locality. They had both been indicted by the grand jury for that offense and the police asserted that Kardonski's saloon was designed simply as a side issue to the low dens adjoining which the Slobodinskis controlled. The protest was sustained, but immediately after a rehearing was granted and the license was issued.

TRICKERY TO AVOID ACTION.

Another striking illustration of the manner in which the board vouchsafed protection to tough resorts occurred in the case of the saloon at Ninth street and Capitol avenue, which has for years been regarded as one of the vilest dens that ever existed in a decent community. The police also registered a vigorous protest in this instance. They showed that during the previous year this resort had been the scene of a murder and of an assault with intent to kill. It was a constant resort for lewd women and numerous thieves and tough characters had been arrested there. The character of the place was so odorous that the board had recourse to a trick in order to avoid the necessity of closing it. The application made by the proprietor was refused, but a license was immediately issued in the name of another individual. Nevertheless, the proprietor continued to operate the saloon and he has not since been molested.

These are cases in which the "reform" board is condemned by its own records. Aside from the evidence that is on file there are numerous additional instances in which the board has knowingly condoned the violation of the law. One man who runs a saloon on South Twentieth street, was convicted in police court of violating the Slocumb law by keeping open on Sunday, February 23, 1896, and was fined $100 and costs. The case was reported to the board by the chief of police and the license was revoked. But at the very next meeting the previous action of the board was rescinded and he was allowed to continue his business.

EVIDENCE OF SUNDAY SALES.

The testimony in the Morgan murder trial showed that on the Sunday on which Morgan committed his fiendish crime upon little Ida Gaskill he had imbibed his inspiration by frequent visits to a saloon on St. Mary's avenue. He declared that he was intoxicated at the time he committed the murder, but the board was too busy with "reform" measures to take notice of the conclusive evidence of violation of the law.

On the Sunday preceding the election two years ago there was a political meeting in the interests of Mr. Broatch, who was a member of the board, at Washington hall. It is said that Commissioner Broatch stood on the sidewalk and saw his strikers file up to the bar in the adjoining saloon, but he never reported the open disregard of the law.

Is it any wonder that when the time came for issuing liquor licenses for 1897 no one filed new protests against disorderly resorts? What incentive could there be to the filing of protests with a "reform" board committed in advance to the protection of all the dives and dens and low resorts?

LIQUOR AND LEWD WOMEN.

One more example of reform in the "reform" police board. When the Churchill-Russell law was before the legislature two years ago one of the reasons urged for its passage in the citizen-judge's famous letter was that the old board had "allowed liquor to be sold in houses of prostitution in violation of state law," and the promise made that the enactment of the new law would put an end to this practice. How has the "reform" board kept this promise? Has any one heard of any action in that direction? The following is a list of the proprietors of the dives who have paid a government tax to sell liquor during the past year. It is taken from records of the United States revenue office, open to the police commissioners, and may be verified by any one. Their names and locations are:

Ruby Smith (now closed)	111 South Ninth
Nora Hull	116 South Ninth
Minnie Fairchild	120 South Ninth
May Coleman	117 North Ninth
Lillian Morton	115 North Ninth
Georgie Ward	123 North Ninth
Edna M. Stewart	101 North Ninth
Jottie Reynolds	116-118 North Ninth
Sadie Jennings	114 North Ninth
Anna Wilson	110-112 North Ninth
Olive Branch	108 North Ninth
Mamie Brown	909 Capitol avenue
Bertie Mann	905 Capitol avenue
Anna Wilson	910-912 Douglas
Grace Walton	822 Dodge

None of these places are saloons. None of these places hold licenses to sell liquor under the state law. Does any one imagine that they have paid the internal revenue tax to sell liquor with no idea of using the privilege?

DOINGS AMONG THE "LOWER FIVE."

"Sleepy" Hewitt Arrested Again as a Suspicious Character.

Nearly two months ago the saloon of William McKenna, on North Sherman avenue, was entered by burglars and a quantity of cigars and liquors taken. There were certain points about the job which led the police to believe that "Sleepy" Hewitt engineered the business end of it. "Sleepy" occupied apartments down on the bottoms with "Shorty" Blodell, the place being not far removed from the saloon where the left was committed. Hewitt was accordingly thrown into jail, but following his usual tactics, he refused to unburden his mind of what he knew about the matter. In spite of this, however, he was bound over to the district court by Judge Gordon and bonds to the amount of $800 accepted for his appearance.

"Shorty" Blodell acted as surety for his friend and no questions were asked by the police judge as to Blodell's earthly possessions. Lately the police had suspicions that "Sleepy" would not show up in the upper court upon the date of his trial, so last night he was found on North Sixteenth street and was jailed again on the charge of being a suspicious character. There is, however, more back of the arrest than the suspicion that "Sleepy" intended to jump his bond. The police arrested Thomas Hughes last Saturday night and when closely questioned he admitted that he knew all about the robbery of the saloon. He asserted that he and "Sleepy" had been rooming at McDonald's place, on "the island," and that upon the night of the robbery Hewitt awoke him about 1 o'clock in the morning and told him that he had a job on hand that there was money in.

