

**KNOCKS OUT FIVE-CENT FARE**

Street Railroads Are Not Under Control of Commission.

**MAY LEAD TO NEW REGULATION**

Talk of Bill to Provide for the Control of Street Railways Operating Between Cities and States.

(From a Staff Correspondent.)

WASHINGTON, June 10.—(Special Telegram.)—The supreme court today reversed the decision of the commerce court in the case of the Interstate Commerce Commission against the Omaha & Council Bluffs Railway and Bridge company, holding that the company is not a railroad in the commercial sense of the word as used in the act to regulate commerce. Justice Lamar rendered the decision. The most important result of the decision, according to attorneys familiar with its effect, is to make it necessary for congress to provide by law for the adequate regulation of street railroads that are interstate in character. Incidentally it adds for a time, the efforts to obtain cheap car fare on the street railway company's lines between Omaha and Council Bluffs.

**What is a Railroad?**

After reviewing the history of the formation of the company, pointing out that it was originally authorized by congress in 1857, to build a bridge across the Missouri river between the two cities, and that the street railway service was operating on the bridge under a lease, the court said:

"On the argument of the appeal in this court the sole question discussed was whether the provisions of the commerce act as to railroads applied to street railroads, the appellant relying among other things, on the fact that during the discussion in the senate, the author of the bill and the chairman of the senate committee to which it had been referred said that 'the bill is not intended to affect the street car, the street railway, the trolley line, the canal boat or the vessel employed in the land or coasting trade, even though they may be engaged in interstate commerce, because it is not deemed practicable or necessary to cover such a multitude of subjects.' The statute applies in terms, stated the court, 'finally, only to railroads.'

"But in 1857 that word had no fixed and accurate meaning, for there was then, as now, a conflict in the decisions of state courts as to whether street railroads were embraced within the province of a statute giving rights or imposing burdens on railroads. The appellate city decisions from twelve states holding that in a statute the word railroad does not mean street railroad, the defense cites decisions to the contrary from an equal number of states."

**Defining the Term.**

The court also found a similar disagreement in federal decisions and stated that even members of the Interstate Commerce commission were not agreed on the question.

"If the scope of act, is such as to show that both classes of companies were within the legislative contemplation," the court explained, "then the word railroad will include street railroads. On the other hand, if the act was aimed at railroads proper, then street railroads are excluded from the province of statute. Applying this universally accepted rule of construction the word, it is to be noted that ordinary railroads are constructed on the company's own property. The tracks extend from town to town and are usually connected with other railroads, which themselves are further connected with others, so that freight may be shipped without breaking bulk across the continent. Such railroads are channels of interstate commerce. Street railroads on the other hand are local, are laid in streets as aids to street traffic, and for the use of a single community, even though that community be divided by state lines or under different municipal control. When these railroads carry passengers across a state line they are, of course, engaged in interstate commerce, but not the commerce which congress had in mind when legislating in 1887. Street railroads transport passengers from street to street, from ward to ward, from city to suburbs, but the commerce to which congress referred was that carried on by railroads engaged in handling passengers and freight between states, 'between states and territories,' and 'between the United States and foreign countries.'

**Not Even Interurban.**

"The court distinguished between street railroads and interurban railroads. The latter have developed since the commerce act was passed, but the court declares that it is not called upon to pass upon the statutes of interurbans, and the mere fact that the Omaha & Council Bluffs road reaches from one city to another does not make it an interurban road."

The record, the court notes, does not even show that the line in question is operated by electricity, but it so assumes. "But it affirmatively appears that the company was chartered as a street railroad and hauls no freight and is doing only a business appropriate to a street railroad. In June, 1910, congress passed an act containing a provision that the Interstate Commerce commission when 'shall not establish any through route, classification or rate between street electric passenger railroads not engaged in transporting freight and railroads of a different character.' The government counsel declared that this act showed clearly that congress wished to include street railroads in the jurisdiction of the Interstate Commerce commission and moved that the judgment be made effective from the date of the passage of that amendment instead of from the date of the commencement of the suit, November 27, 1910. This motion the court denied."

