

FIGHT ON TWO-CENT PASSENGER FARE UP 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.

JUDGES SITTING EN BANC
(From a Staff Correspondent.)

LINCOLN, Neb., Feb. 1.—(Special.)—Arguments in the 3-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 Missouri 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 passenger 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 argue, contending that if it sees fit the commission may increase the rate over that provided for by the legislature of 1907.

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 contention is based on the constitutional provision: "The power and duties of such commissions 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 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 had in the 2-cent fare law and that the State Railway commission cannot go behind that.

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-pass law or other legislation affecting rates or service of railroads.

The railroad side of the case is summarized in the following:

1. That the commission has unqualified 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 1907 session when it refused to pass the Keeley rate bill and agreed to leave the matter to the commission of the State Railway commission.
3. That the supremacy of the legislature over powers delegated to the commission of 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.

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 enactments.

Thus the legislature would have no power to disturb the 2-cent passenger fare law now in effect, to reduce it, if the law is accepted by the commission, as in the case of the maximum telephone regulation, the commission regulate them as it may see fit—according to its own attorneys—that would control the commission of telephone companies.

The Weather

Forecast till 7 p. m. Tuesday:
For Omaha, Council Bluffs and Vicinity
Snow; colder.
Temperature at Omaha Yesterday:
Hours. Deg.
6 a. m. 20
7 a. m. 20
8 a. m. 20
9 a. m. 20
10 a. m. 20
11 a. m. 20
12 m. 20
1 p. m. 20
2 p. m. 20
3 p. m. 20
4 p. m. 20
5 p. m. 20
6 p. m. 20
7 p. m. 20

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

LONDON, Feb. 1.—Once again British interest in military activities on the continent have been overshadowed by the fact that Germany has brought the combat to Great Britain's front door. What is regarded here as the new German policy of a submarine blockade of British ports is temporarily effectual.

FIRST PICTURES FROM EARTHQUAKE-STRIKEN 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.



STORM'S BACKBONE IS BROKEN AND ALL TRAFFIC RESUMED

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 snow and wind in many sections show that the storm which swept over Nebraska, Iowa, Colorado and Wyoming Sunday and Monday is still in evidence, reports to Omaha railroad headquarters indicate that a break is soon to occur.

To the west, Colorado and Wyoming report that the snow has ceased to fall, while through southern Nebraska along the line of the Burlington the snow has quit after a fall of about one foot. The Burlington has repaired all its wires along that line and is running trains close to schedule. The O'Neill line is still bound up with the wires down and trains are not yet running in good order.

From this and the Northwestern reports, the weather is still harsh toward the north, but there are signs of a break which 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 because 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 systems. 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 a bit colder last night, but the wind was decreasing gradually. The street car service was in fairly good shape and cars ran regularly over all lines. Eleven sweepers had the tracks cleared and since the abatement of the snow no difficulties were encountered.

Jitters on the Job.

Traffic, however, was largely confined to the streets where the car tracks had been cleared, as vehicles of all descriptions found it troublesome to break through the snow drifts in the streets. Jitney buses ran in increased numbers until 7 o'clock last night, the scheduled hour to stop. A new jitney, carrying twelve passengers, was put in operation on Farina street yesterday afternoon.

The weather today, according to predictions, 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, Ariz., 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. Deyo 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 defendant.

Russian Inspector General Says Czar's Armies in Good Condition

PETROGRAD, Feb. 1.—(Via London.)—A Russian general, who is an aide-de-camp to Emperor Nicholas, and is necessarily nameless, gave an Associated Press correspondent the Russian viewpoint of the military situation. The aide-de-camp had just returned from inspecting the Russian forces at all the fronts except in the Caucasus. He said: "Today, exactly a half year since the beginning of the war, our second line of troops is greater and our entire armies are much stronger. The men are more hardened and physically and morally more ready. If necessary, they are capable of larger scope, as indicated by the title of general manager."

McCAFFREE HEADS LABOR EXCHANGE

Pierre, S. D., Man Elected President and W. G. Ashton Made Secretary-Treasurer.

PERMANENT ORDER EFFECTED

The National Farm Labor Exchange went into permanent organization in Omaha yesterday with some fifteen delegates present. This organization seeks by a method of cooperation between the labor commissions of the various states in the grain belt to solve the problem of help for the harvesters when that help is most needed in these states.

Charles McCaffree of Pierre, S. D., was made president and W. G. Ashton of Oklahoma City, secretary-treasurer. E. S. Neal, state immigration agent of 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 by-laws provide that the labor commissions 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 commission so that the supply of labor can always be moved ahead fast enough to be at the right place at the right time.

