consisting of three members, who shall be first elected at the general election in 1906, whose term of office, except those chosen at the first election under this provision, shall be six years, and whose compensation shall be fixed by the legislature. Of the three commissioners first elected the one receiving the highest number of votes shall hold his office for six years, the next highest four years and the lowest two years. The powers and duties of such commission shall include the regulation of rates, service and general control of common carriers as the legislature may provide by law. But in the absence of specific legislation, the commission shall exercise the powers and perform the duties enumerated in this provision."

Meaning of Commission Act.

I know it was the intent of the author of the Nebraska Railway commission law, as well as that of the legislature that passed the measure, to limit its jurisdiction to the enumerated particulars in said constitutional amendment. This being true, then it logically follows that the meaning of the word "include" is to "comprise," that is to bring within its own or specified limit those particulars which follow the word "include" in the constitutional amendment. And these enumerated particulars are as follows: "Regulation of rates, service and general control of common carriers as the legislature may provide by law." You cannot by any possible distortion read the right of control of public markets into this provision.

I wish, however, in this connection to say that it is my opinion that any stock yard or public market that operates a railroad which is a part and parcel of said yard or market and is essential to its operation in the performance of its duties, then in that case, the whole thing should be considered together as one enterprise, and in my opinion the entire subject can be defined by the legislature as a common carrier and by proper statute brought under the regulation of the railway commission. This measure in question, in effect, plainly declares the stock yards are not common carriers by defining them to be public markets.

And to safeguard any possible construction that stock yards might be construed under the provisions of this act to be a common carrier, it is defined to be a public market, for it provides expressly as follows, to-wit, in that portion of Section 1, which commences with the word "provided," and says: "that the railway department of any stock yard company used as a common carrier of freight shall not be affected by the provisions hereof."

Stock Yards Excepted.

Then, by excepting in plain terms, the stock yards railroad from the control of the railway commission, this House Roll, No. 82 attempts to give the commission power and authority not contemplated by the constitution, but in effect prohibited by it; because we have the jusdiction of the Nebraska Railway Commission Act defined in subdivision (b) of Section 2, ("General Control Over Common Carriers.) said commission shall have the power to regulate the rates and services of, and to exercise a general control over all railroads, express companies, car companies, sleeping car companies, freight and freight line companies, and all other common carriers engaged in the transportation of freight or passengers within the state."

Again, we find in a further provision in said railway commission law in the second paragraph of section 4, which defines what shall constitute a common carrier within the meaning of the provision of the Nebraska Railway commission law, and it is as follows: "The term common carriers as used herein shall be taken to include all corporations, companies, individuals and association of individuals, their lessees, or receivers (appointed by any court whatsoever) that may now or hereafter own, operate, manage or control any railroad, interurban or street railway line, operated either by steam or electricity or any other motive power, or part thereof, or any express company, car company, sleeping car company, freight and freight line company, telegraph and telephone companies, and any other carrier engaged in the transmission of messages or transportation of passengers or freight for hire."

Covers Common Carriers.

Also the title of said railway commission law expressly provides for control only over common carriers. In other words, you cannot, by an express statute, delegate power and authority to this railway commission when said authority is, in effect, prohibited by the act itself. It would be just as sensible to say that by statute you could confer upon the railway commission power to regulate the huckster market of Omaha, or to enforce the pure food laws of this state.

To summarize, this act purports to give the State Railway commission power and authority to regulate rates of stock yards and then nullifies its power and ties the hands of said commission by defining the stock yards to be something over which the commission can exercise no control, to-wit, "a public market." The constitution of this state gives the State Railway commission no power or jurisdiction to fix rates and charges for public markets, nor in my opinion, can any be given while the constitution remains as it is.

These, then, are the objections which, in my opinion, fails not only to afford the relief sought, but even prohibit it. I, therefore, withhold by reasun of the foregoing objections, my official approval to H. R. 82, and hereby veto the same.

Vote on Log Rolling.

The Norton anti-logrolling bill, which has been considered more or less of a joke by some members, was put to a vote today, when Norton tried to get a reconsideration of yesterday's postponement. The practical purpose o fthe bill was to get a list of the men who would vote against it and the motion brought out the following nays:

Bailey, Bartels, Boland, Bonham, Brecht, Bulla, Clarke, Grossman, Grueber, Harrington, Heiliger, H Imes, Hospodsky, Lawrence, Liver, Matrau, Meyer, Moriarty, Murphy, McArdle, McCarthy, McClelland, McKissick, Nordgren, Nutzman, Puls, Regan, Riha, Sagl, Sink, Skeen, Smith, Weesner, and the speaker—32.