He accompanied his friend to the saloon in question and Hewitt entered it through a back door, which he had previously unlocked from the inside. He handed out two jugs of whisky and reappeared a few minutes later with several boxes of cigars. The stuff was taken to Theodore McDonald's place on the bottoms, where the greater portion of it was afterward recovered by the police. Hughes has been retained as a state witness against Hewitt and will appear at the trial in the district court.

Walter Larsen, a laborer on the ice fields at Cut-Off lake, was arrested last night while attempting to pass a raised $5 bill at Adams' saloon at Fourteenth and Dodge streets. Larsen attempted to purchase a cigar and offered the bill in payment. When taken to the station he said he had been paid off last night and received for his wage a check for $5. The check he got cashed at a saloon near the old fair grounds. The raised bill is of a $2 denomination and is very cleverly executed.

Louis Schmidt, a Council Bluffs man, was accosted by Steve Maroney and Eva McLain last night near the corner of Tenth and Harney streets and requested to buy a growler. He refused and was assaulted by them. The McLain woman and Morris Hanniphen, who also chanced to be present, were arrested.

William Fagle was arrested in the yards of the Fremont, Elkhorn & Missouri Valley for stealing coal along the tracks. He was charged with petit larceny.

AYER'S PILLS

"Having been subject, for years, to constipation, without being able to find much relief, I at last tried Ayer's Pills, and testify that I have derived great benefit from their use. For over two years past I have taken one of these pills every night."—G. W. BOWMAN, 26 East Main St., Carlisle, Pa.

CURE CONSTIPATION.

BICYCLES IN LIGHT ESTEEM

Members of the Lower House Look on Them with Disfavor.

NOT PLACED ON PAR WITH A HORSE

Bill to Make Theft of the Wheel a Felony Killed with Little Ceremony by the Majority.

LINCOLN, Feb. 3.—(Special Telegram.)—In the house today quite a number of the populists went on record as opposed to punishing what has been termed minor thievery by state penitentiary sentences. They voted against the bill to punish bicycle thieves with confinement in state's prison, and they took the stand against making grand larceny of hog stealing. Last week they were solidly against severe punishment for chicken stealing. This position taken by them has irritated the republicans. A bill has therefore been drawn and will probably be introduced in the house tomorrow repealing the present law against horse stealing. The republicans say they can easily prove that a new bicycle is worth more than a first-class horse, and that a pedigreed hog will usually bring more on the market than a horse. The republicans want to put the majority element on record. The bill will most certainly be indefinitely postponed. This is expected.

The house railroad committee held a meeting this evening, following adjournment, in the hall of the representatives. The measures under consideration were house roll No. 94, providing for the transfer switches; house roll No. 125, making all roads in the state liable for personal injury regardless of any provisions accruing from benevolent organizations; house roll No. 187, authorizing railways to form a junction with other roads at any point, and Speaker Gaffin's bill, house roll No. 198, providing for the unloading and switching of cars. Attorney J. W. Deweese and J. H. Ager appeared before the committee and discussed the provisions of these bills. None of them were acted upon and the committee adjourned until tomorrow evening.

WILL REPORT THE RECOUNT BILL.

The committee on constitutional amendment has decided to report to the senate tomorrow the bill which has already passed the house providing for a recount of the ballots cast for the amendments to the constitution at the last general election. No recommendation will accompany the report. When the bill is called up in the committee of the whole, however, Senator Gondring will offer an amendment, providing that the recount of the ballots shall be made under the supervision of a commission, of which the secretary of state shall be ex officio a member, two members to be appointed by Governor Holcomb and two by the supreme court, not more than two to be members of the same political party. The recount of the ballots is to be done with due publicity. As soon as one county shall be completed the ballots are to be sealed up and the result announced Senator Gondring will insist upon these amendements, and they are likely to receive warm support from many members of the senate.

The senate committee on privileges and elections will report back the Evans-Jeffcoat contest without recommendation, further than that both sides be given a specified length of time in which to present their claims. The committee does not care to spend time in listening to the arguments, and feels that the importance of the matter justifies a hearing before the senate as a body.

CUTS OFF SOME MORE SALARIES.

House Prunes the Pay of the Geneva Girls' Home Officials.

LINCOLN, Feb. 3.—(Special.)—The twenty-third journal day of the house opened with ninety-three members marked present. A number of bills were read for the second time and referred to committees.

Horner of Dawes rose to a question of privilege. He read from a local morning paper an account of the routine proceedings of Saturday last, and declared that the account was garbled. Horner was elaborating his complaint when Wooster cut him off by the point of order that it made no difference to the house what the paper said or did not say.

