government bonds and the retirement of the present national bank currency proved troublesome, but the conferees finally smoothed out most of the issues between house and senate.

When the two branches of congress convene tomorrow it is expected plans will be made for a long recess beginning Tuesday. It was predicted tonight that the currency bill could be completed and signed by the president late tomorrow or Tuesday, and congress has dropped all other problems in the anticipation of the first actual recess that it will have enjoyed since April 7. It is planned to drop all business until January 12. President Wilson will leave Washington for Pass Christian as soon as the currency bill is signed.

Points of Difference.

An analysis of the bill by Senator Owen and Representative Glass, chairman of the conferees, showed forty-two points of difference between the two houses, but many of these were of a minor character and disposed of quickly.

Among the more important decisions of the committee today were the following: The minimum capital stock of each regional reserve bank was fixed at \$4,000,000, a compromise between the \$3,000,000 minimum of the senate bill and the \$5,000,000 minimum of the house bill.

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Both these clauses had been argued at length at the previous hearing on the case and in the morning Judge McPherson had held that he could only dismiss "without prejudice" the injunction bills.

Nevertheless, after the filing of the motion Judge McPherson issued his new order suspending the "entering" of the decrees until January 10.

By this order the railroad lawyers say the bringing of any and all suits against the railroads is stopped until the motion is heard.

Should the conference report be ready tomorrow it will be given the right-of-way in both the senate and house and adjournment will follow as soon as the president signs the bill. Members of both houses are preparing to leave Washington for the holidays, even before President Wilson writes his approval on the new currency law.

PARCEL POST TRAFFIC AT OMAHA BREAKS RECORDS

Saturday established a new high water mark in the parcel post business done through the Omaha terminals, when 1,223 pouches of such mail went through the Burlington terminal and 923 pouches through the Union Pacific terminal in Council Bluffs. In addition to this quantity of mail handled at the Union Pacific terminal, there were 593 pouches of second class matter, and the force there worked out 1,458 packages of letters.

Officials in both the railway mail service and the local postoffice believe that they will be able to meet the emergencies of the first parcel post Christmas without being overwhelmed with the volume of business.

The Weather

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10 A. M.	32	W 12
11 A. M.	32	W 12
12 M. M.	32	W 12
1 P. M.	32	W 12
2 P. M.	32	W 12
3 P. M.	32	W 12
4 P. M.	32	W 12
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Comparative Local Record.

Year	High	Low	Mean
1913	42	24	30
1912	42	24	30
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1910	42	24	30
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Temperature and precipitation departures from the normal.

Normal temperature at Omaha is 36 degrees.

Deficiency for the day..... 4

Excess for the day..... 0

Total excess for the year..... 0

Total deficiency for the year..... 0

Normal precipitation at Omaha is 36.45 inches.

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RAIL RATE CASE IN TANGLE

Injunction Suit Against Two-Cent Law in Missouri Dismissed.

JUDGE THEN SUSPENDS DECREE

Attorney General Begins Action for Two Million Dollars Against Missouri Pacific Railroad.

KANSAS CITY, Dec. 21.—Almost simultaneously with the filing at Jefferson City yesterday of a suit for \$2,000,000 against the Missouri Pacific railroad, by John T. Barker, attorney general, for claimed overcharges made by the road while the 2-cent fare and maximum freight rate laws were enforced, Judge Smith McPherson in the federal court here made a new order suspending until January 10, the decrees he had ordered at the morning session of the court.

The order left the Missouri rate cases tonight in a more complex tangle than ever. Another reply to the supreme court of the United States, more litigation and more delay appeared to be in prospect for the cases, which have been in the courts since 1906, and in thirteen of which the supreme court upheld the reasonableness of the rates in a decision last summer.

At the morning session of the court, Judge McPherson read from the bench his decision, holding that under the mandates of the supreme court he could do nothing but dismiss the injunction suits without prejudice, not reserving, as the railroads had asked, jurisdiction to decide the many thousands of claims of overcharges while the laws were held up by injunction. The railroad counsel left the court room without making a motion or any request for the decree to be held up until motion could be filed.

Barker Brings Suit.

Immediately upon hearing of Judge McPherson's decision, Attorney General Barker at Jefferson City brought suit against the Missouri Pacific road. He prepared to file it immediately, fearing the railroads might enjoin him from suing.

Later in the afternoon, Frank Hageman, attorney for the railroads presented a new motion to the court asking the judges to amend the decrees he offered at the morning session by inserting provisions retaining jurisdiction of the claims for overcharges. In this motion, the railroads asked the thing Judge McPherson had held in his morning decision he could not put in the mandate.

The railroads asked two clauses to be inserted in the decree. The first clause read:

"The court reserves jurisdiction to settle and determine liability, if any, for alleged overcharges after the granting of the injunction to be herein filed."

The second clause asked by the railroads read:

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MISTLETOE TO HANG INSIDE COURT HOUSE

Big Spray Will Be Suspended from High Dome by One-Hundred-Foot Cord.

TREE IS READY TO BE RAISED

Huge Derrick Will Lift It in Place Today.

SINGERS PRACTICE FOR EVENT

Children and Choirs Busily Engaged in Preparation.

DECORATIONS TO BE BRILLIANT

One Thousand Incandescent Lights and Other Decorations Will Be Placed in Branches—Fine Musical Program.

A big spray of mistletoe, suspended by a cord 100 feet long intertwined with green foliage, will hang over the center of the first floor of the court house Christmas eve.

Warning that this ancient and historical plant was to have its share in Douglas county's unprecedented popular celebration of the holiday was given yesterday by County Commissioner John Lynch, who succeeded in securing the approval of his fellow members of the board.