The ovtes in favor numbered 60.

House Adjournment Committee.

The house appointed its members of the joint committee to decide a time for adjournment this morning, the speaker naming Fuller, Leidigh and Neir. These three and the three senators appointed yesterday will get together immediately and fix a final day for work.

An attempt to start night sessions Tuesday of next week was squelched in the house this morning. McKissick moved that the early hours for beginning the afternoon and morning meetings should be abandoned and that the house should begin to meet every night from next Tuesday to the close of the session. The chorus of noes was sufficient to show a decided aversion to beginning the troublesome evening work, although fifty-six days have passed and there seems to be little hope of adjournment for at least a week or ten days more.

Non-Partisan Judiciary Fight.

An attempt to foist a nonpartisan judiciary measure upon the house through an amendment of the Gustafson primary bill was made today and will be repeated. The Gustafson bill fo ra closed primary, H. R. 176, seems to be the primary measure which everybody wants. Some amendments appeared and were shut out today, but will be offered again, exempting judges of the district and supreme court from the regulations for nomination. This would leave no provision for these judges in the regular primaries and would leave the way open for nonpartisan nomination regulation. The amendments were offered by Lawrence of Dodge this morning and through a mistake they were forced to wait for a further sitting of the committee of the whole.

They were labelled committee of the whole amendments, but others had been made and it was necessary to print them altogether before they could be adopted. The amendments seeking to support the nonpartisan judiciary movement are said to have been drawn by ex-Attorney General Arthur Mullen.

The bill will come up again when the amendments are printed.

Complaint About Building.

Still another committee complained today about the condition of buildings now being constructed for the state. The senate committee on reform schools and asylums declared this afternoon:

The newer buildings are naturally in much better condition, but all show the lack of competent superintendency during the course of construction and the very poor material used by the contractor because of this lack of proper supervision. Especially is this the case with the so-called stone building, one of the structures erected only a few years ago. Here the floors sag and are already partly rotten, and the supervising architect certainly deserves severe criticism for permitting or accepting such inferior material and workmanship.

The two new buildings just completed have not been planned in the best possible manner, as they seem more lik insane asylum wards than dormitories for feeble-minded youth. We noticed that the floors of the lower stories seem to be below grade line, which is certainly the fault of the architect.

Your committee desires to reiterate here what has been so ably expressed by Senator Banning—that the employment of a competent and honest superintendent of construction of public buildings would save the state a hundred-fold the price of the salary. The criminal practices of architects and contractors in violating their agreements by using the cheapest and poorest material obtainable in the construction of public buildings is not only a prostitution of the state's funds, but is also jeopardizing the health and lives of the occupants.

The house took up the nonpartisan board of control bills again this morning and added the Quackenbush bill to those already upon third reading. The Prince nonpartisan bill for an elective board and the Matrau and the Quackenbush bills, both for an appointive board, are awaiting a vote that will select one as a fulfillment of the party pledge. The two bills for a nonpartisan judiciary, the Quackenbush bill and the Lee bill from the senate, were also advanced to third reading.

Highway Bills in the Senate.

The senate took up the road legislation during the committee of the whole, and an attempt was made to get the same action as was taken by the house on the bills which were recommended by the joint committee. The senators after killing the state aid bill and the state highway commission bill reconsidered their action, however, and in refusing to concur with the committee of the whole report put these bills on third reading. The bill for county highway commissioner which was recommended to pass in the house was also favorably considered.

Governor Approves Bills.

Governor Aldrich has signed the following bills:

H. R. 38, by Leidigh—Prohibiting camping on public highway longer than twenty hours. Makes it a misdemeanor.

H. R. 215, by Anderson—Prohibiting all kinds of exhibitions of animal magnetism for gain.

H. R. 248, by Swan—Deficiency appropriation of $2,000 for the pure food department.

H. R. 344, by Bushee—Relating to bonds of irrigation contractors. Designates size of bond.

H. R. 323, by Bushee—Irrigation bonds may be payable entirely at maturity or in installments.

H. R. 5, by Bushee—Authorizing the incorporation of private library associations.

H. R. 293, by McArdle and Bassett—Providing for a 2-mill levy by townships for library funds.

BILL FOR HOG CHOLERA SERUM

House in Committee of Whole Takes Favorable Action.

