### EDITORIAL PAGES 11 TO 20.

# THE OMAHA DAILY BEE

goes to the homes-is read by the women-sells goods for advertisers.

THE OMAHA BEE

VOL. XXXIX-NO. 154.

OMAHA, SATURDAY MORNING, JANUARY 8, 1910.

Annual White Carnival-Muslin Underwear

Embroideries, etc., next Monday,

### SINGLE COPY TWO CENTS.

### Hosiery, Underwear, etc., at Clearance Reductions

The month's best sales in Hosiery, Underwear, Gloves, etc., are chronicled here. The stocks are top heavy and no time like the present to reduce them. The identical goods we have carried in regular stock at established prices all season are now sharply cut. An important clearing on the very things you need NOW. In addition we offer double S. & H. stamps in these departments.

### **Decisive Glove Reductions**

Women's English Cape Gloves, \$1.25 regularly, for \$1.39 HOSIERY-15c black and tan cotton hose, now Se Imported Lisle Hose for women 25c Children's 15c Fleeced Stockings, sale price 10c UNDERWEAR-Fleeced 35c Vests and Pants, 

3 pairs for

30 stamps.



Our Big Twice-a-Year Clothing Clearance

### **Unmistakably Our Greatest Garment Clearance** The entire second floor garment stocks are involved-2,000 or more excep-

tionally beautiful Winter Suits, Coats, Dresses, etc., for women and children are almost unbelievably price reduced. Whatever your needs by all means come to Bennett's. The garments measure up to highest standards of tailoring and fabric art at smaller cost to you than desirable styles have been known to sell for in Omaha.

#### Note These Clearing Bargains:

Women's one-piece Dresses, up to \$30.00 values. Nomen's \$30.00 Long Coats, in black and S19.50 new styles, at Women's \$25.00 Long Coats, beautiful black broad-cloths, at Women's Winter Suits, choice of any up to \$50.00, mas.00 Women's Winter Sults, choice of any up to \$25.00 for, each Women's Winter Coats; very large line; \$35.00 and \$45.00 garments, at Women's Handsome Cloth Dresses, richly designed, up to \$50.00, for Misses' Coats and Dresses, 13 to 17-year \$1265, fine, \$15.00 values, for Women's \$25.00 and \$29.50 Tailored Suits, reduced to clear, at Women's \$20.00 and \$22.50 Tailored Suits. all at one price now
Women's Fur and Fur Lined Coats, sale price \$ OFF
Giris' Long Coats, 6 to 14-year sizes. worth to \$5, 80.85 now at Girl's Long Coats, 6 to 14-year sizes, worth to \$10, \$5.00 now at \$5.00 Girley Long Coats, 6 to 14-year sizes, worth to \$13.50, now at \$7.50 Children's Long Coats, 2 to 6-year sizes, worth to \$10.00, now at \$6.00 .\$7.50 10.00, now at mensaline and Taffeta Slik Waisis, \$5.00 

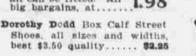
# **Clearing Men's Shoes**

Ridding the stock of all the broken lines of \$3.50 and \$4.50 shoes for men; patent colt, patent kid, vici and box calf—The 2.75

Another lot of men's shoes in small sizes only-

\$1.95 for Women's Shoes-Saturday choice of six excellent styles in button and lace, in gun metal and patent colt. These are the usual \$2.50 and \$3.00 shoes. January Clearing price....

Broken Lots Women's Shoes-From \$3.50 lines, but ton and lace shoes—not all si all can be fitted. All **1.98** big bargains, at..... sizes in every lot.



