NO APPEAL IS LEFT

I. C. C. Ruling on Interstate Rates Must Be Accepted.

The Conference at Omaha Was Barren of Results.

WORSE IS YET TO FOLLOW

Application for Hike of Intrastate Rates Expected.

If Granted Again There Could Be No Appeal.

The railroads are coming back in their own.

There is apparently no appeal from the interstate commerce commission's ruling, increasing interstate passenger rates and the new order may be accepted by western states without a contest. That is the report which A. E. Helm, rate counsel for the Kansas utilities commission, brought to the state commissioners today, following a conference of western utilities commission representatives in Omaha.

With the increase in interstate passenger rates, the state commissions now view with dread the apparently approaching increase in intrastate rates. That the application of the Shreveport rate decision to the passenger rate case will be made at an early date, is the judgment of every western authority on the rate question. While Helm today declined to forecast the situation or to make a statement of the probable results, he admitted that "the matter was discussed informally" and that action looking to an increase in state rates is anticipated.

The apparent helplessness of the state commissions is said to have been admitted at the Omaha conference. A committee was appointed to investigate the opportunities for opposition to the federal commission's rulings. Yet none of the representatives in the Nebraska conference was able to offer a solution.

No Chance for Appeal.

"I am not ready at this time to say what steps will be taken," said Helm, who returned today from Omaha. "That is a matter for the committee to work out. As yet, though, no method of appeal from the commerce commission's decision has been suggested."

It is impossible for the various states to take their troubles to the supreme court of the United States. No appeal from the states is provided under the law creating the commission. The law assumes that the shipper or the passenger will be protected by the commission. Should the railroads desire to contest a ruling, however, they may appeal to the courts under the plea that a decision is confiscatory.

That is the situation which faces the states affected by the recent ruling in the western passenger rates case. Had the states won before the commission, the railroads might have enjoyed the right of appeal and a rehearing of the case. But the hearing before the federal commission was the last call to the dining car, so far as the states affected by the rate hike were concerned.

The Worst Is Yet to Come.

Now there is an even more grave and serious situation to be confronted. All of the western states face the filing of petitions reciting discrimination in the establishment of the new interstate rates. That means application of the Shreveport decision and an almost certain increase in state rates.

The matter of determining discrimination between state and interstate rates will also come before the interstate commerce commission. By the same token which denies to the states the right of appeal in the interstate rates case, they will be denied appeals under the petitions to apply the Shreveport decision to state rates. Just at this time, though, Helm will not predict the results. But there is a lack of confidence and hope and fight among Kansas utilities commission attaches and and Kansas must apparently sit back and await both the approaching increasing interstate rates and the new state rates which seem certain to follow.

The new interstate rates are effective January 15. Shortly after they are made effective, it is reported, petitions will be filed with the commerce commission alleging discrimination. It is then the states must find a source of relief or yield to a second passenger rate increase.

SERVE LIFE SENTENCE

Railroad Employee Convicted of Murder of Fellow Workman in Second Trial at Glenwood Springs.

Glenwood Springs, Ia., Dec. 23.—The second trial of Francisco Guidice alias Henry Wiley, a Greek railway employee for the murder of Howard Jones, a railway fireman, at Council Bluffs, Iowa, May 27, 1913, resulted in a second conviction, the jury returning a verdict late last night. Guidice's punishment was fixed at life imprisonment.

Former Territorial Governor Dead.

Long Beach, Calif., Dec. 23.—Judge A. J. Seay, formerly territorial governor of Oklahoma, died at his home late last night. He was 83. Judge Seay was appointed territorial governor of Oklahoma in 1892 and served a term of two years. During the preceding two years he was supreme judge of the territory of Oklahoma. Judge Seay served a term as judge of the circuit court of appeals of the eastern district of Missouri, beginning his duties in 1888.

IT WILL BE PAVED

Resolution Covering Garfield Street From Eighth to Ninth

Is Passed Unanimously by the City Commission.

The fact that William Kerl, who doesn't live on Garfield street, was protesting against paving that street from Eighth to Ninth brought a big delegation of property owners from that locality before the city commission this morning. The street will be paved. The resolution providing for it was adopted by a unanimous vote.

