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# FIGHT ON TWO-CENT PASSENGER FAREUP TO SUPREME COURT

Attorneys for Missouri Pacific Contend that People Have Delegated Rate Making Power to Railroad Commission.

LEGISLATURE ACTS, SAYS REED

Attorney General Contends No Power Exists to Go Behind the Specific Act of Lawmakers.

SITTING EN BANC JUDGES

(From a Staff Correspondent.) LINCOLN, Neb., Feb. 1 .- (Special.) -Arguments in the 2-cent fare case were heard before the supreme court this morning, the high tribunal sitting en banc, with Chief Justice Morrissey, recently appointed, presiding for the first time.

The case was brought by the Misgouri Pacific Railway company to compel by mandamus the State Railway commission to take jurisdiction of and act upon its application for an increase in its Nebraska passerger rates above the 2-cent minimum fixed by statute.

The nub of the question is: Does the constitutionally delegated power of the commission have precedence over specific legislative enactment? The railroads so argue, contending that if it sees fit the commission may increase the rate over that provided for by the legislature

Rate Power Delegated.

The railroads maintain that as delegated to the commission by the people the rate-making power cannot be taken over by the legislature. The contentions are based on this constitutional provision: "The power and duties of such commission shall include the regulation of rates, service and other seneral control of common carriers as the legislature may provide by law.

"But in the absence of specific legislation the commission shall exert the powers and perform the duties enumerated in this provision."

The state, through former Attorney General W. T. Thompson and Attorney General Reed, insisted that specific legislation by the state's law-making body is State Railway commission cannot so be-

Discretion Extensive.

Further, state attorneys held that if the State Railway commission had power virtually to repeal the 2-cent fare law it could do likewise with the anti-page The railroad side of the case is sum-

marized in the following:

1. That the commission has unqualified

1. That the commission has unceased to jurisdiction to legislate with reference to rates and service of common carrierathat this power was delegated to the commission by the people in an amendment to the state constitution.

2. That the legislature by its make-up is incapable of determining rates—that it admitted this at the 1913 session when it refused to pass the Keckley rate bill and agreed to leave this power in the hands of the State Rallway commission.

3. That the supremacy of the legislature over powers delegated to the commission by the people would defeat the purpose of the amendment.

4. That in delegation to the commission of all legislative power on rate matters the people's wishes and not those of the

of all legislative power on rate matters the people's wishes and not those of the legislature are respected.

Legislature Has Spoken.

The state maintains that in the constitutional provisions cited above, the lines "but in the absence of specific legislation, etc." mean that the commission can have no powers where the legislature has spoken, that the commission's power is limited even in rates and service matters to acts not touched upon in specific legislative enactment.

Thus the legislature would have no power to disturb the 2-cent passenger fare law, save, perhaps, to reduce it, if the state attorneys' view is accepted by the

But as there are no maximum telephone rates fixed by the legislature, the comnission has power to regulate those as it may see fit. Were a rate law to be passed by the legislature-according to the wiew of the state attorneys-that would supersede all rate control the comnission might exert over telephone com-

### The Weather

Forecast till 7 p. m. Tuesday: For Omaha, Council Bluffs and Vicinity Omaha Yesterday.





Comparative Local Beyord. 1915, 1914, 1913, 1912 26 44 13 30 lighest yesterday ..... 

Reports from Stations at 7 P. M. Station and State of Weather. Davenport, rain... North Platte, clear. Omaha, cloudy... Rapid City, clear... Sloux City, clear...

oux City, cloudy....... 18 2: 9
T indicates trace of precipitation.
indicates below zero.
L A WPLSH Local Forecaster.

FIRST PICTURES FROM EARTHQUAKE-STRICKEN ITALY-The ruins of the Bank of Rome in Avezzona, showing how completely the earthquake destroyed this beautiful city. Soldiers hunting for money in the debris.



by General Who Deserted to

Zapata Wing.

Ship Purchase Bill

in Talk Wednesday

WASHINGTON, Feb. 1.-President Wil-

Commerce of the United States conven-

# M'CAFFREE HEADS BROTHER OF CHIEF LABOR EXCHANGE CARRANZA EXECUTED IN FOR STATE PROBE

and W. G. Ashton Made Secretary-Treasurer.

The National Farm Labor Exhad in the 2-cent fare law and that the change went into permanent organ- Jesus Carranza, his son, Abelardo, is most needed in these states.