Misses' Shoes, box calf and vici -with heavy soles for school -11 1/2 to 2; our \$1.50 and 

Children's Shoes-Blg lot on table, all \$1.00 and \$1.25 qual-

we are clearing up on will be a third

	b Chops - Shou-	Fruits Large Florida 4 for 25c	very interesting- All Eave 14-oz. Copper Bottoms. \$1.75 Lisk Bollers, sale price\$1.35 \$2.00 Lisk Bollers, sale price\$1.45 \$2.25 Lisk Bollers, sale price\$1.45	off-or	Shoes, all good, but odd lots, \$1.50 and \$2.00 values— at\$1.10
Jams, Jar for 25c, and 20 stamps. Jap Rose Tollet Soap 4 cakes for . 25c	b Boast - Shou- sr, per 71C Extra fancy "SUN- KIST" Washington Navels, 40c 30c	Extra fancy large Bananas, dozen	\$4.00 All Copper Lisk Boller, for \$2.75	box, Saturday for 10¢	for men-

# President Taft's Message to the Congress on Railroads and Trusts

today

"To the Senate and House of, Representatives:

made to a court in any district of the circuits. "I withheld from my annual message a discussion of needed legislation under the United States, not only does delay result authority, which congress has to regulate in the enforcement of the order, but great tice at any time when the business of the the general sentiment of the people and, commerce between the states and with uncertainty is caused by contrariety of court of commerce does not require the under the Sherman anti-trust law, any foregn countries and said that I would decision.

bring this subject matter to your attention later in the session. Accordingly, I beg to submit to you certain recommendations as to the amendments to the interstate commerce law and certain considerations arising out of the operations of the ti-trust suggesting the wisdom of federal operation of industrial companies.

Interstate Commerce Law. In the annual report of the Interstate or decree which, if undisturbed, would empowered to hold sessions in different tween naturally competing lines and avoid-Commerce Commission for the year 1906, rob it of a reasonable return upon its parts of the United States if found desir- ing the common control of such lines by for purposes of fixing rates, in like manner be necessary if their active concurrence attention is called to the fact that be- investment or would subject it to burtween July 1, 1908, and the close of that dens which would unjustly discriminate year, sixteen suits had been begun to set against it and in favor of other carriers aside orders of the commission (besides one similarly situated. What is, however, of commenced before that date), and that few supreme importance is that the decision orders of much consequence had been per- of such questions shall be as speedy as mitted to go without protest; that the the nature of the circumstances will admit, questions presented by these various suits and that a uniformity of decision be sewere fundamenal, as the constitutionality cured, so as to bring about an effective, of the act itself was an issue and the systematic and scientific enforcement of at authority to establish an interstate decisions and uncertainty of final result.

e was denied; but that perhaps the most practical question raised concerned

stent of the right of the courts to ree orders of the commission; and it went out that if the contention of This d, but little progress had Judges of the United States, to be known in this latter respect alone of two he Hepburn act toward the as the 'United States court of commerce, black effation of interstate transporapart, wi in twelve of the cases vertical pies stated, preliminary inconfine theyed for, being granted asbestos. in six.

There are tfirst been well underangle, upon weimission, " that the of criminal punishment, of an order of the are placed, but act as a regulating Interstate Commerce Commission other lighted, the hy upon the facility so that each pot injunctions could equal amount olroad company by one or two vessbill of complaint, time a damper cfidavits, can overhole or holes. of patient investi-The contrivancory result can be the 'Elkins act,' are authorized to be mainheating frong, th loses nothing by evenly heated fr. if they fail, it Brolling and tos establish the rate over the cooker 'the difference being, it is said. collected and the

The price is \$1.5 to be reasonable. 252.1 Then there is ly profits, it can seldom which certainly sturn more than a fraction wost simple deviharges collected." Co. mayonnal in Court.

in the tariff act of August 5, 1999, may be "In its ro is operates year 1909, the comurged in suport of the creation of the mission shit up and , the seventeen cases commerce court. referred to is necess report, only one had en decide is to ch supreme court of the