The street referred to is just west of the grounds of Christ's hospital and as the hospital is opposed to the paving it would be impossible to get a petition through signed by a majority of the property owners. Every property owner residing in the block signed a petition for the paving while owners of vacant lots and nonresident owners filed a protest. Mr. Kerl represented a daughter who owns one and one-half lots in the block.

When the matter came up for discussion before the city commission, D. W. Nellis, representing Christ's hospital, asked for permission to speak. He stated that the hospital had paid municipal taxes ranging from $1,200 a year down and that it was an imposition on the institution to load it up with taxes again when they had been brought down to a reasonable amount. He stated that the hospital asked for a little breathing spell.

A. N. Goodman, who lives in the block, spoke for the resident property owners.

"Everyone living in the block has built a good home and is spending his money in Topeka," he said. "We are all heartily in favor of this paving. We endorse anything in the way of civic improvement."

John Dolman, who owns property on Garfield, favored the paving. He declared that the block referred to was a swamp in bad weather and that the fire department was mired there once for half a day.

"If we had known we were going to have so much trouble getting that street paved," he said, "we might as well have turned the houses the other way and faced them on the alley. They face on an alley the way it is anyway."

Mr. Kerl Learns Something.

The commission gave everyone an opportunity to speak but few took advantage of it. Just as the motion was put to adopt the resolution Mr. Kerl secured the floor.

"Is it a fact," he asked, "that the commission can force that paving through even though the petition is not signed by a majority of the property owners and even though part of them are protesting against it?"

"It is a fact," replied W. G. Tandy, commissioner. "It would be impossible to secure a majority of the property owners at any time with the hospital opposed to the paving. The law gives the commission authority to pave by resolution when it deems it to be to the best interests of the city."

"Well, if I'd known that," replied Mr. Kerl, "I wouldn't have wasted my time working up a protest and seeing a lawyer. Good-bye." And he left the hall.

There was also a protest on file against the paving of Fourth street from Clay to Buchanan, signed by eight property owners. But there were no protestants present while there was one woman present favoring the paving. The resolution providing for that paving was adopted.

The commission also adopted resolutions providing for the paving of Fifth from Buchanan to Lincoln, of Eleventh from Lane to West and of Ninth from Madison to Monroe.

Resolutions were read for the first time calling for the paving of Ninth from Lane to West and Eighth from Morris to Summit. A petition, properly signed, calling for the paving of Madison from Eleventh to Twelfth was granted.

CAN NOT EVADE ISSUE

Austria Will Yield to Demands Rather Than Sever Relations, Thinks Westminster Gazette.

London, Dec. 23.—"America clearly has made up her mind there shall be no repetition of the evasion which attended the Lusitania correspondence," says the Westminster Gazette. "By all ordinary precedents, Austria is left but one option to concession to the American demands, and that is breaking off diplomatic relations."

The Gazette believes it probable Austria will conciliate the United States rather than take an extreme step, as recall of the American ambassador would be an injury to the central powers, whose present disposition, it says, is to keep on as good terms as possible with America.

WILL WAIT FOR REPORT

France Won't Answer United States Note Until Commander of Ship Issues Official Statement.

Washington, Dec. 23.—Ambassador Sharp, at Paris, today notified the state department that France would not reply to the American note protesting against removal of Germans and Austrians from American vessels from high seas by the French cruiser Descartes until the commander of the warship had reported. The French government is endeavoring to secure a report from the commander.

Fine Cutlery at Forbes.—Adv.

Suggestions for Late Buyers

If you're in doubt, you'll surely find something from the many attractive gifts that we can suggest

"Daisy" Air Rifles

With Pump Action

The boy will be immensely tickled with one of these. They work like a "22" and look like one besides. Twenty-five shots without reloading. Price..... $3.00

"Daisy" Single Shot Rifles

The old favorite air gun. Nickel-plated barrel and walnut stock. Price..... 75c

"Daisy" Thousand-Shot Rifles

Here's a lever action repeater that shoots strong and far. Price..... $1.50

Sturdy Wagons

$1 to $3

We've just ten oof these nice looking red wagons. One of them will surely please the active, out-of-doors boy. They have nicely decorated sides and strong wheels. Sizes 22 inches to 36 inches long. Prices.. $1 to $3