Stebbins sent up a resolution that the members of the house meet in the hall at 7:30 Thursday evening and listen to an explanation by "Rainmaker" Wright of his theory on producing precipitation by concussion. Wooster objected. He said that according to the wording of the resolution it was mandatory upon the members to appear and respond to roll call whether they wished to listen to Wright's scientific theories or not. The speaker held the point well taken, suggested that the resolution be rewritten, and Stebbins withdrew it for the present.

Bills on third reading were declared next in order, and Phelps' bill, house roll No. 29, which provides for the repeal of the Russian thistle act of 1895, was brought to the front. The bill passed by a vote of 80 to 10.

House roll No. 89 is Soderman's bill to reduce the salary of the superintendent of the Geneva Industrial School for Girls from $2,000 to $1,500 per annum. The bill passed, 86 to 1.

House roll No. 165, by Van Horn, relating to swamp lands passed by a vote of 81 to 3.

House roll No. 146, providing that precincts, townships, cities and villages may compromise their indebtedness and issue bonds therefor, was passed, 91 to 0.

The house then took a recess until 2 p. m.

PUSHING THEM ALONG.

In the afternoon the house was rapped to order at 2:10. On the call for reports of standing committees the following bills were recommended for passage:

House roll No. 21, reducing the salaries of the superintendents of the three insane asylums from $2,000 to $1,500 per annum.

House roll No. 111, providing for the transportation of veteran soldiers from Soldiers' homes.

House roll No. 98, relating to the government of Soldiers' homes.

House roll No. 129, relating to the votes on constitutional amendments.

House roll No. 211, relating to the government of poor houses.

The following were sent to the general file:

House roll No. 98, providing that foreign insurance companies shall have a paid up capital of $200,000.

House roll No. 199, protecting employes from blacklisting by guaranty bond companies.

House roll No. 96, providing for the exemption of assessment insurance companies from insurance laws of the state.

House roll No. 72, providing for the reimbursement of Burt county for money expended in the murder trial of the slayer of George Phillips, and appropriating $1,392.

A lively debate ensued on house roll No. 122, which provides for the licensing of horseshoers. An attempt was made to indefinitely postpone the bill, but it was finally referred back to the committee for amendment.

House roll No. 131, which provides for the punishment of hog thieves by making the crime a penitentiary offense, excited considerable debate, but the bill was sent to the general file.

Stebbins of Lincoln county sent up a resoultion inviting the members of the house to attend an exposition by "Rainmaker" Wright of his theories in regard to producing rain by concussion. This resolution is on the same lines as that introduced during the morning hour by Mr. Stebbins with different wording. Rouse moved an amendment that the word "requested" be struck out and the word "required" inserted. The time set for this lecture on rainmaking was Thursday evening, February 4. Rouse made a sarcastic speech on his amendment and said that it would be well to know in advance just how rain was to be produced by cannonading the atmosphere. He then called for the reading of the committee's report made yesterday on house roll No. 83. The report was read. The bill appropriates $10 000 for the purpose of two experiments. Rouse contended that according to the report the meeting would be a regular night session of the house, and that a call of the house would compel every member to be in attendance.

Clark of Lancaster moved as a substitute that the house meet in informal session for the purpose of listening to Mr. Wright. Stebbins accepted this, and the house sustained the substitute.

QUESTION OF OVERTIME.

Hull had a resolution read that all house employes notify the time keeper of any overwork they might be called upon to do previous to entering upon the work.

Jenkins directed attention to the fact that a resolution had been passed early in the session making the speaker responsible for the extra time authorized to employes.

Jenkins objected to this power being taken from the speaker and conferred on the timekeeper.

Eager objected to the motion, and, on Robertson's motion, the whole matter was laid on the table.

Clark of Richardson had read a long resolution reciting that the constitution provided that the reports of the state officers should be printed ten days before the meeting of the legislature, and that such not being the case, a committee should be appointed to investigate the matter. The resolution prevailed. In accordance with this resolution Speaker Gaffin then appointed as such committee Clark of Richardson, Snyder of Nemaha and McLeod of Colfax.

On motion of Wimberley of Lancaster the house went into committee of the whole to consider bills on general file, and Burkett of Lancaster was invited to the chair.

House roll No. 174, an act to create a public library board, defining its duties and for organizing a system of traveling libraries for the state of Nebraska was recommended for passage without division.

House roll No. 66 for the relief of J. M. McMillan, appropriating $45.21, was recommended for passage.

House roll No. 81, a bill providing for the punishment of bicycle thieves was the topic of considerable animated debate. At the conclusion of the discussion, however, the bill was indefinitely postponed.

The committee then arose and reported.