WASHINGTON. Jan. 7 .- Following is the | "Of course, every carrier affected by an | the appointment of five additional circuit, of an assistant attorney general acting | to exercise due diligence in quoting the ap- | ducing such rates are affirmed. It may b the interstate Commerce and Anti-trust laws submitted in both houses of congress today: today: confiscatory or unjustly discriminatory in the largest volume of business, such as the

**Favors** Court of Commerce

"For this purpose I recommend the es-

"1. All cases for the enforcement, other-

wise than by adjudication and collection

"2. All cases brought to enjoin, set aside,

tained in a circuit court of the United

"4. All such mandamus proceedings as

under the provision of section 20 or section

21 of the interstate commerce law are

authorized to be maintained in a circuit

"Reasons precisely analogous to those

which induced the congress to create the

court of customs appeals by the provisions

court of the United States.

of the Interstate Commerce Commission.

of a forfeiture or penalty, or by infliction

than for the payment of money.

classes of cases:

States."

its effect; and as this application may be Second, Third, Fourth, Seventh and Eighth riers with respect to rates has been often "The act should empower the chief jus-

be made final, subject only to review by

Restraining Orders After Hearing. "The commerce court should be em-

powered in its discretion to restrain or susinterstate commerce commission under remination of the proceeding, but no such restraining order should be made except

tablishment of a court of the United upon notice and after hearing, unless in States composed of five judges designated cases where irreparable damage would for such purpose from among the circuit otherwise ensue to the petitioner. A judge a stay of the commission's order for a parties and to the commission. which court shall be clothed with exclusive period of not more than sixty days, but original jurisdiction over the following

pending application to the court for its order or injunction, then only where his order shall contain a specific finding based upon evidence submitted to the judge

making the order and identified by referthe nature of the damage. "Under the existing law, the Interstate

annul or suspend any order or requirement "3. All such cases as under section 3 of of the act of February 19, 1968, known as

the initiative and under the instruction

Additional Circuit Judges. stituted, it will be necessary to authorize States Fo nomine, and be placed in charge aity would compel the agent of the carrier cases where the order of the commission re- transported, to destination over such of

Pooling Rate Agreements, "The subject of agrements between car-

eral.

discussed in congress. Pooling arrangements and agreements were condemned by

"The questions presented by these ap- Judges designated to that court to the cir- restraint of interstate or international plications are too often technical in their cuits to which they respectively belong; trade or commerce would be unlawful. reason why the commission should not be the enormous volume of transportation whatsoever. One of the most potent means character and require a knowledge of the and it should also provide for payment to The republican platform of 1905 expressed Lusiness and the mastery of a great such judges while sitting by assignment the belief that the interstate commerce volume of conflicting evidence which is in the court of commerce of such addi- law should be further amended, so as to in investigating the fairness of any exist. Commerce commission, amounting to altodious to examine and troublesome to tional amount as is necessary to bring give the railroads the right to make and ing rate or practice, and I recommend the most 200,000, and the impossibility of any a competing line. This condition has grown comprehend. It would not be proper to attempt to deprive any corporation of the The regular sessions of such court should approval of the commission, but maintain- also that the commission shall be fully emright to the review by a court of any order be held at the capital, but it should be ing always the principle of competition be- powered, beyond any question, to pass tive on every transportation line within able; and its orders and judgments should any means whatsoever.

> the supreme court of the United States rate making and other practices of inter- "Under the existing law the commission granted, should be conferred in a very the decree appealed from shall not be congress and as recommended in this com- until after it shall have become effective;

of that court might be empowered to allow thirty days' notice in writing to the other by proceedings in the courts, stay the or fix the maximum beyond which it shall of the passage of such act, shall own not

Carriers to Quote Legal Rate.

