

FIGHT ICE TRUST

Municipal Owned Ice Plants Is the Remedy.

Agricultural College Behind New Reform Idea.

ICE AT 20 CENTS, MILLER SAYS

Suggests New Idea for Fight on Ice Makers.

Also Approves Dawson's Plan for New State Laws.

Municipal owned ice plants, insuring ice to the consumers at not to exceed 20 cents per hundred pounds, is a plan advanced by J. H. Miller of the Kansas State Agricultural college in a circular endorsing Attorney General Dawson's theory for putting ice manufacturers under the supervision of the public utilities commission. Miller suggests that Kansas towns go a step farther and install their own ice making machinery in connection with municipal waterworks or electric light plants.

Many small towns in Kansas already own their own waterworks system. In a number of the towns the city operates its electric light and water plant jointly. And while the taxpayers and property owners are able under this arrangement to save much of the cost of electricity and water, they are the victims of the local ice dealers. Now the Agricultural college professor suggests that at a very small cost the towns owning waterworks and electric lighting plants can install ice making machinery and put the ice trust out of business.

Ice at 20 Cents Per 100 Pounds.

Up at Manhattan the Agricultural college heads have figured that a Kansas town may operate an ice plant in connection with its waterworks or electric light plant and furnish ice to local consumers at not to exceed 20 cents per 100 pounds. At this price, it is claimed, the city will be able to pay the cost for manufacture and reserve sufficient earnings to cover interest, depreciation and accumulate a sinking fund sufficient to insure the renewal of the plant at the end of five years without additional taxation.

The letter from the Agricultural college was issued after the publication of an interview by Attorney General John S. Dawson, in which he

stated that he would ask the 1915 legislature to enact a law placing the Kansas ice companies under the supervision of the public utilities commission and insuring just and equitable rates as between manufacturer and consumer.

Miller's New Plan. Now J. H. Miller of the State Agricultural college has issued the following statement regarding municipal owned ice plants, and assuring Kansas townships that the college will cooperate by furnishing information and estimates as to cost an expense of operation. The Miller statement is as follows:

"I was pleased with Mr. Dawson's proposition to have ice plants declared public utilities and the price of the manufactured ice regulated by the board of public utilities. But why not go another step and have the towns and cities own their own ice making plants. The majority of the water plants in Kansas are owned and operated by the municipalities. It is a comparatively simple matter for such a city to install an ice plant and manufacture ice for the public as it furnishes water, at cost plus a fixed amount for expenses and interest and a slight charge toward a sinking fund. I feel safe in estimating that any town owning its water plant can install an ice making plant and furnish ice to the public for twenty cents a hundred and reserve enough interest and expense charge to renew the plant when necessary or to make extensions after five years without further taxation. I hope some progressive town will start this. Many small towns might operate these ice plants only during the summer season and as all progressive towns will own their lighting plants the ice plant could operate when the demand for light would be least. The extension division of the Agricultural college will help with plans and specifications for plants and advise as to operation."

MUSIC QUELLS PANIC.

Orchestra Prevents Disorder in a Moving Picture House.

Fond du Lac, Wis., June 23.—The orchestra at a moving picture theater prevented a panic among eleven hundred persons last night by striking up a lively air and playing it, though the room filled with smoke, till the theater was emptied of the audience. The fire was caused by the burning of a motion picture film and was through the efforts of the operator confined to the operator's room. Twenty minutes after the incident, the audience was again filling the theater for another performance.

AS TO PATENTS

Topeka Merchants Interested in U. S. Court Decisions.

They Concern Arbitrary Setting of Retail Prices.

THE CASE OF PHONOGRAPHS

Patentee Sets Price at \$200 on \$100 Machine.

Trials of Retailer on This and Many Other Useful Patents.

Many Topeka merchants, who deal in patented articles, are deeply interested in the recent decision of the United States supreme court which decreed that the patentee may not fix the price at which his article must be sold by the retailers to the public. And they are keenly hoping for the day when the effect of this decision will become general. They will be permitted then to do business with these patented articles on a competitive basis, and the people will reap the benefit of lower prices on many things that they would like to possess and also need. Of course, when these conditions prevail, the merchant will make a smaller gain on each individual sale of any such article. But as far as Topeka merchants are concerned, they believe that the lower prices to the purchasing public will materially increase the volume of their business and that their aggregate profits to keep their business in these patented articles on a fairly remunerative basis.

This decision of the supreme court, which has attracted the great attention all over the country that its importance justifies, is a reversal of a decision of the same court on the same subject that was made in March, 1912. At that time the court held that a patentee had the right to fix the price at which his goods might be sold to the public. Chief Justice White wrote a dissenting opinion in which he protested vehemently against the judgment of the majority of the court. Only seven of the justices participated in this judgment and it was reached by a vote of 4 to 3. There was a vacancy on the bench at the time and one of the justices did not sit in the case. But when

the decision was reached in May of this year in another patent case where identically the same questions were involved, there was a full bench, and the reversal of the decision was not held as was made by a vote of five to four.