Coaster Wagons

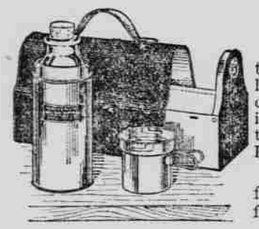
These substantial wooden coasters have removable sides, heavy running gear and strong iron mounted wheels. Price, 32-inch bed, $3; 36-inch bed..... $3.00 and $4.00

Hand-Car Racers

Just the thing for the alert, wide-awake boy. It'll give him the finest kind of exercise out in the fresh air. Price..... $4

$4

Lunch Boxes



One of these would be a boon to the man who carries his lunch. He'll enjoy steaming hot coffee from the vacuum bottle in winter and ice cold drinks in the summer. Price..... $2.25

With Trays of aluminum for the food..... $2.50

"Oval Oak" Roasters

Here's a heavy steel large roaster that will brown your roast to perfection. It's self-basting and self-browning, too—for..... 45c

"Savory" Roasters

The self-basting and self-browning "Savory" makes delicious gravy—none of the flavor can escape.

Carving Sets

You'll like our handsome Carvers with buffalo horn or antique ivory handles. We've fifty patterns to choose from.

Prices $1.75 to $8.00

Use a Flashlight

DON'T GROPE IN THE DARK

The boy always delights in an "Ever-Ready" flashlight—the older ones like them too. They're always useful.

Prices 75c to $3

Automobiles

Even the girls like these rubber tired automobile wagons. They have loud ratchet alarm steering wheel and are driven with a foot treadle. Price..... $4.00

The W. A. L. Thompson Hardware Co.

511-513 Kansas Ave. The Store of the Useful Gift 511-513 Kansas Ave.

A Christmas Surprise

Here at the Last Minute!

We Have Secured a Tremendous Shipment of

HIGH-GRADE CUT GLASS

We Bought This at 66⅔% of the Regular Standard Prices, and In Order That Our Patrons May Share Mutually With Us,

We Have Marked Every Piece at 33⅓% Less Than Wholesale!

A big manufacturer of Cut Glass had a large quantity on hand now when the biggest part of the Christmas purchasing has been done. This concern was anxious to dispose of it in a lump sale and for cash. WE MADE THEM AN OFFER so low that we hardly expected they would accept it—but THEY DID! This beautiful Cut Glass is now in our store and this morning goes on sale at prices so low that you would hardly believe us if we told you the exact price of every piece in advance. But come early today and see for yourself. Pieces of every size and description. Just the thing to fill in the last items on your Christmas gift list.

EMAHIZER-SPIELMAN FURNITURE CO.

WHOLESALE & RETAIL 517-19 KAN. 518-20 JACKSON.

This Store Will Be Open Tonight and Tomorrow Night

—and through All the Rush our prices remain Uniformly Lower

Everything the market affords is here for your selection and extra help to serve you promptly.

21 lbs Best Granulated Sugar - - $1
(With $4.00 order of other Groceries or Meats)

Geese, live lb. 15c; picked, lb. 18c
Ducks, live, lb. 15c; picked lb. 18c
Mistletoe, lb. 20c; Holly, lb.... 15c
Christmas Trees, each 50c and 25c
Wreaths Holly and Arborvitae, each 20c
Fresh Oysters, fancy Connecticut, pint 25c; quart 45c
Fresh Oysters, Selects, pt..... 30c
quart 55c
Young Hens, nice and fat, picked, lb. 16c
Choice Veal, this veal is the very best milk fed, just right. Steak 25c; roast 18c; stew 12½c
Apples, best quality and assortment on this market, peck 30c to 60c

FRASER BROS GOOD STORE
Phone 660
Southeast Corner Sixth and Jackson

MOTION TO DISMISS

A Hearing on the Government's Action in the Badders Case Will Be Held Some Time Next Month.

Washington, Dec. 23.—Motion for dismissal of the appeal in the George Badders case has been filed by the government. A hearing on the motion will be held some time next month.

If sustained by the court the Topeka man must immediately begin serving his sentence.

Fireless Cookers at Forbes.—Adv

IRIS THEATER CO.