(From a Staff Correspondent.)

LINCOLN, March 22.—(Special.)—The house in committee of the whole today acted on the following bills:

H. R. 462, by Quackenbush—A non-partisan judiciary. Ordered engrossed for third reading.

S. F. 224, by Lee—A non-partisan judiciary act. Tt be engrossed for third reading.

S. F. 271, by Smith—Relates to taxation of mortgages. Recommitted.

H. R. 176, by Gustafson—Closed primary. Reported progress.

H. R. 252, by McArdle—A motor vehicle license bill. Reported progress.

H. R. 58, by Sanborn—Appropriates $45,000 for a hog cholera serum plant tl be established at state farm. To pass.

H. R. 538, by Grossman—$100,000 for building at Omaha Medical college. Recommended for passage.

PASS REAGAN FIRE ESCAPE BILL

Measure to Compel Thorough Equipment of Buildings Favored.

(From a Staff Correspondent.)

LINCOLN, March 22.—(Special.)—S. F. 216. Senator Reagan's fire escape bill, was the first bill passed in the senate today. It provides that all buildings more than two stories high shall be equipped with suitable outside fire escape stairways or toboggans. Hotel rooms from which no acces is had to such stairways must be provided with automatic metal fire escapes. The examination and inspection of such buildings is placed with the deputy commisioner of labor. The vote was 22 to 6, just enough affirmative votes to carry the emergency clause.

Although Senator Albert resorted to a call of the house in his effort to save his bill permitting suburban school districts to separate from urban districts, the bill was defeated by a vote of 13 ayes to 20 nays.

S. F. 283, Senator Selleck's bill permitting the city of Lincoln to contribute $5,000 to the Abraham Lincoln fund, was passed with but one dissenting vote.

The senate then went into committee of the whole.

Committee of the Whole.

In committee of the whole H. R. 19, authorizing the state treasurer to sell the outside securities held by his office and invest the proceeds in Nebraska bonds was amended to correct the title of the bill and ordered to third reading. Senator McGrew endeavored to further amend the bill, but his amendment was ruled out of order.

H. R. 274, providing state aid for bridges over 175 feet in length, was advanced to third reading.

S. F. 268, by Placek, Skiles, Volpp and McGrew, the joint committee road bill, providing for a county highway commissioner in each county, was discussed at length and several minor amendments were adopted. The bill was recommended for third reading.

Two of the joint committee road bills were indefinitely postponed. They are S. F. 265, providing state aid for certain roads continuing from one county into another, the object being to secure uniform roads across the state, and S. F. 271, providing for a state highway commission.

Senate Overrules Report.

The senate refused to concur in the report indefinitely postponing S. F. 268 and 271, the road bills described above, and they were recommended for third reading. The vote to not concur was 20 to 5.

Bills on Third Reading.

The following bills were passed by the senate Thursday afternoon:

S. F. 190, by Horton—Allowing the attachment of property here held by a resident of another state.

S. F. 68, by Horton—Providing for assessments for improvements in towns and villages of the second class. Emergency clause.

S. F. 296, by Hoagland—Providing a penalty for leaving farm gates open. A jail sentence may be imposed.

S. F. 284, by Harding—To readjust the basis of sheriff's salary in accordance with the changes in population as shown by the 1910 census.

S. F. 377, by Hoagland—Provides for the laying out of county roads by the county commissioners when the topography of the country renders it impossible to lay out the road along the section line.

May Have Gone Too Far in Enforcing Neutrality Laws

Stopping Transit of Provisions Into Mexico at Presidio, Tex., Questioned by Officials.

WASHINGTON, March 23.—The reported attack upon United States soldiers at Presidio, Tex., by Mexican troops because the former stopped the exportation of provisions to Mexico, has raised the question in the minds of officials here as to the possibility of the American authorities having exceeded their authority in enforcing the neutrality laws.

The State department holds that shipment of provisions and even arms and ammunition traveling in the ordinary process of commerce is legitimate. The other departments of the government interested in the enforcement of the neutrality laws—treasury, justice and war—have been advised of the State department's views in the matter.

All these administrative officers, it is said in official quarters, are in harmony as to interpretation of national and international law on the subject.

No word has yet reached the state or War departments in regard to the reported firing on American troops along the border.

SAN ANTONIO, March 23.—Abraham Olvedo Ojedo today entered suit against J. D. Womack, private detective and alleged agent of the Mexican government. Womack says he opened Ojedo's baggage at a railroad station here and seized a dozen army rifles and 3,000 rounds of ammunition. Ojedo alleges there is no law by which a man's baggage can be searched by an agent of Mexico in the United States.