Charles McCaffree of Pierre, S. D., of the first chief. was made president and W. G. Ashton of arer. E. Wilson Will Defend S. Neal, state immigration agent North Dakota, was made vice president. Plans did not take quite as definite a form, perhaps, as might have been expected, although the constitution and bylaws provide that the labor commissioners of the various grain producing states shall look after the handling of farm labor during the harvest season and that the executive committee of the exchange shall co-operate with the labor commissioners so that the supply of labor can always be moved ahead fast enough to be at the right place at the right time.

States and Railroads Represented. Those present at the opening session were Charles McCaffree of Pierre, S. D., commissioner of immigration of that state; W. G. Ashton of Oklahoma City, Okl., commissioner of labor of that state; (Continued on Page Two, Column Three.)

## Senator Reed Will Support Veto of Immigration Bill

WASHINGTON, Jan. 1.-The fate the immigration bill, vetoed by President Wilson because of the literacy test provision, took on renewed interest in congress today because of the announced intention of Senator Reed of Missouri to speak in the senate in support of the president's veto, provided the opportunity is presented. Senator Reed, who has opposed many of the administration measures, fought the immigration bill and was one of seven voting against it Chairman Burnett of the house immigration committee will call up the veto message by offering a motion to recon-

sider the vote by which it originally

passed and to pass it despite presidential

disapproval. House leaders, however, are

not sure that the two-thirds majority vote

necessary to repass it can be secured

portant speeches of his administration. He is expected to discuss the administration shipping bill now pending in congress, the forthcoming meeting of financial experts of the South and Central America in the United States to consider trade relations in the western hemis-

phere, and other steps proposed to assist American foreign commerce. Secretaries McAdoo and Redfield are also to discuss the shipping bill, at the convention from the standpoint of the administration. Senator Burton of Ohio will give the viewpoint of the apposition.

# Omaha Shows Gain in Building While Other Cities Lose

The Construction News announces tabulation of building operations of 160 principal cities of the country, showingcomparisons between 1914 and 1918. Sixty cities show a decrease, while forty-three had increases over 1913.

The following figures show Omaha's increase with the decreases of eight cities within a radius of about 500 miles:

ğ		4,610,456	\$ 4,110,72
i	Kansas City	10,204,970	10,579,163
8	Lincoln'	1,000,287	1,678,384
ă	Milwaukee		13,500,05
ı	Duluth i	2,806,223	4,020,01
V	St. Joseph	1935,574	364,177
1	St. Louis	12,923,086	16,178,150
a	Sloux City	1,972,900	3,979,06
U	Topeka	\$39,978	926,85
ä			

# Germany Brings Scene of Combat to the Front Door of Great Britain

British interest in military activities sinking of the three coasters. on the continent have been overshadowed by the fact that Germany has brought the combat to Great Tabriz, in Persia, has been confirmed, Britain's front door. What is re- and the Russian army which pushed the garded here as the new German pol- Turks out of this provincial capital of icy of a submarine blockade of Britso ish ports is temporarily effectual.

the largest commercial vessels that of the passes which keep the way open behind them. Berlin says the situation have as yet fallen victims to German in all parts of the Carpathlan theater of submarines; the three ships sunk in the war is favorable. the Irish sea were small consters,

Belief expressed yesterday that the tilities in eastern Servia after a period raiders could not remain for more than of quiet enforced by floods.

LONDON. Feb. 1 .- Once again on Saturday, twenty-four hours after the

Reports of Russian operations over vast area continue to come from the The Russian occupation of continent. Persia, after their brief stay there, is sweeping to the south and to the west. In the Carpathians sharp fighting took

The two British merchant steamers place Sunday in the forests where the torpedoed by Germans off Havre are Russians are striving to retain command

Vienna reports the resumption of hos-

# DELZELL IS COMING

Pierre, S. D., Man Elected President | He and Two Others Put to Death Governor Morehead Has Asked Superintendent Thomas to Report on Conditions.

PERMANENT ORDER EFFECTED FATHER AND SON ARE KILLED NORMAL BOARD IS INVOLVED

(From a Starr Correspondent.) LAREDO, Tex., Feb. 1 .- General LINCOLN, Neb., Feb. 1 .- (Speization in Omaha yesterday with some and Ignacio Peraldi, member of his cial.)—A legislative investigation fifteen delegates present. This or- staff, were executed by General into the conduct of the state superganization seeks by a method of co- Santibez, former constitutional gen- intendent's office under the former ganization seeks by a method of co-Santibez, former constitutional gen-operation between the labor commis-eral who deserted and went to administration of J. E. Delzell is be-a bit colder last night, but the wind was sioners of the various states in the Zapata, according to a telegram reling talked of at the capitol. It decreasing gradually The street car servgrain belt to solve the problem of ceived by the widow of General Car-leaked out today that Governor ice was in fairly good shape and cars near Bagatelle. One of our trenches dehelp for the harvests when that help ranga from the first chief at Vera Morehead has already requested ran regularly over all lines. Eleven moliched by two mines, was evacuated in most recorded in the capitol. It decreasing gradually. The street car servitack by the Germans has been repetled near Bagatelle. One of our trenches dehelp for the harvests when that help ranga from the first chief at Vera Morehead has already requested ran regularly over all lines. Eleven Cruz. Jesus Carranza is a brother over the records of the educational were encountered. department and submit a detailed