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 hemisphere, and other steps proposed to assist American foreign commerce.

Secretary McCaffree 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 opposition.

Senator Reed Will Support Veto of Immigration Bill

WASHINGTON, Jan. 31.—The fate of the immigration bill, vetoed by President Wilson because of the Hierarchy test provision, took on renewed interest in congress today because of the announced speech 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.

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

LONDON, Feb. 1.—Once again British interest in military activities on the continent have been overshadowed by the fact that Germany has brought the combat to Great Britain's front door.

What is regarded here as the new German policy of a submarine blockade of British ports is temporarily effectual. The two British merchant steamers torpedoed by Germany off Havre are the largest commercial vessels that have as yet fallen victims to German submarines; the three ships sunk in the Irish sea were small coasters.

Belief expressed yesterday that the raiders could not remain for more than a few hours in waters so far removed from his base has been exploded by news that the mail steamer Leitner encountered a German submarine off Dublin

BROTHER OF CHIEF GARRANZA EXECUTED

He and Two Others Put to Death by General Who Deserted to Zapata Wing.

FATHER AND SON ARE KILLED

LAREDO, Tex., Feb. 1.—General Jesus Carranza, his son, Abelardo, and Ignacio Peraldi, member of his staff, were executed by General Sanchez, former constitutional general who deserted and went to Zapata, according to a telegram received by the widow of General Carranza from the first chief at Vera Cruz. Jesus Carranza is a brother of the first chief.

Wilson Will Defend Ship Purchase Bill in Talk Wednesday

WASHINGTON, Feb. 1.—President Wilson will deliver before the Chamber of Commerce of the United States convention here Wednesday night what his advisors say will be one of the most important 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 hemisphere, and other steps proposed to assist American foreign commerce.

Omaha Shows Gain in Building While Other Cities Lose

The Construction News announced a tabulation of building operations of 103 principal cities of the country, showing comparisons between 1914 and 1915. Sixty cities show a decrease, while forty-three had increases over 1914.

The following figures show Omaha's increase with the decrease of eight cities within a radius of about 60 miles:

City	1914	1915
Omaha	4,201,586	4,410,732
Kansas City	10,251,979	10,073,182
Lincoln	1,603,387	1,573,500
Milwaukee	10,532,135	10,550,081
Duluth	2,830,335	2,826,911
St. Joseph	435,374	388,772
St. Louis	12,923,998	12,776,123
St. Paul	1,972,992	2,076,086
Topeka	338,971	328,504

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

F. S. Koller, assistant general manager of the Burlington line west of the Missouri river, with headquarters in Omaha, has been appointed general manager of the Colorado & Southern railroad, with headquarters in Denver. Mr. Koller will assume his new duties March 1. Mr. Koller will take the place of James Welsh, who has acted in the capacity of general superintendent of the Colorado & Southern. However, he will fill an office of larger scope, as indicated by the title of general manager. According to General Manager Holdegre, Mr. Koller will remain in his present position of assistant general manager of the Burlington until March 1. Who will be his successor has not been determined.

DELZELL IS COMING IN FOR STATE PROBE

Governor Morehead Has Asked Superintendent Thomas to Report on Conditions.

NORMAL BOARD IS INVOLVED

(From a Staff Correspondent.)
LINCOLN, Neb., Feb. 1.—(Special.)—A legislative investigation into the conduct of the state superintendent's office under the former administration of J. E. Delzell is being talked of at the capitol. It leaked out today that Governor Morehead has already requested State Superintendent Thomas to go over the records of the educational department and submit a detailed financial statement showing all expenditures made under the Delzell regime.

While the governor himself has authorized 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 house and senate for whatever action they may see fit to take.

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 is said.

Governor Morehead in his message to the legislature called attention to the financial report of the state superintendent, which cost over \$1,000 to print and which is filled up largely with such material as the address made by former Superintendent Delzell to teachers' meetings, half-time 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.
In connection with the strictures which are being made on the administration of

(Continued on Page Two, Column One.)

German Submarines Terrorize Shipping Off Coast of Ireland

LONDON, Feb. 1.—A dispatch from Southampton, eighteen miles north of Liverpool, says that a German submarine, supposedly U-21, was seen off there early this morning.
DUBLIN, Jan. 31.—The steamer Leitner, from Holyhead to Kingstown, reports that it was chased by a German submarine for fifteen minutes off the Kish light vessel, but succeeded in escaping. The Kish light vessel is opposite the mouth to Dublin bay.