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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 Mis-

a uri 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 mmission 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 railrones maintain that as delagated 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 general control of common carriers as the legislature may provide by law.

"But in the absence of specific legisla tion the commission shall exert the powers and perform the duties enumer

ated in this provision." eral W. T. Thompson and Attorney Gen eral Reed, insisted that specific legisla-

Discretion Extensive.

Further, state attorneys held that if the

The railroad side of the case is sum marized in the following:

Legislature Has Spoken.

The state maintains that in the cons tutional 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 leg-

Thus the legislature would have no power to disturb the 2-cent passenger fare to reduce it, if the w is accepted by the



maximum telephone ogislature, the com regulate those as it sture-according to attorneys-that e centrol the com-

#### The Weather

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





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Reports from Stations at T P. M. Temp. High-Rain-7 p. m. est. fall, Station and State . . of Weather.

dicates below zero. L. A. WFLSH. 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.



#### M'CAFFREE HEADS BROTHER OF CHIEF LABOR EXCHANGE CARRANZA EXECUTED

Pierre, S. D., Man Elected President | He and Two Others Put to Death Governor Morehead Has Asked and W. G. Ashton Made Secretary-Treasurer.

fifteen delegates present. This or- staff, were executed by General into the conduct of the state superis most needed in these states.

Charles McCaffree of Pierre, S. D., of the first chief. I. That the commission has unqualified jurisdiction to legislate with reference to jurisdiction to legislate with reference to rates and service of common carriers that 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 Railway 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 legislature are respected.

States and Haifreads Represented.

States and Railroads Represented. Those present at the opening session were Charles McCaffree of Pierre, S. D. 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 of he immigration bill, vetoed by President Wilson because of the literacy test proision, 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 Senator Reed, who has had increases over 1913. opposed many of the administration measures, fought the immigration bill and increase with the decreases of eight cities was one of seven voting against it Chairman Burnett of the house immi

gration committee will call up the veto message by offering a motion to recon alder 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 vot necessary to repass it can be secured.

by General Who Deserted to Zapata Wing.

tion by the state's law-making body is The National Farm Labor Ex-had in the 2-cent fare law and that the change went into permanent organ- Jesus Carranza, his son, Abelardo, LAREDO, Tex., Feb. 1 .- General

#### Wilson Will Defend Ship Purchase Bill in Talk Wednesday

WASHINGTON, Feb. 1 .- President Wilwill deliver before the Chamber of maron of the United States convention here Wednesday night what his advisers say will be one of the most im portant speeches of his administration He is expected to discuss the adminisration shipping bill now pending in congress the forthcoming meeting of financial experts of the South and Central America in the United States to consider desioner of immigration of that trade relations in the western hemisphere, and other steps proposed to assist American foreign commerce.

Secretaries McAdoo and Redfield are also to discuss the shipping bill, at the administration. Senator Burton of Ohio will give the viewpoint of the apposition.

#### Omaha Shows Gain in Building While Other Cities Lose club and a list of its membership.

The Construction News announces a tabulation of building operations of 100 emparisons between 1914 and 1913. Sixty cities show a decrease, while forty-three

The following figures show Omaha's

н	MITHIN W LWOINS OF WOOL	ve same refer	IIIIII A.		
e		1914	3914		
ø	Omaha	4,610,456	\$ 4,110,72		
Į	Kansas City	10,204,970	10,579,16		
9	Lincoln'	1,000,087	1,678,76		
g	Milwaukee	10,833,135	13,580,68		
ı,	Duluth tomerone	2,806,223	4,036,01		
ĸ.	St. Joseph	635,574	384,17		
ŧ	St. Louis		16,178,15		
8	Sloux City	1,972,903	2,979,06		
	Topeka	539,973	936,89		

#### Germany Brings Scene of Combat to the Front Door of Great Britain office of larger scope, as indicated by the more ready:

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 poi- Turks out of this provincial capital of icy of a submarine blockade of British ports is temporarily effectual.

The two British merchant steamers torpedoed by Germans off Havre are Russians are striving to retain comman 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 coasters.

Belief expressed yesterday that the tilities in castern 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 continent. The Russian occupation of Persia, after their brief stay there, is sweeping to the south and to the west.

In the Carpathians sharp fighting took place Sunday in the forcets where the

Vienna reports the resumption of hos-

Superintendent Thomas to Report on Conditions.