On the bicycle bill, No. 81, Clark of Lancaster moved that the report be non-concurred in, but that the bill be engrossed for a third reading. On this a roll call was demanded. In the progress of this quite a number of members took occasion to explain their votes. Hill of Clay while opposed to crime was not in favor of throwing a man into the penitentiary for the theft of a cheap bicycle, a chicken or a hog. This was the universal sentiment among a large number, and when the vote was announced it was found that there were 57 votes against non-concurrence to 34 for it. The report was adopted and the bill indefinitely postponed.

Sheldon sent up a resolution reciting that, whereas, Mr. Soderman had been called home by a telegram announcing the death of one of his children, it was the sense of the house that he be excused from attendance on the house until his return. The resolution was adopted unanimously by a rising vote.

The house then adjourned until 10 a. m. tomorrow.

BILLS ON FIRST READING.

The following bills were read for the first time

By Mitchell, house roll No. 369, to pay to M. C. B. Sample, M. D., for medical services rendered to one George Kingen, a parol convict.

By Lemar, house roll No. 370, to provide for the building, equipment and the maintenance of union depots and connecting switches in cities, villages and towns in this state where two or more railway lines transact a general railway business.

By Rich, house roll No 371, to amend section 64, chapter x, of the Compiled Statutes of the State of Nebraska for the year 1895 and to repeal said original section.

By Grell, house roll No. 372 to amend section 3, subdivision 5, chapter lxxix, of the Compiled Statutes of Nebraska of 1895, relative to the duties of school boards and to repeal said original section.

By Curtis, house roll No. 373, making the 12th day of February of each and every year a state legal holiday, and that said holiday shall be recognized and known as Lincoln's birthday.

By Curtis, house roll No. 374, to amend section 5,847 of chapter xxiii, under the head of "Miscellaneous Offenses" of the Consolidated Statutes of Nebraska of 1891, as annotated by J. E. Cobbey, esq., and for other purposes.

By Walt, house roll No. 375, to provide for examinations of state charitable and penal institutions.

By Walt, house roll No. 376, to establish a state board of charities and corrections for the state of Nebraska.

By Rich, house roll No. 377, to amend section 677 of the Code of Civil Procedure.

By Rich, house roll No. 378, to amend section 1039 of the Code of Civil Procedure.

By Waite, house roll No. 379, to provide for examination of county officers and institutions and precinct and township officers, and for the office of county auditor in counties having more than 20,000 population.

By Waite, house roll No. 380, to repeal sections 24, 25, 26 27, 28, 29, 30 and 31 of article iii, chapter xviii, of the Compiled Statutes of 1895.

By Horner, house roll No. 381, to amend section 4738, of the Compiled Statutes of Nebraska for 1895, relating to teachers' county certificates, and to repeal said section as now existing.

By Zimmerman, house roll No. 383, to amend section 1, article i, chapter lxxii of the Compiled Statutes of the State of Nebraska, entitled "Railroads," and to repeal said original section.

By Hull, house roll No. 384, empowering cities and towns to vote and issue bonds for the construction and maintaining of gas and electric plants.

By Jenkins, house roll No. 385, to establish a military code for the state of Nebraska and to provide for the organization, government and compensation of the organized militia, and to repeal chapter 1 session laws of 1887, approved March 31, 1887, entitled "An act to amend an act entitled an act to establish a military code for the state of Nebraska," approved February 23, 1881, and to repeal chapter lxiv, Laws 1881, as now existing.

By Morrison, house roll No. 386, to provide for the admission of attorneys and counselors at law and to repeal sections 1 and 2 of chapter vii, of the Compiled Statutes of 1895, being articles 588 and 589 of the Compiled Statutes of 1895.

By Liddell, house roll No. 387, concerning the care of and to prevent the spread of contagious and infectious diseases among domestic animals; to provide for the appointment of a state veterinarian and assistants in connection with the United States experimental station; to regulate their powers and duties; to provide for their compensation and to repeal sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 14, 15, 16, 17, 18, 19 20, 21, 22, 23, 24, 25, 26 and 27, article ii, chapter iv, of the Compiled Statutes of Nebraska for 1895, entitled "State Veterinarian Live Stock Agents."

By Van Horn, house roll No. 388, abolishing as a defense in actions by employes against employers the common law doctrine of exemption of employers from liability for injury or damage to employes by reason of the negligence, acts, default or omission of fellow servants.

By Casebeer, house roll No. 389, to amend section 2,368 of the Compiled Statutes of 1895 and to repeal said original section as now existing.

By Liddell, house roll No. 390, to provide that all labor on state lands and buildings be done by day's labor and to provide for the manner of purchasing material for the construction and repairs of said public works.

By Van Horn, house roll No. 391, to amend sections 123 and 124 of chapter xvi of the Compiled Statutes of Nebraska of 1895, same being sections 1826 and 1827 of said statutes and to repeal said original sections as now existing.