Today and Tonight
Lubin Feature Photo-Play of William Vaughan Moody's Great American Play
The Great Divide
In Five Big Acts with
Ethel Clayton and House Peters
Produced at Grand Canyon
Floor 10c, Children 5c. Balcony 5c
Tomorrow
"TABLES TURNED"

JOIN THE
Christmas Savings Club
For 1916 at
The State Savings Bank
601 Kansas Ave.
You will need money for next Christmas and Taxes
This is the easy way to have it.

LEGAL.

[First published in The Topeka State Journal, Thursday, Dec. 23, 1915.]

NOTICE OF SALE OF UNCLAIMED FREIGHT.

Notice is hereby given that Union Pacific Railroad Company will on Friday, January 14, 1916, at ten o'clock A. M., sell the following described property at its freight depot in the city of Topeka, Shawnee County, Kansas, at public auction to the highest bidder:

9 pails of stock food, 1 barrel paint, 1 case advertising matter, 2 cobbler's sewing machines, 1 barrel earthenware, 1 box groceries, 1 box household goods, 1 cask earthenware, 2 ladders, 4 bundles auto parts, 1 2-row lister, 2 chairs, burlap, 1 wood s. tongue, 1 can varnish, 1 barrel tumblers, 1 metal sign, 1 barrel lubricating oil, 1 bundle galvanized pipe, 1 calf crate, 1 pail stock food, 12 cases fertilizer, 1 bar, 1 crate paper pads, 2 rolls rfg. papers, 1 empty oil barrel, 1 bundle hose, 2 boxes cement, 1 empty egg case, 1 box handles, 1 drum sweeping compound, 1 Bible stand, 1 wood sign, 1 box bolts, household goods, 2 boxes freezers, 1 piece timber, 1 roll wall paper, 1 can lubricating oil, 1 box auto lamps, 1 piece pipe, 1 barrel stock powder, 1 cask clothing, 1 basket asphalt, 3 barrels lubricating oil, 1 barrel vinegar, 1 case paint.

Notice is further given that Union Pacific Railroad Company has a lien upon the above described property for charges and that the same has remained unclaimed in its possession for more than six (6) months.

UNION PACIFIC RAILROAD COMPANY.
By W. H. HANCOCK,
Freight Claim Agent.

INCREASE IN WAGES

The System of Automatic Advancement Put Into Effect Among Boilermaker Apprentices at Shops.

The boilermaker apprentices of the Santa Fe shops are to be given a raise in wages, according to a report which was verified this morning by M. J. Drury, the superintendent.

The wages are to increase 15 cents a day every six months. The new schedule goes into effect January 1. After an apprentice has been employed six months his pay check increases. The reason the boilermakers are given this hike is because their work is considered heavier than some other forms of shop employment.

No other general salary increases are being contemplated at present, officials say. On December 15 the station agents and helpers in the small Kansas towns, as well as telegraph operators and section foremen, were given increases.

ORPHEUM—Today

Matinee 2:00
Tully Marshall and Thos. Jefferson in
"The Sable Lorcha"
Griffith Triangle
and
Raymond Hitchcock with Mabel Normand and Mack Sennett, in
"Stolen Magic"
Bal. | Night 7:15-9:10 | 5c
30 minutes of vaudeville
More than you can see in New York for a dollar

THE HIP STARTING XMAS DAY
OLIVER PLAYERS in
HELP WANTED
FIRST TIME HERE AT LESS THAN $1.50
PRICES—10-20-30c; few at 50c. Mat. 500 seats 10c; few at 20c. Christmas Mat. prices, 10-20-30c. Sale Saturday.

NOVELTY PHONE 1085
TODAY
SOUTHERN PORCH PARTY
Musical Comedy
4 Other Christmas Acts 4
THE PATHE NEWS
VODVIL
2 p. m. 10c; 7:45-9:15 10-20-30c

GRAND Phone 617 Xmas Mat.-Night
DADDY LONG LEGS
By Jean Webster
PRICES—Night 50c to $1.50
Mat. 25c to $1.50

He (at 11:30 P. M.)—"Well, misery loves company, you know." She (stifling a yawn) "Not at this hour, I think."—Boston Transcript.