**Outside the Law.**

Admitting that the operations of the street railway company are interstate in the case under consideration, the court, nevertheless, declared that the federal law to regulate commerce did not intend to reach such corporations. Justice Lamar discussed this point rather fully, pointing out that there were many essential differences between a street railway and the railroad as used in the ordinary commercial sense of the term. Railroads, he pointed out, discharge their passengers at regular depots, sell their tickets differently and with a view to engaging in transactions more nearly of an interstate character; street railroads, on the other hand, have no depots, sell their tickets on the cars, stop at irregular intervals and, in short, are engaged in a business that is quite outside the province of the railroad referred to in the act to regulate commerce. There is no doubt in the opinion of attorneys who heard the decision that it

is of great importance and of far-reaching effect. It is understood that plans are already being made by members of congress to introduce legislation to correct the law, so that there may be more adequate regulation of street railroads in the matter of fares and general service.

**Lincoln Merchants Make New Guarantee On Campus Removal**

(From a Staff Correspondent.)

LINCOLN, Neb., June 10.—(Special Telegram.)—The State committee met in Lincoln today for the purpose of preparing plans and a statement relative to the cost of removal of the State university to the State farm or for buying land for the purpose of extension just east of the present site.

A proposition of Lincoln merchants was made that the state will not have to pay more than \$200,000 for the six blocks needed for the extension downtown.

Something like a hundred merchants signed a bond today guaranteeing that the cost should not exceed that amount to the state, and it is understood that the committee, or at least a majority of it, is in accord with the plan. The committee, consisting of Senator Reynolds of Dawes, Representative Mockett of Lancaster and Regents Coupland and Allen met in the office of the latter this afternoon and talked over the proposition, but came to no definite conclusion, as it will be necessary to get the estimates of experts who are looking over the two propositions. Estimates made heretofore have placed the value of the six downtown blocks at figures ranging all the way from \$20,000 to \$700,000 and it will require something more definite to satisfy a portion of the committee before the proposition offered by the Lincoln people is accepted.

**MANY ANXIOUS TO HEAR DAVID STARR JORDAN SPEAK**

No greater demand for places at the public affairs luncheon at the Commercial club has ever been in evidence than is shown at present for tickets for the luncheon at which Chancellor David Starr Jordan of Leland Stanford university is to speak Friday. Many have called the Commercial club recently asking whether the luncheon is really to be Friday instead of Thursday. The regular day for the public affairs luncheons is Thursday, but the club had to change the date in order to accommodate Mr. Jordan.

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**COMMITTEE SEES LOBBYISTS**

Majority Convinced Patient Search All Needed to Revail Trail.

**POINDEXER IS A WITNESS**

Testifies Conservation Banquet Was Attended by Eighteen of Colleagues, with Coal Field Interests Hosts.

(From a Staff Correspondent.)

WASHINGTON, June 10.—Turning away from the examination of colleagues, who might have been influenced in matters of legislation, the senate lobby investigating committee late today began to inquire into the Washington pursuits of those who might have exercised the influence. With only a dozen senators yet to take the witness stand, the majority of the committee is convinced that it has seen a flash of the underground workings of a lobby and believes that only patient search is needed to reveal the trail that will lead to the quarry they are seeking.

The minority members apparently are not so certain that an "insidious" lobby will be discovered, but say they will use their ability as cross-examiners with every witness whose testimony is encouraging. The few senators who have not been heard are out of the city and will be allowed to testify as they see fit before the hearings are concluded.

**Pointexter Sees Lobby.**

"I think there has been an objectionable and scandalous lobby here," said Senator Pointexter, "less now than in 1908, but it is here now. I don't mean money has been used."