A Case in Point. But just when the public is to reap the benefits of this decision is problematical. One of the things that must be handled is a patented article for which there is a big demand these days and which he is forced to sell at a profit to himself of 100 because of his ironclad contract with the manufacturer who holds all the patents under which this article is produced, wrote to this manufacturer shortly after the recent decision of the supreme court. He called his attention to this decision and told the manufacturer that he proposed to sell the article in question at a price that would give him any profit he cared to take. And he got a reply by return mail that if he attempted to sell at prices other than those in his contract, an injunction would be sued out against him to prevent him from doing so. So this is pretty good evidence that the monopolies and concerns which put out patented articles and fix the prices at which they are to be sold have no intention of accepting the dictum of the supreme court in the premises but are going to make some other way for themselves that they can continue their business in the same arbitrary way that they have been.

Another course that letter made me change my mind for the time being, added this business man, and he continued, "My business has not the resources to fight a suit with a consequence that far as the big concerns and the big retailers in metropolitan centers that have unlimited resources are going to accept that decision of the court at its face value, and will be in a position to carry on a suit to find out just how much longer the retailers are to be held under the avaricious heel of the monopolies that put out patented articles."

Prices Fixed by Patentee. Another business man called attention to the fact that talking machines, sewing machines, safety razors, a couple of lines of pianos, etc., were among the patented articles that are retailed in Topeka in which the selling price to the public fixed by the patentee, or the manufacturer who holds the patents, which is one and the same thing.

The Talking Machines. He discussed the talking machine situation in an interesting manner. As is generally known, all of the talking machines on the market of standard makes are the same. The big concerns may be in a combine and they may not. But their methods of doing business are the same. They sell a talking machine to a retailer under contract that permits him to sell it only at the price they name. The same holds true of talking machine records. And the price fixed for the retailing of these machines is generally at a 100 per cent profit. A \$200 machine, say, cost the retailer \$100, but under his contract with the manufacturer he cannot sell it for a penny less than \$200.

"Now I don't care for a profit of \$100 on such a machine," said the merchant who was speaking, "but a profit of \$25 or \$30. But the company says 'no.' I must sell it for \$200 or I must not sell it at all. Now if I could sell it for \$125 would he permit me to sell ten machines where I now sell one. Everybody is beginning to want talking machines these days. They are becoming a necessity for home entertainment and amusement. And there are many people who would not feel like putting \$200 in a machine, that would be willing to pay \$125 for one, and the manufacturer is not in respect to the cheaper machines. Now am I allowed to sell old and out of date machines that I may have in stock in my store, or am I obliged to fix the price for their sale when I bought them, no matter how many years ago that may have been, unless I get the specific permission of the company from which I purchased them. But the company does not fix prices in advance on such machines. It only makes them in specific cases where there is a prospective customer for a particular machine of antique vintage. So I can't even advertise my old machines in stock for sale at reduced prices, can only boost the new machines. If a man comes in my store looking for a talking machine and spots an old one, or I show him one, and she shows an inclination to buy, then I can get a price from the company for which I can sell that machine."

And the Records, Too. "And in the matter of records, I have \$800 worth of old ones in stock that it is next to impossible for me to sell. Many of them are out of date. Others are slightly damaged, but still serviceable. I might be able to sell them for 10 cents a piece. They would be worth about that much. But I can't sell them for a cent less than the selling price the company places on them at the time they were purchased. Neither will the company take them back. So under present conditions I have a \$800 dead horse on my hands."

"But the talking machines are not the only patented articles where the conditions of sale are stifling. There are many others, and the people are being robbed right and left, not by the retailers as many of them are accustomed to think, but by the manufacturers of these patented articles who have been able up to the present time to dictate the prices at which these articles may be sold. How much longer they will be able to do business in this arbitrary fashion in view of the recent decision of the supreme court remains to be seen. And I know that many other merchants in Topeka and all over the country as well as myself will welcome the day when that decision actually come into effect, and can be applied generally to the retailing of patented articles."

It was pointed out by another merchant that now that there is as keen competition in the sale of pianos, except as to possibly two lines, as there is in the retailing of ordinary merchandise, good pianos are cheaper to the public now than they ever had been, this man pointed out. And he said that this was due to the fact that practically all of the patents covering the various parts of pianos had run out. And he expressed the firm conviction that similar conditions would soon prevail in the sale and prices of all patented articles as soon as the manufacturers of these articles can be compelled to do business under the law in the same way as the decision of the supreme court in question.