> While the governor himself has author ized no statement as to what he intends to do with these figures, some of the members of the legislature expect that they will eventually be laid before the on will deliver before the Chamber of house and senate for whatever action

they may see fit to take tion here Wednesday night what his ad-What May Be Brought Out. visers say will be one of the most im-Official extravagance, favoritism, nepotism, and the diversion of funds appropriated for one purpose so that they were used for another, are among the things which may come to light when the affairs of the state educational department are placed under scrutiny, it

Governor Morehead in his message to the legislature called attention to the biennial report of the state superintendent, which cost over \$1,000 to print and which is filled up largely with such ma-Superintendent Delzell to teachers' meetings, half-tone pictures of numerous school buildings, railroad time tables and 'safety first" advertisements, long reports of rural school inspections, proceedings of the Nebraska Schoolmasters' club and a list of its membership. Extends to Normal Board.

connection with the strictures which are being made on the administration of (Continued on Page Two, Column One.)

# F. S. Koller Is Made General Manager of Colorado Southern

F. S. Koller, assistant general manager of the Burlington lines west of the Missouri river, with headquarters in Omaha, the Colorado & Southern railroad, with Russian forces at all the tronts except in of the Russian nation. Many small wares, headquarters in Denver. Mr. Koller will assume his new duties March 1.

Mr. Koller will take the place of James Weish, who has acted in the capacity of general superintendent of the Colorado are much stronger. The men are more general superintendent of the Colorado are much stronger. The men are more in making these things the peasant is a Southern. However, he will fill an hardened and physically and morally in making these things the peasant is showing remarkable adaptibility. office of larger scope, as indicated by the more ready: title of general manager.

According to General Manager Holdrege, Mr. Koller will remain in his present position of assistant general manager of the Burlington until March Who will be his successor has been determined.

## German Submarines Terrorize Shipping Off Coast of Ireland

LONDON, Feb. 1-A dispatch from uthport, eighteen miles north of Liverusedly U-21, was seen off there early DUBLIN, Jan. 31.-The steamer Lein-

ster, from Holyhead to Kingstown, reports that it was chased by a German

line. A wire is now working from Denver by the way of Ellis, Kan., and Kansas City and reports are that the storm is clearing in the west.

Trains Back to Normal. Trains are running fairly regular on the Union Pacific with the ald of the block Trains arriving from the west Fremont, but west of there has abated. Telegraph lines to the east were whipped into condition last night and have been been provided.

mal again.

STORM'S BACKBONE

IS BROKEN AND ALL

and Wyoming and Along

Burlington in Southern

Nebraska.

WIRES ARE BEING REPAIRED

Burlington Has Main Line Wires

Up and Union Pacific is

Fixed to Frement.

WEATHER TURNS BIT COLDER

working more or less regularly. State Superintendent Thomas to go the abatement of the snow no difficulties

Jitneys on the Job. penditures made under the Delzell to the streets where the car tracks had Cientifico Wing Traffic, however, was largely co been cleared, as vehicles of all descrip tions found it troublesome to break through the snow drifts in the streets Jitney busses ran in increased number up until 7 o'clock last night, the scheduled hour to stop. A new litney, carrying twelve passengers, was put in operation on Farnam street yesterday afternoon. The weather today, according to pre dictions, will be colder, but will not be at all extreme. Reports of temperatures at cities surrounding Omaha were unavailable due to intermittent telegraph service

# W. J. Bryan, Jr., Wins His First Law Suit

TUCSON, Aris., Feb. 1.-William Jennings Bryan, jr., son of the secretary of state, won his first case when it was tried recently in the superior court. The case was a damage suit brought by A. E. Deyo, against the Arizona Construction company. Devo sued for \$10,000 damages for the loss of an eye in an explosion of dynamite. He was the superintendent of the company and crawled into a tunnel to see why the charge did not explode. Mr. Bryan represented the

# DEM RANKS BREAK RUSSIANS MAKE IN SHIP BILL YOTE

TRAFFIC RESUMED Several Bourbons Side with Republicans in Senate Test of Strength. Snow and Wind Ceases in Colorado

ADJOURNMENT TILL NOON TODAY

WASHINGTON, Feb. 1 .- Senator Clark of Arkansas, democrat, and president pro tempore of the senate, startled his colleagues late today by announcing that the senate should proceed to the consideration of other business, and moving that the government ship purchase bill be recommitted to the commerce committee for revision.