Senator Pointexter told of a dinner about eighteen months ago at which several senators were present and conversation was discussed. "I heard afterwards, I don't know how true it is, that the dinner was paid for by the coal interests, although given in another man's name," he said. He preferred not to give names of other senators present.

**Hull on Stand.**

Former Congressman J. A. T. Hull of Iowa said he had been out of congress for two years and had been in Washington most of the time since. He had represented an association of corn products manufacturers in which fourteen concerns were interested, in connection with the pending tariff bill, presenting his case by filing briefs with the house ways and means committee, and sending letters to senators. He had talked with Senator Cummins because he was familiar with the duties in which he was interested. Mr. Hull said he had been interested also in legislation for the

Veterinarian Association of the United States, which used to obtain commission ranking for its members in the army; for a Mr. Baker of Philadelphia, who was interested in the duty on coconuts, and for representatives of the government of Ecuador, who wished government engineers to investigate sanitary conditions there. He also figured in legislation affecting the telephone company in the District of Columbia.

**Old Boyd Packing Plant Sold Under Hammer to Howell**

The old Boyd packing house near the river south of Pierce street, built in 1884 by James E. Boyd and his foundation of the Boyd fortune, after many years of disuse is to be repaired and turned into a warehouse if the district court approves its sale to Edward E. Howell, real estate and coal dealer.

Mr. Howell bid it in for \$12,500 in mortgage foreclosure proceedings brought by him in district court against Mr. and Mrs. Joseph D. Her and a long list of other defendants who had acquired claims against it in various ways. One phase of the litigation found its way into federal court in 1911. All litigation over it now comes to an end if the court approves Mr. Howell's purchase.

When James E. Boyd built the packing house and made a fortune out of it he showed Omaha's possibilities in the packing business, but the big packing firms came into South Omaha and Mr. Boyd found himself unable to compete with them, so he discontinued his business.

Joseph Her bought the property from Mr. Boyd. It has been used as a laundry and for other humble purposes. Mr. Howell was the only bidder at the sale authorized by the court, so secured it for two-thirds of the appraised value, the legal minimum.

**SOUTH OMAHA WORKMEN GO OUT ON A STRIKE**

Sixty workmen of the construction gang of the Union Stock Yards company of South Omaha went on a strike yesterday because their pay was not raised from 15 1/2 to 20 cents an hour. The workmen made their demand on the company and were told to report at the office at 1 o'clock in the morning, when they would be paid off. These men were employed in the construction of the new horse barn and horse sheds.

**COMMERCIAL CLUB TO VISIT CARTER LAKE**

The executive committee of the Commercial club has accepted the invitation

**BROOKS REFUSES TO BOOST HIS PRICES**

Says Clothing Figures Must Be Kept Down Until Last Suit Is Sold.

To Wait Until July to Buy Men's Clothes Will Prove Utter Folly, says Brooks.

"Brooks," the determined clothier in the City National Bank building, at the corner of 16th and Harney Sts., refuses to place a time limit upon his clearance sale of men's spring and summer suits. "I am going to sell men's suits at unrecognizably low prices right up into the time when all the other clothiers lock horns in their usual 'After the 4th of July' sales," says Brooks, "and just when they are fighting each other the hardest I will have had my stock sold down clean as a whistle."

So don't imagine that Brooks has raised the prices of any of his high grade suits to the normal figures they were bringing a month or so ago. Brooks found that his suits wouldn't sell this spring at the REGULAR prices, so he CUT his prices—and cut again—and again—until the stock gives promise of selling down to the last suit.

Of course Brooks himself didn't feel quite business like in pounding the life out of clothing prices right during the time when clothiers are supposed to be making a legitimate profit, but any one going through as dull a stage of business as Brooks went through during the sold, rainy, drizzly spring we had, would be tempted to do almost anything to turn goods into money.