The state, through former Attorney Gen- PERMANENT ORDER EFFECTED FATHER AND SON ARE KILLED NORMAL BOARD IS INVOLVED

(From a Starr Correspondent.) LINCOLN, Neb., Feb. 1 .- (Spe-State Railway commission cannot so be- ization in Omaha yesterday with some and Ignacio Peraldi, member of his cial.)—A legislative investigation ganization seeks by a method of co- Santibez, former constitutional gen- intendent's office under the former operation between the labor commis- eral who deserted and went to administration of J. E. Delzell is beover the records of the educational were encountered. department and submit a detailed

financial statement showing all expenditures made under the Delzell ized no statement as to what he intends to do with these figures, some of the members of the legislature expect that

house and senate for whatever action they may see fit to take. What May Be Brought Out. 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 scruttny,

naid. Governor Mcrehead 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 'safety first' advertisements, long reports of rural school inspections, proceedings of the Nebraska Schoolmasters'

Extends to Normal Board. In connection with the strictures which re being made on the administration of principal cities of the country, showing (Continued on Page Two, Column One.)

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

S. Koller, assistant general manage, souri river, with headquarters in Omaha, headquarters in Denver. Mr. Koller will the Caucasus. He said: assume his new duties March 1.

Mr. Koller will take the place of Jame Welsh, who has acted in the capacity of general superintendent of the Colorado title of general manager.

According to General Manager Holdrege, Mr. Koller will remain in his present position of assistant general onager of the Burlington until March Who will be his successor has not

### German Submarines Terrorize Shipping Off Coast of Ireland

LONDON, Feb. 1.-A dispatch from Southport, eighteen miles north of Liverpool, says that a German submarine, supsedly U-21, was seen off there early

DUBLIN, Jan. M .- The steamer Leinster, from Holyhead to Kingstown, reports that it was chased by a German empire.

## STORM'S BACKBONE IS BROKEN AND ALL TRAFFIC RESUMED Several Bourbons Side with Repub-

Snow and Wind Ceases in Colorado and Wyoming and Along Burlington in Southern Nebraska.

WIRES ARE BEING REPAIRED

Burlington Has Main Line Wires Up and Union Pacific is Fixed to Fremont.

WEATHER TURNS BIT COLDER

Although a continuation of the over Nebraska, Iowa, Colorado and Was overfuled, 46 to 27, whereupon Senator Stone moved to adjourn. wyoming Sunday and Monday is Stone moved to adjourn, "to the end still in evidence, reports to Omaha that democrats may have a conference

To the west, Colorado and Wyoming report that the snow has to lay Schafer Clark's motion to recomceased to fall, while through south- mit the bill on the table. along that line and is running trains close to schedule. The O'Neill line is still bound up with the manufacture of Arkansas. still bound up with the wires down and trains are not yet running in commit the shipping 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 brench Office Says should bring about a turn to the normal again.

The Union Pacific has its wires in from Fremont to Omaha and has a squad of repair men out, but are handicapped be cause proper supplies are not available. Upon arrival of supplies today wires are expected to be through along the main 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 aid of the block Trains arriving from the west late last night report that the snow and wind continues between Kearney and Fremont, but west of there has abated. Telegraph lines to the east were whipped into condition last night and have been working more or less regularly.

While not severe, the weather turned State Railway commission had power states and the Forest of La Grurie. An attack of the various states in the Zapata, according to a telegram restricted by the street car service was in fairly good shape and cars grain belt to solve the problem of ceived by the widow of General Carles of the various states in the Zapata, according to a telegram released out today that Governor ice was in fairly good shape and cars grain belt to solve the problem of ceived by the widow of General Carles of the various states in the Zapata, according to a telegram released out today that Governor ice was in fairly good shape and cars leaked out today from the first chief at Vera Morehead has already requested from the first chief at Vera Morehead has already requested by two mines, was evacuated ranza from the first chief at Vera historiated has already requested sweepers had the tracks cleaved and since Cruz. Jesus Carranza is a brother State Superintendent Thomas to go the abatement of the snow no difficulties

Traffic, however, was largely confined to the streets where the car tracks had Cientifico Wing 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 they will eventually be laid before the 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 unavail-

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

TUCSON, Ariz., Peb. 1.-William Jen nings 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 Construcschool buildings, railroad time tables and tion company. Dayo sued for \$10,000 damages for the loss of an eye in an exintendent 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

licans in Senate Test of Strength.

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 gov- Two Companies of Germans Annihicrament ship purchase bill he recommitted to the commerce committee for revision.