Senator Fletcher made a point of order Although a continuation of the against the action, and was sustained by snow and wind in many sections Vice President Marshall. Senator Clark show that the storm which swept appealed from the decision and the chair over Nebraska, Iowa, Colorado and was overruled, 46 to 37, whereupon Sen-Wyoming Sunday and Monday is ator Stone moved to adjourn. Stone moved to adjourn, "to the end still in evidence, reports to Omaha that democrats may have a conference

railroad headquarters indicate that and republicans and their allies, a cau-To the west, Colorado and Wyo- 49 to 46, whereupon Senator Stone moved ming report that the snow has to lay Senator Clark's motion to recom-

ceased to fall, while through south- mit the bill on the table. ern Nebraska along the line of the Burlington the snow has quit after the shipping bill again voting with the a fall of about one foot. The Bur- republicans. Senator Reed took the floor lington has repaired all its wires and assailed the democrats who had voted along that line and is running trains with the republicans. They included Bankhead, Bryan, Camden and Clarke of Arkansas.

still bound up with the wires down with Sepator Clark's motion to re-and trains are not yet running in commit the ahipping bill pending, the good order. From this and the senate adjourned at 6:50 p. m. to noon Northwestern reports, the weather is

#### still harsh toward the north, but French Office Says Attacks of Germans should bring about a turn to the nor-Have Been Repulsed The Union Pacific has its wires in from Fremont to Omaha and has a squad of

repair meg out, but are handicapped be-cause proper supplies are not available. Upon arrival of supplies today wires are PARIS, Feb. 1 .- The official communiation issued by the war office tonight expected to be through along the main was as follows: "The night of January 31-February was very quiet."

"In the morning of February 1 the enemy made a violent attack on trenches to the north of the road between Bethune and LaBasses. The attack was repulsed and the Germans left a number of dead on the field,

"At Beaumont Hamel, to the north of late last night report that the snow and Albert, the German infantry attempted a wind continues between Kearney and surprise against one of our trenches, but they were obliged to take flight, abandoning the explosives with which they had "In the Argonne there has been great

activity in the regions of Fontaine Mad- were composed of seasoned men." ame and the Forest of La Grurie. An at-

"In the Vosges and in Alsace there is no action to report. The snowfall has been very abundant."

# Starts New Revolt

EL PASO, Tex., Feb. 1.-A movement directed against the Carranza and Villa elements in Mexico has been launched by the Cientifico party, which supported Diaz and the Huerta regime, according to authentic information received here today. The new movement is said to have received the adherence of many formerly wealthy landowners.

### **GERMANS STOP WORK** ON GREEK DREADNOUGHT

LONDON, Feb. 1 .- According to the Exnange Telegraph company's Athens cordent the construction of the Greek dreadnaught Salamis at the Vulcan company's shippards at Siettin, Germany, has been stopped because the Greek govern-ment for special reasons has not made the fixed payment on the contract. The Greek nava! mission supervising the construction of the vessel, the correspondent adds, has been recalled.

The Salamis, according to the specifications, was to be a 19,500-ton ship. It was laid down in 1912 and was to have been completed in 1915.

# Russian Inspector General Says Czar's Armies in Good Condition

Russian general, who is an aide-decamp to Emperor Nicholas, and is necessarily nameles, gave an Associated Press has been appointed general manager of had just returned from inspecting the sits has shown the strength and resources the Caucasus. He said:

troops is greater and our entire armies Village handwork is producing satisfa-"The enemy's territory has been oo

greater extent than our most optimistic expectations, while the Germans are occupying practically the same lines as at the outset of the war. The distance be- such machines are now produced here. tween the Baura river and the German frontier, though greater in miles than between Sochaczew and Warsaw, is straterically much less important, for the reason that there are no for ified positions between the Bzura and Germany, while the last three months, during which the Germans have been occupied in attempts to advance, have been profitably used leaders to remain behind, saying you are by us to fortify the line from Nowogeorgiewak to Warsaw and Ivengorod, which line is now practically impreg-

nable Enst Gaincia is Annexed. Lemberg and yicinity are well

PETROGRAD, Feb. 1 .- (Via London.) - | man help there will be insufficient to h fuse now blood into their army. "At the outset of the war, fears were expressed, in view of the difficulties of

correspondent the Russian viewpoint of importation as to where we were to get the military, situation. The aide-de-camp necessary mechanical implements. Necesformerly manufactured for us in Ger-"Today, exactly a half year since the many and Austria, have been perfectly beginning of the war, our second line of replaced in the Moscow manufactories Even machine articles are success-

cupled in East Prussia and Galicia to a fully produced. When our troops were in East Prussian the first time they secured eight barb wire machines. These were brought to Russia and copied, so that This is one example and such occurre are numer