Topekans Interested in Olds Bill. Topeka merchants also hope the Olds bill now before congress will become law. The bill provides a fine for any manufacturer of a patented article who attempts to fix its retail price. And the bill has another provision in it of great importance, which is now the practice of big concerns that put out patented articles to buy up any new patents on articles similar to them. They pay fancy prices for these patents, but not for the purpose of using

them. They are generally bought to put away in pigeon holes where they will be out of harm's way. The Olds bill provides that if the manufacturer of an article patented is not been in use of three years—in other words, if a patent is not actually used within that length of time—it becomes dead. Then anyone will be able to avail himself of its virtues.

JAIL FOR M'FARLAND.

John Hanson Wants Probate Judge Behind the Bars.

John F. Hanson, the legal luminary who has given many manifestations of late that he is not at all pleased with the way justice is administered in Kansas, appeared today before Judge Whitcomb in the second division of the district court, with an application that the county attorney be instructed to begin proceedings that would result in Judge McFarland's removal from the probate court in jail. Mr. Hanson is of the opinion that Judge McFarland is guilty of oppression in office and that no punishment can be too severe for him.

Hanson told Judge Whitcomb that Judge McFarland had arbitrarily denied him a review of the appointment of guardian for Swan Johnson. He declared that Johnson had been unjustly adjudged insane by former Probate Judge Schock who he appointed a guardian that had absconded. He said that Judge McFarland had appointed a guardian to fill the vacancy thus created and that he had refused to review the appointment of this guardian.

In presenting his argument to the court, Lawyer Hanson said among other things that the only way to get things done properly in the courts was to put some of the judges behind the bars. He asked that the machinery be started to put Judge McFarland in jail or compel him to reopen the case of the appointment of this guardian for Swan Johnson.

Judge Whitcomb denied the application, it being his idea that if Judge McFarland was guilty of anything it was nothing more than making an error, and he did not feel justified in ordering his prosecution by the county attorney for such a cause.

KAWS GET PITCHERS.

Gear Signs Men From St. Louis and Chicago—Rusty Gone.

Two pitchers have been added to the Kaw's staff which, it is believed, will strengthen the club considerably. One of these men is Furber, a Chicago semi-pro man who joined the club in Des Moines and worked in both games at Sioux City Sunday. The other is a man named Guinn who has been playing with the St. Louis team in the Federal League. Guinn is expected to arrive here today and join the team when they return from Sioux City, Tuesday morning.

Furber is a left-handed man. He took the place of Rustenhaven who has been sent to Ft. Worth, in the Texas League on an optional sale. None of the local association officials know anything about Guinn but Gear has been after him for several weeks. He has a mighty good reputation.

Gear has shifted the lineup by putting McLarry on second and is playing in the outfield himself. The slump in batting of the team made it necessary for Gear to get in the game himself and he is doing well. Gear is looking for an infielder who can hit regularly. Joe French is improving in batting some but Cochran does not appear to be improving any. However neither is hitting as well as they should. If they improve, a new infielder will not be necessary.

The Kaw's will begin a series with St. Joseph, on the local lot Tuesday. A double header will be played Wednesday.

LIKED THE CONCERT.

Large Crowd Heard Second Regiment Band on Capitol Grounds.

About a thousand people enjoyed the band concert at the state house grounds last night given by the Second Regiment band. The music began at 6:30 and for one hour the band played popular and patriotic pieces. The listeners dotted the south lawn of the capitol grounds and there were also many automobile loads of people stationed on Tenth street. Most of the people were in family groups, and the scores of children had just as good a time as the grownups. The musicians were dressed in pure white uniforms and were about forty strong. Every piece that was played was enjoyed by the audience, who stayed on the grounds long after the concert was finished, hoping for more of it. At the beginning, the band played old southern tunes from "Old Swanee River" to the enlivening music of "Dixie." They were especially adept in playing military airs. Theodore Morse is the leader.

This is the second Sunday concert that the Second Regiment has given on the steps of the state house and the program will be continued during the summer months. Every man in Topeka can take his entire family on Sunday and spend an enjoyable evening listening to high class music. The capitol is near the heart of the city and can be easily reached by nearly everyone. The quality of the music is all that can be asked and the probabilities are that there will be even larger crowds there on the Sunday evenings in the future.

TO BUILD A ROAD.

Five Counties Will Combine to Build Beloit to Colby.

County commissioners in five Kansas counties will meet at Downs tomorrow and lay plans for the building of a modern public highway through Rooks, Rooks, Graham, Sheridan and Thomas counties. It is the first real movement in the fight to establish modern county roads through the western counties and the enthusiasm which has characterized the work in that district indicates that the plan may soon become state wide.

The new road will be almost "as straight as the crow flies" according to the present plans, based on an air line plan. This new highway will not only be a model dirt road, but will be a direct cutoff from Beloit to Colby. The commissioners of the five counties will start at Downs, go to Osborne, Stockton, Hill City, Hoxie and Plainville. Each county will look after its own road to the county line, where the

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