By Van Horn, house roll No. 392, to amend subdivisional section 69, chapter xiv, Compiled Statutes of Nebraska, 1893, relative to taxes.

HOW BEST TO BESTOW CHARITY.

Senate Finds the Topic an Engrossing One for Debate.

LINCOLN, Feb. 3.—(Special.)—The senate devoted one hour and fifteen minutes of the morning session to a discussion over a proposition to authorize the lieutenant governor to send a telegram to the mayor of Chicago in order to ascertain whether or not aid for the destitute of that city would be accepted if the freight is prepaid by the state. The proposition was finally agreed to. Senator Murphy offered a resolution expressing the sympathy of the people of Nebraska with the destitute citizens of Chicago and calling upon the people of the state to extend aid. This resolution was laid over until tomorrow.

After the reading of the journal the regular order was taken up. Senator Murphy or Gage offered the following resolution:

Whereas, It has come to the knowledge of the people of the state of Nebraska, that thousands of the inhabitants of the city of Chicago are suffering for the necessities of life, consequent upon the general and prevailing depression in all lines of business and the inability to find employment of the working people in our larger cities; and

Whereas, The great generous heart of the people of Nebraska has been touched by the destitution and suffering of the poor people of Chicago; and

Whereas, The state of Nebraska has been blessed with bounteous crops during the last year, and her people are always responsive and generous to the cry of want and destitution from the people of sister states, and remembering with gratitude the magnanimity and generosity of the people of Illinois in making liberal contributions to the destitute of Nebraska in the drouth stricken region a few years ago; therefore, be it

Resolved, By the senate of the state of Nebraska, That the people of Nebraska sympathize with the unhappy condition of destitution existing in the city of Chicago and most respectfully call upon the generous people of the state, regardless of party or creed, to respond with a liberal portion of the products of their bounteous harvest as a donation to the suffering poor of Chicago, and we call upon the railroads to donate, as they have so often generously done in the past, free transportation for the carrying of such contribution to the destitute people of our sister commonwealth; and be it further

Resolved, That we earnestly urge, in the name of humanity and in the spirit of philanthropy, that our people with one accord at once join and co-operate together in forwarding their contributions to the mayor of the city of Chicago to the end that suffering and destitution there existing may at once be relieved.

Mr. Graham of Frontier objected to the present consideration of the resolution and it therefore went over for one day under the rules.

ENDORSES ARBITRATION.

Mr. Murphy then offered the following concurrent resolution, which was read the first time:

Whereas, The settlement of national or international differences by force of arms is inimical to the spirit and progress of modern civilization; and

Whereas, The United States of America and Great Britain are the best types of the most advanced civilization of the age and, representing as they do one common language and a commonality of commercial interests and relationship peculiar to these two nations; and

Whereas, We believe that advanced and positive ground taken by these two nations looking to a settlement of international grievances by a board of arbitration would be the initiative which would result in the early adoption of a treaty of international arbitration among all the great civilized nations; and

Whereas, An Anglo-American treaty of arbitration covering a period of five years has been negotiated between Great Britain and the United States by the secretary of state and the British ambassador, having for its object the establishment of the doctrine of international arbitration as a means of adjusting international questions and differences between the two nations; and,

Whereas, Said treaty has been submitted to the senate of the United States for confirmation, modification, or rejection, and is now being considered by that body; therefore be it

Resolved, by the state senate of Nebraska, the house of representatives concurring therein, That we heartily favor the settlement and adjustment of international differences by arbitration, and we earnestly request our senators, Hon. John M. Thurston and Hon. William V. Allen to use their efforts to procure the confirmation of the treaty now before the United States senate, either in its present form, or with such amendments as shall better protect the rights and conserve the interests of the United States along the lines of justice and equity.

Mr. Johnson, from the committee on public lands and buildings, reported back from that committee senate file No. 41, with the recommendation that it be placed on general file. The bill provides the manner in which cities and villages may accept by gift or devise real estate for park purposes.

Mr. McGann from the committee on judiciary reported the following bills: Senate file No. 50, to provide for the payment of attorney's fees by counties in civil actions, with the recommendation that it be passed as amended; senate file No. 35, providing penalties for the destruction of fences, with the recommendation that it be passed as amended; senate file No. 39, affecting the property rights of married women with the recommendation that it be indefinitely postponed; senate file No. 29, to provide for the issuing of a certificate by county clerks as evidence of the satisfaction of mortgages, with the recommendation that it be indefinitely postponed.

WOMAN'S SUFFRAGE WAITS.

The senate then adjourned until 2 o'clock. After recess Mr. Murphy asked that the rules be suspended and that joint resolution No. 3, memorializing congress in favor of woman suffrage, be advanced to third reading. Mr. Ransom objected and the motion was withdrawn. The senate then went into committee of the whole for the consideration of bills on general file, with Mr. Murphy in the chair.