Troops in Fine Spirits. commanders are excellent. Many occasions have witnessed situations where the commander desired to precede the men. The latter, however, requested the one hard to replace, we can be spared." "A felicitious circumstance is the absolute unity of the nation and the army officers and men are extremely alive to what is transpiring in the country and "The territory occupied by us in East are gratified to see the concord between Galicia is now part and parcel of the the government and the peaple and the a few hours in waters so far removed from his base has been exploded by news shows no striking change, although hard that the mail steamer Leinster encountries and in the angular conditions can fighting has continued for twenty-four lighting has continued for twenty-four lighting has continued for twenty-four lighting has continued for twenty-four light vessel is opposite Carpathians the Austrians have been illness and the vigorous health of the mouth to Dublin bay. interest which the entire people are taking

# **MORE PROGRESS** INTO PRUSSIA

Czar's General Staff Reports Success in Desperate Battles to North of Gumbinen and Pill-37 623 kallen.

FIGHTING ALONG THE VISTULA

Two Companies of Germans Annihilated in Bayonet Charge Into the Trench.

#### COUNTER ATTACKS REPULSED

PETROGRAD, Feb. 1 .-- A communication, issued late last night by the general staff of the Russian army, reports further progress in East Prussia and desperate fighting on the left bank of the Vistule. In the region around Borlimow, the Russians claim to have recaptured a trench lost to the Germans on the preceding day and declare that counter attacks of the Germans were repulsed everywhere except in one of the Russian saps, which the Germans captured. The statement follows:

"In the forests to the north of Gumbinnen and Pillkallen, our troops, continuing the conflict, have made progress at some points.

"On the left bank of the Vistula on January 30 a desperate combat was under way. In the region of Borjimow the Germans, who had captured one of our trenches on the preceding day, were at-tacked by us after night full. After an extremely tenacious struggle we succeeded, with the aid of a bayonet charge, in dislodging the enemy from the trench. We almost annihilated two entire companies of Germans, captured three officers and more than sixty soldiers, and also took a rapid-fire gun.

"In the course of the day the enemy made a new attempt to drive us from our advanced trenches, but was everywhere repulsed after a bloody struggle. except in one of our saps, where some elements of the enemy succeeded in establishing themselves.

"An examination of prisoners disclosed the fact that the Germans in their attack of the 28th upon a part of our trenches at Borilmow had employed four regiments of infantry, some of which

# Offer to Buy Load Of Wilhelmina is Interesting England

LONDON. Feb. 1.- The offer of the American commission for relief in Bel-gium to purchase the cargo of the steamship Wilhelmina, has attracted wide and favorable attention in England.

If the American commission is not able to purchase the Wilhelmina's cargo, it unquestionably will be bought by the British government. It is generally understood that the

British authorities will not permit shipments of food to Germany because of the recent action of the German government in taking over food supplies.

A dispatch to the Post from Berne, Switzerland, says that according to news received from Berlin, it has been dec that a number of cargoes of foodstuffs are to be sent in American ships as gifts to the German civilian population German friends in America. Albert Balin, the German steamship agent who recently took over the management of the entire railroad system of Germany, is said in the dispatch to have received advices to this effect.

# French Torpedo Boat is Reported Sunk Off Nieuport

BERLIN, Feb. 1.—Reports to the Overseas News Service from Paris say French torpedo boat 219 had been sunk off Nieuport. It is also reported that German aeroplanes have succeeded in throwing some bombs on the French town of Ballleul, near the Belgium frontier.

# Idle Wealth

There is probably thousands of dollars' worth of personal property in the city of Omaha alone which is of little value to its present owners.

Nearly all of this would be of use and decided value to somebody else.

Why not exchange to mutual advantage? You must have something you don't need on want. Advertise it in the

Swappers' Column of The Bee and get something

Phone Tyler 1000 THE OMAHA BEE

"Everybody Reads Box Want Ada"