Brooks will have lots to answer for if Omaha clothiers ever get together in meeting, but here goes— Any former \$20 suit in the house may be had now at only \$13.50 Any former \$25 suit in the house may be had now at only \$16.50 Any former \$30 suit in the house may be had now at only \$19.50 Any former \$35 and \$40 suit in the house may be had now at only \$22.50

of the Carter Lake club to be its guests Saturday afternoon, June 21. Special cars will take the club members to the lake at 2 o'clock in the afternoon, and a program and picnic will be given them there. The Carter Lake club has just perfected its club houses and club facilities and desires to have the business men see what has been accomplished there.

**Advance Announcement of Friday Sale MEN'S SHOES CHILDREN'S WOMEN'S INFANTS'**

Thousands upon thousands of pairs of the very best makes, manufacturers' surplus stocks, sample lines and all the broken lots from our regular stock on sale at prices that mark them the greatest bargains shown in Omaha in many years.

See the 16th Street Window Display Watch Thurs. Evening Papers For Particulars. Big Sale Lawn Furniture

**Three Big Manufacturers' Stocks of Pretty Wash Dresses Go on Sale Wednesday**

Several Hundred Dainty Dresses in ratines, embroidered marquisettes, linens, reps, lingerie, etc., both white and colors, plain or fancies, all nobby new styles, made to sell to \$15.00, choice \$4.90

500 Beautiful New Dresses, in choice summer styles, white and colors, crepes, voiles, embroidered marquisettes, etc., the choicest values offered in Omaha, made to sell up to \$25, all at one price \$9.85

Dress Skirts, to \$11.00, 511k Underskirts, \$6 values, \$2.95 values to \$3, \$1.39. Cream, black and a choice lot of secolored serges in llection, in all colors. Matchless bargains.

Our Special Opening Display of Summer Gowns and Dresses Continues One More Day, Wednesday—Seldom has such pleasing assortments for selection been offered women of Omaha. More and more well gowned women are coming to depend upon this store to keep them in touch with the fashions of the day and hour and no effort or expense has been spared to make this display a notable one.

Hundreds of Charming Summer Gowns shown in a broad assortment of charming designs which lend individuality and distinction to the wearer.

- White Goods Specials** Assorted lot Linens, Lawns and Piques, values up to 39c yard \$25.00 Ramic, pure flax, assorted colors, heavy weave, worth up to \$1.50 yard \$1.00 Persian and French Lawns, worth 60c yard \$39c Imitation Ramic, all new shades and colors, worth 10c yard \$25c
- Wash Goods Specials** 18c French Batiste 12 1/2c 18c Dimities \$12 1/2c 25c Egyptian Tissues 18c 25c French Silk Warp Zephyrs \$18c 60c Sampson's A Silk Linings, all colors, to close, yd. \$35c Manchester 36-inch Percalines, at \$12 1/2c

**\$3.50 to \$5.00 Embroideries Wednesday \$1.98**

For one more day, Wed., we will give our customers choice of a magnificent assortment of exquisite novelty embroideries in combination of fine lace and embroidery, that sell in a regular way at \$3.00 to \$5.00 yard. They are 45 inches wide and the very newest novelties, just the thing for elegant summer gowns, yard \$1.98

**Specials in Domestic Room**

- 51x90 linen finished seamless Sheets, 68c values \$59c 72x90 Targa soft finished bed Sheets, 59c values \$49c Unbleached Muslin, 36-in. wide, 8 1/2c values \$5 1/2c Percales, good patterns, light and dark colors, 36-inch wide, perfect goods, 12 1/2c values, \$10c Dress and Apron Gingham, 7 1/2c values \$5c Poplins, good colors, 18c values, at \$12 1/2c Serpentine Crepe, good patterns, 18c values, to close, yd. \$10c Anthracite Blue Prints, 6c values \$3 1/2c Mikado Crepe, good patterns, 18c values \$12 1/2c Simpson's Prints, light and dark colors, 6 1/2c values \$5 1/2c White Crepe or Flannel cloth for Underwear, 15c values \$10c Remnants of Cotton Challies, 6c values \$3 1/2c