By authority of his office of chairman of the committee on the court house and grounds Mr. Lynch decreed that the mistletoe shall hang in the precise center of the building. From the top of the huge dome the cord will descend, four stories in length, ending several feet above the first floor.

"I am anxious to have the exact location of the mistletoe made known," said Mr. Lynch, "in order that all may have fair warning."

(Continued on Page Two)

The gigantic tree, around which all Omaha will sing carols on Christmas eve, is now in the court house square, ready to be hoisted into place by many workmen on Monday.

A big scenery wagon and three stout horses were necessary to haul it from the two railway flat cars in the Northwestern yards to the central location where the celebration will take place. A large derrick had to be used to lift it off the wagon. It will be raised to its intended position and fastened in place Monday, and then brilliantly trimmed and wired for 1,000 incandescent lights.

Hundreds of school children, City mission children, church choir singers and other vocalists and George Green's band will take part in the lengthy program of Christmas music that will be given from 8 o'clock until midnight. Mrs. Mabelle Crawford Walton will be the vocal soloist, and will sing shortly after 9 o'clock, when all the employees of the stores will be off duty to attend the celebration. It is expected that thousands of citizens will gather in the court house square to witness the spectacle and listen to the music.

The committee of public spirited citizens who have organized the affair urged that all members of Roman Catholic choirs and all other Catholics who sing, attend the rehearsal of their part of the program, this afternoon at Creighton university library rooms, Twenty-fifth and California streets.

Children Practice Carols.

Public school children of the first, second and third grades have been practicing Christmas carols for the celebration during the last few weeks. The committee requests that parents whose children cooperate with the committee by escorting the children to the court house Wednesday evening at 7:30 o'clock, in order that a large number may be on hand to sing their songs as planned.

They will meet in the rotunda of the building and then march out on the steps to sing their part of the program, after which they will return to the parents. A responsible committee of well known teachers, assisted by other workers, will be on hand to see that the children receive proper care.

Those who will assist in this matter are Miss Juliet McCune and a corps of other teachers, Miss Joy Higgins, Miss Adams and Miss Schaefer of the social settlement, Miss Dorothy Ringwalt, Miss Lesta Holdrege, Miss Carmelita Chase, Miss Alice Buchanan, Mrs. Philip Potter, Ira J. Beard of the Young Men's Christian association and a police officer.

Court House Decorated.

The court house will be decorated and brightly lighted, and the county commissioners will hold a reception in the building before the program takes place outside in the square.

As the municipal tree is the first general Christmas celebration ever planned to allow all Omaha to join in the observance of the holiday, enthusiasm over the idea is widespread, and thousands plan to gather around the immense tree Christmas night.

Judge Ben Lindsey Weds 'Little Rebel,' Word Obedient

CHICAGO, Dec. 21.—Judge Benjamin B. Lindsey, founder of the juvenile court at Denver, and Miss Henrietta Brewster, stepdaughter of Dr. F. J. Clippert of Detroit, were married here last night.

Judge Lindsey met his bride several months ago while they were guests at a sanatorium at Battle Creek, Mich. She is a socialist and is referred to by her husband as "the little Rebel." She has been a student in a local firm of interior decorators and Judge Lindsey spoke of her proudly as a "working girl."

The marriage was performed tonight at a hotel by a Methodist minister and the word "obey" was omitted from the ceremony. James Randolph Walker, a long-time friend of the judge, made all arrangements and was best man. Mrs. Lindsey is 24 years old and the judge is nineteen years her senior.

Mr. and Mrs. Lindsey will leave tomorrow for New York and will be at home at Denver about January 10.

Widow Gets Verdict for Death of Husband

MADISON, Neb., Dec. 21.—(Special.)—The jury in the case of Mrs. Bergman against Martin H. Sporn and other assignees of Norfolk and several other surety bond companies returned a verdict of \$5,000 against Martin H. Sporn and the Title Guaranty and Surety company in favor of Mrs. Bergman. Mrs. Bergman's husband while intoxicated was struck and killed by a Northwestern passenger train at Norfolk Junction and this action was brought against the assignees charged with having sold him the liquor and his bond company.

M'Henry Stirs Food Laws

Judge at Des Moines Sets Up a New Butter Fat Standard.

BEYOND THE LEGISLATURE

Jurist Maintains that Lawmakers Cannot Insist Upon a Certain Cream Test in Ice Cream.

A decision handed down by Judge McHenry of the district court in Des Moines to the effect that the pure food law relative to the butter fat standard for ice cream is unconstitutional has caused a stir in local pure food officials' circles and a test case of the Nebraska law is not now unexpected.

Judge McHenry held that the legislature could not fix the per cent of butter fat in ice cream should contain any more than it could legislate the quality of soap. He says there is nothing in butter fat or the lack of it to injure health or morals. His decision, in part, follows:

"Butter fat is the natural product which is extracted from cream of milk and is a food product generally known and recognized as a harmless food product and suitable for the maintenance and support of the physical bodies of men. Yet it is equally well known and commonly understood that a food product containing butter fat is not equally or equally beneficial. Ice cream is not a natural food product, but a manufactured combination of other ingredients.

To one man ice cream containing 12 per cent of butter fat might be beneficial and acceptable to his taste. To another man ice cream containing but 6 per cent of butter fat might be more suitable, and in both cases it is a matter of common knowledge that it is a harmless food product, not injurious to public health, morals or welfare. The state of Iowa might as well have said in defining ice cream that it shall have 10 per cent by actual weight of sugar. The facts upon which this law is founded are simply arbitrary, and the presence of 12 per cent of butter fat in ice cream has no relation whatever, and cannot possibly have any relation, to public health, morals or welfare.