The committee took up the consideration of senate file No. 52, introduced by Mr. Dearing relating to public roads. It provides a manner of opening roads to pieces of land shut out from the public highways. The bill was recommended for passage.

Senate file No. 173 was considered at length, but not concluded.

The lieutenant governor read the following telegram from Mayor Swift of Chicago in response to the message sent this morning:

CHICAGO, Ill., Feb. 3.—Hon. James E. Harris, State House: Answering your message, we sincerely thank the generous people of Nebraska for their proffer of donations of corn, but respectfully decline, as the response of our own citizens has been so abundantly generous as to give all the aid that will be required to meet the wants of the suffering.

GEORGE B. SWIFT, Mayor.

The senate then adjourned.

OTTO SCHOENFELD FOUND GUILTY.

Boy Who Shot Owen Huchings is Now Awaiting Sentence.

CENTRAL CITY, Neb., Feb. 3.—(Special.)—This morning the jury found Otto Schoenfeld guilty on the charge of shooting with intent to kill. On Sunday, November 24, while Owen Huchings, a farmer residing near Silver Creek, was doing his chores, two boys named Otto and Carl Schoenfeld called. After conversing a while they left, and Mr. Huchings went in to the barn to do the milking. While milking Otto Schoenfeld crept into the barn and at short range fired at Mr. Huchings, the shot striking him in the back of the neck. After the shooting, the boys supposing Mr. Huchings dead, went to the house and threatened the life of Mrs. Huchings, going outside to get the gun. Mrs. Huchings locked the door and, taking her child, went upstairs and shut herself in a closet. The boys, breaking into the house ransacked it, securing some $20. They then returned home and went to bed, where they were arrested by officers early the following morning. After being shot, Huchings crawled to the house, where he was found by the hired man upon his return from church.

During the trial Mr. Huchings had to be carried into the court room. His arms and legs are paralyzed, so that he is as helpless as a babe. Judge Marshall appointed John Patterson to defend the accused. Mr. Patterson made a hard fight for his client. County Attorney Ross was ably assisted by J. C. Martin, of Clarks. Sentence has not yet been passed.

A jury is now being selected to try Carl Schoenfeld, charged with entering the residence of Owen Huchings for the purpose of burglary.

ONE BILL AIMS AT THE BLACKLIST.

Intended to Project Employes Against Interference from Employers.

LINCOLN, Feb. 3.—(Special Telegram.)—One of the bills in which the members of organized labor unions in Omaha are particularly interested at the present session is one introduced by request by Senator Ransom. It provides, in brief, that no company, corporation or individual shall blacklist or publish or caused to be published a list of blacklisted any employe, mechanic or laborer discharged or voluntarily leaving the service of said company, corporation or individual, with intent and for the purpose of preventing such employe from securing similar or other employment from any other company.

Although the bill is introduced in the interest of labor, it was referred to the committee on miscellaneous subjects, of which Senator Johnson of Clay county is chairman. It has not yet been reported from the committee. Representatives of the railroad labor organizations have been active in behalf of such a law in eastern states, and a similar bill was introduced in the Nebraska legislature two years ago, but was suffocated in the closing days of the session.

For the Cemetery's Sake.

FALLS CITY, Feb. 3.—(Special.)—A "tacky" social was given Tuesday evening at the spacious residence of Judge Revirs. Every man appearing with a white shirt or his shoes shined was fined. An old-fashioned spelling school was held. Refreshments were served. The social was for the benefit of the Ladies' Cemetery auxiliary, and a neat sum was realized.

ESCAPES PAYING A FORFEIT

County Treasurer Helmrod is Saved from a Severe Penalty.

ED P. SMITH'S READING OF THE LAW

Point Hinges on the Date When County Treasurer is Required to Exhibit His Account to the State Auditor.

LINCOLN, Feb. 3.—(Special.)—By an apparently unimportant omission Treasurer Helmrod of Douglas county has in effect repealed one very important section of the revenue laws of Nebraska, and thereby hangs a story.

Section 5,000 of the Compiled Statutes, relating to the annual settlement between county treasurers and the state, says:

"All county treasurers or other persons who are by law required to make settlements or pay money into the state treasury at certain specified times shall on or before such date exhibit their accounts and vouchers to the state auditor, who shall, as soon as practicable, examine, adjust and settle such accounts and report to the state treasurer the balance found due the state; and if any county treasurer or other person so required to pay funds into the state treasury shall fail to make the settlement herein required at the proper time, or to pay the amount so found due to the state treasurer and produce his receipt to the auditor within ten days after the settlement above required, the delinquent shall forfeit to the state all collection fees and mileage allowed by law, and also a penalty of 10 per cent on the amount wrongfully withheld, and interest on the whole at the rate of 15 per cent per annum from the time the same should have been paid until actual payment; and the whole amount of principal and forfeiture may be recovered by action on the official bond of the delinquent, or otherwise, according to law."