Daughter Found by Mother After Being Lost for Many Years

Miss Genevieve Mullin, Reared in Omaha Home, Stenographer at Sanborn, Ia.

SANBORN, Ia., March 23.—Miss Genevieve Mullin, aged 22, stenographer at Sanborn, has been found by her mother after a nineteen-year search. The young woman's father and mother separated in 1892 and he took Genevieve, aged 3, and a baby brother and secreted them in a home in Omaha. Later he disappeared.

The mother about eight years ago found the boy working in South Omaha, and a few days ago he found out from the records of the home that his sister Genevieve had been adopted by Mrs. Margaret Mullin of Sanborn. The mother immediately came here and found her. It was a joyful meeting.

Mrs. Dalton has been searching for her children for the last nineteen years, having her baby's picture published in various papers in the United States, and had made trips not only to several states, but also to Canada to run down clues that might lead to her child.

Twelve Ride Two Miles in Aeroplane

Louis Breguet Makes Record Performance with His Monoplane at Douai.

DOUAI, France, March 23.—Aviator Louis Breguet made a record performance today when he carried eleven passengers in his monoplane a distance of two miles.

The flight was made at a height varying from fifty to seventy-five feet. The weight of the twelve persons was 1,315 pounds and the combined weight of the machine and its occupants was 2,602 pounds.

The best previous performance of the kind was made by M. Le Martin, who on February 2 took up seven passengers on a five minutes' trip.

COLLISION AT MASON CITY

Six Passengers Are Injured in Yards of Iowa Central, Ten Cars Piled Up.

MASON CITY, Ia., March 23.—As the result of a collision in the Iowa Central yards here this afternoon six passengers were injured and ten cars piled up. The seriously injured:

William Hoffer, farmer.
J. M. Hill, Ottumwa.
W. J. Evans, Creston.
C. R. White, Chicago traveling man.

Evans had a pipe driven into his hip.

Borglum Piano School.

Owing to the increasing scope of the work done by August M. Borglum and Madame Borglum their studios will hereafter be known as the Borglum Piano School instead of the Borglum Studios.

When in Paris last summer Mr. Borglum made a special study of ear-training, sight singing and sight reading, together with a time language which greatly facilitates the understanding of this part of musical study.

The work as a whole is the invention of Emile Schvartz, a professor of solfege of the Paris conservatoire.

In order to increase the mental musical capacity and broaden their understanding the above studies, together with keyboard harmony, are given to all pupils. It is the conjunction of these branches with the standard of pianoforte teaching already established by Mr. and Mrs. Borglum that is giving the pupils a splendid intellectual as well as musical training.

Mr. and Mrs. Borglum are piano pupils of Wager Swayne of Paris, an exponent of the Leschetitsky method.

New Spring Bags at One Dollar.

An extraordinary event surely. However, its for only one day—Saturday—and at Bennett's only. This sale will afford the Omaha women an opportunity to buy their new spring bag in black and white, striped silk, black silks and satins, and in all shades of suedes, at a saving worth watching. Among these bags will be found one bag of real seal, worth $10 and another fine bag, worth $4, and they'll go at $1.00. Not a bag in the lot worth less than $1.50, others sell regularly at $3.50. See our announcement in Friday evening's papers and wait for the Bennett's $1.00 bag sale, Saturday.

Two Nebraska Officers to San Antonio April 5

First Squad of Two Hundred Militia Heads Apportioned Among States According to Serength.

WASHINGTON, March 23.—Apportioned among the states and territories according to their militia strength, 200 National Guard officers will be sent by the War department to San Antonio, Tex., and thirty-five to San Diego, Cal., on April 5, for two weeks instruction in service with the mobilized regulars. The department expects to send a total of 1,000 militia officers to the maneuvers at federal expense.

The number of militia officers from each state and territory authorized by the department to join the regular troops on April 5 follows:

At San Antonio—Alabama, 6; Arkansas, 3; Connecticut, 5; Delaware, 1; District of Columbia, 3; Florida, 2; Georgia, 5; Illinois, 11; Indiana, 4; Iowa, 5; Kansas, 3; Kentucky, 3; Louisiana, 3; Maine, 3; Maryland, 4; Massachusetts, 11; Michigan, 5; Minnesota, 5; Mississippi, 3; Missouri, 6; Nebraska, 2; New Hampshire, 2; New Jersey, 8; New York, 29; North Carolina, 4; North Dakota, 1; Ohio, 11; Oklahoma, 2; Pennsylvania, 18; Rhode Island, 2; South Carolina, 4; South Dakota, 2; Tennessee, 3; Texas, 5; Vermont, 2; Virginia, 5; West Virginia, 3; Wisconsin, 6.