**IT'S HAYDEN'S GROCERY DEPT. THAT SAVES THE PEOPLE OF OMAHA FROM 25% TO 50% ON THE COST OF LIVING.**

- 22 lbs. Best Granulated Sugar \$1.00 48-lb. sacks best High Grade Diamond H Flour: Wednesday special, per sack \$1.00 10 cans of Best-Em-All Diamond C. Lard or Laundry Queen White Laundry Soap \$2.50 7 bars Electric Spark Soap \$1.00 4 cans Lu Lu Scouring Soap \$1.00 4 lb. pkg. Star Naphtha Washing Powder \$1.00 5 lbs. Fancy Japan Rice, 10c quality, for \$1.00 10 lb. best White or Yellow Cornmeal \$1.00 10 lb. best Hand Pick Navy Beans for \$1.00 10 lb. best Mixed Chick Feed \$1.00 10 lb. Oyster Shell for chicks \$1.00 2-lb. cans fancy Wax String Green or Lima Beans \$1.00 Grape-Nuts, pkg. \$1.00 2 C. Corn Meal \$1.00 Yeast Foam, pkg. \$1.00 Tall cans Alaska Salmon \$1.00 2 cans Oil or Mustard \$1.00 Skinner's, Elbow or Straight Macaroni, Vermicelli or Spaghetti, per pkg. \$1.00 Peter's Breakfast Cocoa, lb. \$1.00 The best Tea Blends, lb. \$1.00 Golden Santos Coffee, lb. \$1.00 6 pkgs. Farior Matches \$1.00
- THE GREATEST VEGETABLE MARKET IN OMAHA For the People 12 lbs. New Potatoes \$1.00 15 lbs. Old Potatoes \$1.00 4 heads Fresh Leaf Lettuce \$1.00 Fresh Spinach, per peck \$1.00 6 bunches fresh Green Onions \$1.00 6 bunches fresh Radishes \$1.00 4 bunches fresh Turnips \$1.00 4 bunches fresh Rutabaga \$1.00 2 bunches fresh Parsley \$1.00 3 bunches fresh Asparagus \$1.00 4 bunches fresh Turnips \$1.00 4 bunches fresh Kohl Rabi \$1.00 Fresh Wax or Green Beans, lb. \$1.00 Fresh Cauliflower, per lb. \$1.00 Fresh Home Grown Peas, quart \$1.00 3 large Cucumbers \$1.00 2 Summer Squash \$1.00 Fancy Rippe Tomatoes, lb. \$1.00 The Last of the Pineapple Season Large size, Wednesday, dozen \$1.49 Medium size, Wednesday, dozen \$1.19 Small size, Wednesday, doz. 75c. 60c We advise our customers to buy now.

**Try Hayden's First**

**STACK AND MACHINE COVERS**

Prices from 2 1/2c to 8c per square foot. Special Water-Proof and Mildew-Proof Cover, 4 1/2c per sq. ft. For Covering Hay, Binders, Etc., Etc.

Omaha Tent & Awning Co., 11th and Harney

If you are looking for a house to rent, or a house to buy, you will find just what you want in the real estate columns of today's want Want Ad Section. Look and you shall see.

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There is no higher authority in the brewing industry than Wahl-Henius Institute of Fermentology of Chicago. It is their candid opinion that "When bottled beers have attained a high degree of stability the light bottle is preferably employed to insure thorough cleanliness."

The natural inference is that common beer must be protected by dark glass. HIGH LIFE is beer of a high degree of stability—made so by the liberal use of best materials, extreme care and skill in brewing. It is brewed pure to stay pure, and is acknowledged to be the "Finest tasting beer ever produced." Convince yourself—order a case today.

We use light bottles exclusively for this high grade beer—common beer comes in dark bottles.

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On sale at leading Buffets, on Dining Cars and Steamship Lines.

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