TENTH DAY OF FEBRUARY.

There is still another provision relating to the settlement between state and county treasurers. It is included in section 165, chapter lxxvii of the Compiled Statutes, and is as follows:

"The treasurers of the several counties shall pay into the state treasury all funds in their hands belonging thereto on or before the 10th day of February and 10th day of October in each year, and at such other times as the state treasurer shall require."

County Treasurer Helmrod made his annual statement to the auditor, as required by law, on January 14. The auditor examined it, found it correct, and on January 15 notified Mr. Helmrod to that effect. The ten days provided in the first paragraph quoted above have elapsed, and still Mr. Helmrod has failed to make his final settlement. According to the statement, Mr. Helmrod owes the state $15,990.59. Upon this amount he is entitled to draw from the state treasury as his fees for collection $2,044.20. Up to this morning Auditor Cornell was inclined to the opinion that Mr. Helmrod, by reason of his failure to make his settlement within ten days after he was notified that his accounts were correct, has not only forfeited the fees, but 10 per cent of the amount due the state in addition. A question was raised, however, and the matter submitted to the attorney general for an official opinion. In the absence of his chief, Deputy Attorney General Ed P. Smith examined the conflicting sections of the statutes and this afternoon addressed to Auditor Cornell the following:

"Section 5,000 of the Compiled Statutes provides that all persons who are by law required to make settlement or pay money into the state treasury at 'certain specified times,' shall 'on or before such date' exhibit their accounts and vouchers to you, and thereupon it becomes your duty to examine, adjust and settle such accounts and report to the state treasurer the amount found due the state. This same section provides a very severe penalty for the failure of the treasurer to pay this money into the state treasury and produce the receipt to you as auditor within ten days after the settlement herein referred to.

ONE POINT OMITTED.

"In no place, however, in this chapter is it stated on what particular dates the money shall be paid into the treasury. It merely provides that before the time when the money is by law required to be paid into the treasury the account shall be exhibited to you.

"We must, therefore, look elsewhere to find the date when these things are to be done. Section 165, chapter lxxvii, entitled, 'Revenue,' specifically provides that the several county treasurers shall pay into the state treasury all funds in their hands belonging to the state on or before the 10th of February and the 10th of October. Reading section 5000, above referred to, in connection with section 165 last above referred to, it would appear that the county treasurer is not required to exhibit his accounts to you until about the 10th of February and the penalty provided for in section 5000, if it could be enforced at all, could not be insisted upon if the account was exhibited to you by the 10th of February.

"Section 162, chapter lxxvii, seems to contemplate that the treasurer should make his settlement with you on or before the 10th of February of each year. Section 162 to 168 were enacted subsequent to section 5000 above referred to. They seem to cover the entire matter of settlement between the county treasurer and the state, and section 167 provides for a penalty in case the county treasurer fails to pay into the state treasury the amounts due the state at the proper time. As above indicated, he is not required to pay the money into the treasury until the 10th day of February.

"If the several county treasurers satisfy the process of the law as set forth in sections 162 to 168, I believe they have done all that can be required of them. The courts do not favor a forfeiture and the penalty provided in section 5000 is so severe that it should not be imposed unless it is clear that such was the intent of the legislature. By the enactment of sections 162 to 168, I think the legislature indicated that it did not intend to insist upon so severe a penalty as that provided for in section 5000. I therefore conclude that in making settlements with county treasurers you should be governed by sections 162 to 168 and not by section 5000."

BEET SUGAR COMPANY.

Articles of incorporation were filed today with the secretary of state of the Neligh Beet Sugar and Manufacturing company. The place of business will be Neligh, Antelope county. The authorized capital stock is $1,000,000. The incorporators are: W. A. Paxton, G. W. Wattles, E. E. Bruce, John J. Roche, H. E. Kryger, M. C. Remington, J. J. Melick, C. R. Adler, William Wolfe, M. B. Huffman and E. W. DeWitt.

State Auditor Cornell today made the following appointments: J. J. Everingham, Omaha, examiner of county treasuries; Miss Mame Muldoon of Lincoln, stenographer.

The Board of Public Lands and Buildings held two short sessions today in the office of Land Commissioner Wolfe. The visiting and examining committee of the Soldiers' and Sailors' homes were present at the meeting this afternoon. An informal discussion was held concerning the present condition of the two institutions at Grand Island and Milford. Commandant Wilson of the Grand Island home was present. There is quite a firm conviction in the minds of several of the board, as well as some of the visiting and examining committee, that the Milford home should be abolished.

The Board of Purchase and Supplies met today in the land commissioner's office and opened bids for coal under the resolution recently passed by the board annulling the coal contracts of January last. No action was taken on the bids and the board adjourned until tomorrow.

COURT REPORTERS WIN THE CASE.