At San Diego—Arizona, 2; California, 10; Colorado, 3; Idaho, 2; Montana, 3; New Mexico, 3; Oregon, 5; Utah, 2; Washington, 4; Wyoming, 2.

Piles Cured in 6 to 14 Days.

Your druggist will refund money if Paxo Ointment fails to cure any case of Itching, Blind, Bleeding or Protruding Piles in 6 to 14 days. 50c.

WOOL MEN OBJECT TO RATE CHARGES

(Continued from First Page.)

Chicago, $1.15 to St. Louis and by either combination $1.72½ to Boston.

William Geddes Married.

The marriage of William M. Geddes, formerly of Omaha and Grand Island, and Mrs. George W. Smith, widow of the late Representative George W. Smith of Illinois, took place Wednesday evening at the residence of the bride, only immediate relatives of the couple attending. Rev. George F. Dudley of St. Stephen's Episcopal church officiated.

Mr. and Mrs. Geddes are well known in social and official circles of Washington. The bride was a member of the Taft party to the orient in 1905. Mr. Geddes is government receiver of the Jamestown exposition and has for years been special agent and disbursing officer for the Treasury department in connection with expositions since 1898. After a short trip to Atlantic City and other points Mr. and Mrs. Geddes will be at home after April 15 at 1313 Columbia Road.

Savings Cards and Stamps.

A summary statement of saving cards and stamps sold and redeemed at the depository offices during the months of January and February has been given out at the Postoffice department. The total number of savings cards and stamps sold during these two months amounted to $1,802.50; total number of completed cards redeemed for certificates of deposits, $831. These amounts are more generally spoken of as "children's savings."

At Nebraska City Postal Savings bank, $22.40 in savings cards and stamps were sold and $11 completed cards redeemed for certificates. Decorah, Ia., sold $18.90 worth of cards and redeemed $4 for certificates. Deadwood, S. D., took in $12.20 in savings cards and redeemed $9 for certificates, while at Laramie, Wyo., $58.30 was taken in cards and stamps and $35 redeemed for certificates issued.

Clinton Petition Dismissed.

The Interstate Commerce commission today in an opinion dismissed the case of the Clinton, Ia., Bridge and Iron Works against the Chicago, Burlington & Quincy railroad. In its petition filed last September, the Clinton Bridge and Iron Works allege an unreasonable charge was exacted by the defendant for interstate transportation of a shipment of bridge material from Clinton to St. Marys, Io. After due investigation, the petition was today dismissed.

James D. Payne of Imogene, Peter R. Gillespie of LaPorte City, Alfred Wormhondt of Pella, Everett J. Shoots of Polk, Merle A. Foster of Pleasantville, Ia.; O. C. McClin of Frankfort, Walter B. Gee of Huron, Robert Jenson of Howard, Charles E. Carter of Salem, Frank Flannery of Lower Brule, H. O. Crippen of Mitchell, R. Pelizer of Mentor, Curtis J. Hewitt of Egan, S. D., have been appointed railway mail clerks.

E. L. Clark of Sheridan, Wyo., has been appointed messenger in the land office service.

J. H. Weise of South Omaha, Neb., was the lowest of ten bidders today for the contract for erecting the new federal building at Bellingham, Wash., his bid being $209,763.

Important Announcement.

Saturday, March 25, is the day of our great semi-annual sale of $25, $27.50, $30, $32.50 and $35 new spring suits for women and misses at $15. Orkin's Douglas St. store.

Next Saturday we will sell new spring suits worth from $25 to $35 for $15. Wait for it and watch daily papers for more particulars. Orkin's Douglas St. store.

Home of Negro Blown Up.

MUSKOGEE, Okl., March 23.—The home of Zeb Mackey, a negro, at Taft, Okl., near here, was blown up with dynamite last night while Mackey and his family were asleep. Mackey's two children, aged 10 and 14 years, were killed. The house was burned. Taft is exclusively a negro town of about 1,000 inhabitants. The reason for attack on Mackey is a mystery.

Persistent Advertising is the Road to Big Returns