"Much complaint is made by shippers over the state of the law under which they ence thereto, that such irreparable damage means of actually ascertaining such rate. the reasonableness of the increase and to would result to the petisioner, specifying It has been suggested that to meet this make an order postponing the effective

application by a shipper, to quote the legal investigation shall be completed. To this some large associations of shippers that shall not operate to authorize or validate Commerce Commission in itself initiates rate in writing, and that the shipper should much objection has been made on the park shippers of freight should be empowered to the acquisition, through stock ownership and defends litigation in the courts for the be protected in acting upon the rate thus of carriers. They contend that this would direct the route over which their shipments or otherwise, of a competing line or interenforcement or in the defense of its orders quoted; but the objection to this suggestion be, in effect, to take from the owners of should pass to destination, and in this con- est therein in violation of the anti-trust or and decrees, and for this purpose it em- is that it would afford a much too easy the railroads the management of their nection it has been urged that the provis- any other law. ployes attorneys who, while subject to the method of giving to favored shippers un- properties, and to clothe the Interstate ions of section is of the interstate comcontrol of the attorney general, act under reasonable preferences and rebates. Commerce commission with the original merce act, which now empowers the com-

"I think that the law should provide that rate making power-a policy which was mission, after hearing on complaint, to esof the commission. This blending of ad- a carrier, upon written request by an in- much discussed at the time of the passage tablish through routes and maximum joint ministrative, legislative and judicial func- tending shipper, should quote in writing of the Hepburn act in 1965-6, and which rates to be charged, etc., when no reasontions tends, in my opinion, to impair the the rate or charge applicable to the pro- was then, and has always been distinctly able or satisfactory through route shall efficiency of the commission by clothing posed shipment under any schedules or rejected; and in reply to the suggestion have been already established, be amended it with partisan characteristics and rob- tariffs to which the carrier is a party, and that they are able by resorting to the so as to empower the commission to take bing it of the impartial judicial attitude that if the party making such request courts to stay the taking effect of the such action, even when one existing reasit should occupy in passing upon questions suffer damage in consequence of either re- order of the commission until its reason- onable and satisfactory route already exsubmitted to it. In my opinion all litiga- fusal or omission to quote the proper rate, ableness shall have been investigated by ists, if it be possible to establish additional tion affecting the government should be or in consequence of a misstatement of the the courts, whereas the people are de routes. This seems to me to be a reasonunder the direct control of the Department rate, the carrier shall be liable to a penalty prived of any such remedy with respect to able provision. I know of no reason why a of Justice and I therefore recommend that in some reasonable amount, say \$250, to action by the carriers, they point to the shipper should not have the right to elect all proceedings affecting orders and de- accrue to the United States and to be re- provision of the interstate commerce act between two or more established through "In order to provide a sufficient number crees of the Interstate Commerce Commis- covered in a civil action brought by the providing for restitution to the shippers routes to which the initial carrier may be a had been a wh i and submitted to that of judges to enable this court to be con-tribunal in obsr. 1909. It will be necessary to authorize States Fo nomine, and be placed in charged in cha

text of the president's special message on order of the commission has a constitu- judges, who, for the purposes of appoint- under the direction of the attorney gen- plicable legal rate, and would thus afford doubted how effective this remedy is. the shipper a reasonable measure of protection, while not opening the way to collusion and the giving the rebates or other

unfair discrimination. Initiative by Commission.

"Under the existing law the commission can only act with respect to an alleged ex- their rates paid to the cost of the goods merce law, but so as always to maintain cessive rate or unduly discriminatory prac- and thus enhanced the price thereof to the principle of competition between naservices of all the judges to reassign the agreement between carriers operating in tice by a carrier on a complaint made by their customers, and that the public has turally competing lines, and avoiding the some individual affected thereby. I see no in effect paid the bill. On the other hand, authorized to act on its own initiative as charges, the great number of separate of exercising such interest well as upon the complaint of an individual tariffs filed annually with the Interstate through the holding of stock of one railupon the classifications of commodities the United States to the extent that would so far as it affects the ownership of stocks as it may now do with respect to the maxi- were required in the making of every "In view of the complete control over mum rate applicable to any transportation. tariff, has satisfied me that this power, if