Will Receive the Higher Salary for Their Services.

LINCOLN, Feb. 3.—(Special.)—The supreme court today handed down an opinion in the case of the state of Nebraska ex rel E. J. Carey against John F. Cornell, auditor of public accounts. Auditor Cornell has been substituted in place of ex-Auditor Moore since the case was filed. This is the case in which the court reporters of the district courts of the state combine to bring a test case as to whether the state auditor can reduce their salaries from $1,500 to $1,000 per annum. The court says that the reporters are entitled to the former amount.

This decision also touches upon the case of the state against Morgan, whose case is pending before the supreme court. The court says: "It has already been noted that the effect of the enactment of the general statute in question, in 1879, was to repeal the special provisions of the act of 1877, entitled 'An act to provide stenographic reporters for the district courts and to repeal an act entitled "An act to provide for shorthand reporters in the district courts, approved February 9, 1875."' In the case of Morgan against the state, 67 Northwestern Reporter, 780, the opinion was prepared upon the line of argument pursued by the attorney general, in the absence of the argument in reply thereto. Now for the first time there are presented the considerations which we have just discussed leading us to the conclusions already indicated."

The effect of this decision of the supreme court in overruling the Morgan case will enable the prisoner to secure his transcript free of cost. Following is the syllabus:

State ex rel Cary against Cornell. Mandamus. Writ allowed. Opinion by Commissioner Ryan.

An act complete in itself is not inimical to the constitutional requirement that no law shall be amended unless the new act contains the section or sections so amended, although such complete act may be repugnant to, or in conflict with a prior law not referred to nor in express terms repealed by the later act.

2. The act entitled "an act to amend chapter xiii, Revised Statutes of 1866, entitled, 'courts,' approved February 27, 1879, was an act complete in itself, and the provisions therein made for stenographic reporters and their compensation, were germane to its purpose.

3. The conclusion reached by Morgan against State, 67 N. W. Rep., 780, disapproved, and said case overruled.

Other syllabi handed down are:

Branch against the United States National bank. Appeal from Lancaster county. Affirmed. Opinion by Chief Justice Post.

The legal title of commercial paper indorsed "for collection" passes to the indorsee only so far as to enable him to demand and enforce payment thereof.

2. The owner of paper so indorsed may control the same until paid in full and may intercept the proceeds thereof in the hands of an intermediate agent.

3. The mere crediting of the account of the remitting bank by a correspondent employed by it to make collections does not create in favor of the latter such an equity as can be interposed in defense of an action by the owner of the paper so collected for the proceeds thereof.

4. Evidence examined and held insufficient to prove that the position of appellant a sub-agent for the collection of commercial paper has been altered to the damage through the placing of the proceeds of such paper to the credit of the bank from which it was received.

Mullen against Kinsley. Error from Douglas county. Affirmed. Opinion by Chief Justice Post.

A purchaser of real estate has the right to rely upon the representations of his vendor touching the quality and location of the property and the character of the improvements thereon whenever the facts concerning which such representations are made, are not within the knowledge of the purchaser.

2. Evidence examined and held to sustain the judgment for damage on account of fraudulent representations by the vendor touching the character and value of improvements upon the lands conveyed.

Wallachs against Robinson. Error from Douglas county. Affirmed. Opinion by Chief Justice Post.

An insolvent corporation may in the absence of actual fraud prefer one or more of its creditors to the exclusion of others.

Whether or not a conveyance by an insolvent corporation is fraudulent as to creditors cannot be determined as a question of law, but is a question of fact, to be determined from a consideration of the evidence in each particular case. Shaw against Robinson & Stokes Co., January term, 1897.

In re McVey. Habeas corpus. Prisoner discharged. Opinion by Judge Harrison.

That the act be committed in the night time is an essential element of the crime of burglary.

2. Under an information against a person for the crime of burglary, he cannot be convicted of the statutory offense of breaking and entering buildings in the day time, described in section 53 of the Criminal Code.

3. Jurisdiction to pronounce a particular sentence imposed is as essential as jurisdiction of the person and subject matter. If the first does not exist the sentence is void.

Deputy Attorney General Smith today filed a motion asking the supreme court to fix a date on which parties to the case of J. B. Meserve, state treasurer, and ex-state treasurer shall file and serve their briefs respectively in said cause.

Child Falls Down Stairs.

NEBRASKA CITY, Feb. 3.—(Special.)—Myra, the 9-year-old daughter of Prof. W. H. Skinner, superintendent of the city schools, fell down a flight of stairs today and was very seriously injured. One of her arms was broken in four places in addition to several severe bruises.

Osceola's Home Forum Society.

OSCEOLA, Neb., Feb. 3.—(Special.)—Osceola has a lively Home Forum society. At the last meeting three new members were initiated. The following officers were installed for the ensuing year, President, S.

(Continued on Sixth Page.)

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