Senator Fletcher made a point of order 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

railroad headquarters indicate that and republicans and their allies, a cau-

ern Nebraska along the line of the senator Stone's motion to table was defeated, 44 to 42, democrats opposed to 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

With Sepator Clark's motion to

# Attacks of Germans

PARIS, Feb. 1.-The official communi was as follows: "The night of January M-February 1

was very quiet." "In the morning of February 1 the enemy made a violent attack on our trenches to the north of the road be tween Bethune and LaBassee. The attack was repulsed and the Germans left a

number of dead on the field. "At Beaumont Hamel, to the north of Albert, the German infantry attempted a surprise against one of our trenches, but they were obliged to take flight, abandoning the explosives with which they had been provided.

"In the Argonne there has been great activity in the regions of Fontaine Mad-

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

EL PASO, Tex., Feb. 1.-A movemen tirected 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 Exange Telegraph company's Athens cordent the construction of the Greek dreadnaught Salamis at the Vulcan com pany's shipyards at Stettin, Germany, has been stopped because the Greek sovern-ment for special reasons has not made the fixed payment on the contract. The Greek naval mission supervising the con struction 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 1918 and was to have been completed in 1916.

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

Russian general, who is an aide-de- fuse now blood into their army. camp to Emperor Nicholas, and is neces sarily nameles, gave an Associated Press the military situation. The aide-de-camp necessary mechanical implements. Neces has been appointed general manager of had just returned from inspecting the sity has shown the strength and resources the Colorado & Southern railroad, with Russian forces at all the tronts except in of the Russian nation. Many small wares,

troops is greater and our entire armies Village handwork is producing satisfa-Southern. However, he will fill an hardened and physically and morally "The enemy's territory has been oc-

> expectations, while the Germans are occupying practically the same lines as at the outset of the war. The distance between the Esura river and the German frontier, though greater in miles than between fochscsew and Warsaw, is strategically much less important, for the reason that there are no fortified positions between the Baura and Germany, while the last three months, during which the Germans have been occupied in attempts to advance, have been profitably used by us to fortify the line from Nowoge-

East Galacia is Annexed.

PETROGRAD, Feb. 1 .- (Via London.) - | man help there will be insufficient to it "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

formerly 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 are much stronger. The men are more tory cuttery, saddlery and munitions and in making these things the peasant showing remarkable adaptibility.

"Even machine articles are successcupied in East Prussia and Galicia to a fully produced. When our troops were in greater extent than our most optimistic East Prussian the first time they secured eight barb wire machines. These were brought to Russia and copied, so that such machines are now produced here. This is one example and such occurred

Troops in Fine Spirits. relations of the soldlers and the mmanders are excellent. Many oc casions have witnessed situations where the commander desired to precede the men. The latter, however, requested the leaders to remain behind, saying 'you ar one hard to replace, we can be spared. orgiowsk to Warsaw and Ivengorod, "A felicitious circumstance is the abofficers 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 Lemberg and yieinity are well interest which the entire people are taking a few hours in waters so far removed. In France and Fishders the situation submarine for fifteen minutes off the fortified and the population is well as in the campaign coin "ary conditions can field with the new state of things. In the judged he legislation ficent number of that the mail steamer Leinster encountered a German submarine off Dublin hours near LaBassee and in the Argenne. The minutes off the fortified and the population is well as in the campaign coin "ary conditions can field with the new state of things. In the judged he judged he legislation ficent number of illnesses. He repress health of the minutes off the fortified and the population is well as in the campaign coin "ary conditions can field with the new state of things. In the judged he legislation ficent number of illnesses. He repress health of the mouth to Dublin bay. weakened by recent defeats and the Ger- promerican alliance.

# INTO PRUSSIA

Czar's General Staff Reports Success in Desperate Battles to North of Gumbinen and Pill-31 122 kallen.

FIGHTING ALONG THE VISTULE

lated in Bayonet Charge Into the Trench.

COUNTER ATTACKS REPUISED

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 Vistuia. In the region around Borjimow, 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 fol-

"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-Have Been Repulsed tracked by us after might fall. After an extremely tenacious struggle we aucceeded, with the ald of a bayonet charge, in dislodging the enemy from the trenc We almost annihilated two entire panies 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 sape, where some elements of the enemy succeeded in

tablishing 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 whick were composed of seasoned men."

#### 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 steam-Starts New Revolt ship Wilhelmins, has attracted wide and favorable attention in England.

If the American commission is not abla 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 cov-A dispatch to the Post from Berne, switzerland, says that according to news received from Berlin, it has been decided that a number of cargoes of foods are to be sent in American ships as sifts 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 Overtorpedo boat 219 had been sunk off Nieuport. It is also reported that German aeroplanes have succeeded in throwing ome bombs on the French town of Baile leul, 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 or want. Advertise it in the

Swappers' Column

Phone Tyler 1000 THE OMAHA BEE "Eccrybody Reads Box Want Ado"