with the provision that the operation of state carriers established by the act of may not investigate an increase in rates limited and restricted form. "I therefore recommend that the Interstayed unless the supreme court shall so munication. I see no reason why agree-order. in munication, I see no reason why agree-ments between carriers subject to the act file with the commission a proposed inspecifying the classifications of freight crease in rates or change in classifications, is filed, at once, either on complaint or and the rates, and charges for transpor- or other alterations of the existing rates of its own motion, to enter upon an intation of passengers and freight which or classifications, to become effective at vestigation into the reasonableness of such isht of congress to delegate to any trib- the commerce law, rather than conflicting pend the operation of the they may agree to establish, should not the expiration of thirty days from such change, and that it be further empowered, be permitted, provided copies of such filing, no proceeding can be taken to in- in its discretion, to postpone the effective view pending the final hearing and deter- agreements be promptly filed with the com- vestigate the reasonablness of such pro- date of such proposed increase for a period But especially for the protection of the mission, but subject to all provisions of the posed changes until after it becomes op- not exceeding sixty days beyond the date interstate commerce act and subject to the erative. On the other hand, if the com- when such rate would take effect. If the best market for their stock I recom-

months and even years.

Action Before Effective Date.

are held bound to know the legal rate ap- the commission should be empowered when- commission may continue its investigation the date of the enactment of the law is plicable to any proposed shipment, without, ever a proposed increase in rates is filed with such results as might be realized operating a railroad of any other corporaas a matter of fact, having any certain at once to enter upon an investigation of under the law as it now stands.

Right to Select Route. grievance carriers should be required, upon date of such increase until after such

of this right, to such reasonable regulations Customers Finally Pay Bill. as the Interstate Commerce commission 'Experience has shown that many, permay prescribe. haps most, shippers do not resort to pro-Control of Competing Lines. ceedings to recover the excessive rates "The republican platform of 1908 declared which they may have been required to pay, in favor of amending the Interstate Comfor the simple reason that they have added

common control of such lines by any means

heretofore so acquired, would be to inflict a grievous, injury, not only upon the corporations affected, but' upon a large body of the investment-holding public. I. however, recommend that the law shall be amended so as to provide from and after the date of its passage, no rail-

purpose, subject, however, in the exercise

road company subject to the interstate commerce act shall directly or indirectly. acquire any interests of any kind in capital stock, or shall purchase or lease any railroad or any other corporation which competes with it, respecting business to which the interstate commerce act applies. minority stockholders in securing to them right of any parties to such agreement mission shall make an order finding that within this time it shall determine that mend that such prohibition be coupled with to cancel it as to all or any of the agreed an existing rate is excessive and directing such increase is unreasonable it may then, a proviso that it shall not operate to prerates, fares, charges, or classifications by it to be reduced, the carrier affected may by its order, either forbid the increase at all yent any corporation which at the date operation of such order of reduction for not be made. It, on the other hand, at less than one-half of the entire stock isthe expiration of this time the commission sued and outstanding capital stock of any shall not have completed its investigation other railroad company, from acquiring then the rate shall take effect precisely as all or the remainder of such stock, or to "It has, therefore been suggested that it would under the existing law and the prohibit any ratiroad company which at

tion under lease, executed for a term of not less than twenty-five years, from acquiring the reversionary ownership of the "The claim is very earnestly advanced by demised railroad; but that such provisions

### Overisane of Storks.

"The republican platform of 1908 further declares in favor of such national legislation and supervision as will prevent the future overlasue of stocks and bonds by interstate carriers, and in order to carry out its provisions, I recommend the enactment of a law providing that no railroad corporation subject to the interstate commerce act shall hereafter for any purpose connected with or relating to any part of its business governed by said act, issue any capital stock without previous or simultaneous payment to it of not less than the par value of such stock, or any bonds or other obligations (except notes maturing not more

(Continued on Page Twelve.)