* RIOTOUS SESSION.

Ecandalous Struggle for Supremacy in the Joint Convention.

THE SUPREME COURT INTERFERES.

Speaker Elder Ordered to Open and Publish the Election Returns.

DISGRACEFUL SCENES AT THE CAPITOL.

A Hand-to-Hand Conflict Between the Sheriff's Force and Sergeant-at-Arms.

MILITIA BOYS PATROL THE BUILDING.

The Canvass Finally Completed-Revolutionary Resolutions Adopted -Boyd Takes the Oath of Office.

Lincoln, Neb., Jan. 8 .- [Special Telegram to THE BEE.]-Since the days when Nebraska was a border ruffian territory no legislature has caused so much excitement and turbulence as has been witnessed within the past forty hours at the capitol. The only incident the oldest settler can recall that would hold a candle to it occurred at the old territorial capital nearly thirty-five years ago, when Bill Chapin, as speaker, held the members of the house at bay with cocked pistol while rendering an opinion on a point of order. I have been present at ten regular sessions of the Nebraska legislature, and soveral irregular ones, including the stormy session when Hascall was governor of the state for one week, and the legislature had to swear in 50 sergeants-at-arms to keep its members from running at large or being spirited away; but I must say the scenes that I witnessed today cap the climax.

For the first time in the history of Nebraska troops were called out to protect the officers of a legislature against its own turbulen members. For the first time in our own history has a legislature barred the gallery of the house and held its doors closed during a t convention to canvass the returns,

I hope for the last time has a conflict at arms taken place at the entrance of the house between a sheriff's posse and the sergeants-at-arms.

The incident was not only dramatic but decidedly sensational. All departments of the state government took an active hand. The executive department, through Governor Thayer, with beardless militia boys, waiting for the signal to advance from their exposed position on the capitol grounds and disperse the howling mob of free American people, who had come to witness the inauguration of the governor, but found themselves barred out of sight and hearing in the dark corridors leading to the caged legislative menagerie. Then came the overwh lmed and helpless city police, who had vainly tried to coax the crowd out of the packed hallways into the breezy air of the capitol grounds. Finally the charge of Sheriff McClay, with a well assorted and ponderous body of deputies, storming the citndel which had bid defiance to the sucourt, and landing almost breathlessly on their heads in front of the speaker's desk. I never will be able to reach a conclusion as to which was most scared, the deputy sheriffs or the deputy sergeants-at-arms.

After the melee most of them looked a much surprised as if a powder magazine had exploded and blown them over the ramparts into the enemy's camp. When Speaker Elder had glanced over the manda mus of the supreme court, which the sheriff had handed him in such an abrupt manner, he looked sadly perplexed, but the attorney who appeared upon the scene, relieved him from the dilemma by timely and commendable advice, which, if followed to the letter, would have redeemed the body from any odium that might attach to it by its departure from constitutional methods. But the prohibition lawyers, who had been constantly concocting revolutionary schemes, put in their oar again and their

pernicious influence made itself manifest

in the final proceedings.

It is impossible at this time to fix the full responsibility for the determined resistance made by the independents to follow established precedents and the plain letter of the constitution and laws regulating the canvass. As a body the independents impressed me very favorably. They are as sturdy and as intelligent a set of farmers as ever I have seen, and those I have met are very rational and exhibit no disposition to encourage anarchy. The trouble with them is simply that they have been told by parties in whom they have confidence that like the king, a legislature can do no wrong. They have set their hearts on scating Powers and several of their candidates, and they do not appear to comprehend that there is anything in their way to summarily count then in by throwing out votes enough to give them a majority. Who, then, is the moving spirit that advises sedition and revolutionary methods? Jay Burrows has given me personal assurance that he has abdicated the dictatorship and left the legislature to run itself by its own steering committee.

Several of the independent members who are acting file leaders on the floor express an anxiety to dispel the impression that they propose to carry things with a high hand and over-ride all opposition by mere force of a majority.

I cannot form any other conclusion than that these men have been badly advised by outaders, who have schemes of their own to

In view of what has happened to day these professions must be taken Yor what they are worth. Just now the independents are on probation I feel we can af-

E. ROSEWATER. bring forth.

CROWDS ON HAND EARLY.

The Day Opens at the Capitol with a Throng Present.

Before 9 o'clock this morning the corridors of the state house were thronged with a surging crowd anxious to get into the house of representatives to witness the great struggle between the independents on one hand and the republicans and democrats on the other. By 10 o'clock the state house was jammed to suffocation and yet the doors into the great chamber remained locked. Meanwhile the crowd got wind of the latest developments in the contest and intense excitement prevailed. Those who had the password were admitted through the chief clerk's room. At 9 o'clock the clock room was thrown open to the members. However, every person not entitled to admission by the rules of the house was vigorously excluded and many an old-time lobbyist was conspicyous for his absence.

Many supposed that the programme was to exclude Lieutenant Governor Meiklejohn from the hall and Mexicanize the legislature, but at 6 o'clock the lieutenant governor was

on hand and ready for the fray. The members all flied in and took their seats quietly and were soon busy reading the reports of yesterday's scrimmage in The BEE. The corridors leading to the hall of the house soon became densely packed, but the speaker had given orders that the galleries should remain closed and the angry crowd had to content itself with waiting on the outside and catching such meagre in formation as was doled out by the employes. To relieve themselves from time to time they sent up a wild cheer.

FOR MEIKLEJOHN'S ARREST. Speaker Eider Issues the Order and

Has it Served. Last night a mandamus was served on the speaker on petition of State Auditor Benton to compel him to canvass the returns, and the result was that the independents resolved to retaliate. They held a secret caucus that, lasted the greater portion of the night and which resulted in the issuance of a warrant signed by the speaker for the accest of Lieutenant Governor Meiklejohu on the charge of usurping the functions of the speaker of the house

The following is the copy of Speaker Elder's order to arrest Lieutenant Governor

Meiglejohn: THE STATE OF NERRASKA,

THE STATE OF NERRASKA,
Lancaster County,
Lancaster County,
Lancaster County,
The state of Nebraska to the serzeant-atarms of the house of representatives of said
state-Greeting:
Whereas, One George D. Meiklejohn, a citizen of the state of Nebraska, has by misconduct and language obstructed the proceedings
of the joint convention of the senate and
house of representatives of said state, of
which I am the soic constitutional and legal
presiding officer while in session, under
section 4, article 5, of the constitution, and he has threatened to continue such obstructions, and will do
so unless prevented, you are therefore hereby
commanded and requested, in the mane of the
state of Nebraska, to prevent the said George
D. Meiklejohn from entering or being in State of Neuraska, to prevent the said George
b. Meiklejohn from entering or being in
the house when said joint convention is being
held, during any of the sessions thereof. For
the purpose of executing this order you will
call to your assistance the power of the state.
Witness my hand this seventh day of January, 1801.
Speaker of the House of Representatives of
the State of Nebraska.

Attest:
Enic Johnson.
Clerk of the House of Representatives. Meiklejohn either got wind of this or anticipated it, because at 6 o'clock this moraing

heamanaged to get into representative hall and established himself in the enair to wait until the great boly reconvened. The independents were dismayed at this state of affairs for a few moments and were somewhat unsettled as to what course to pursue. Finally the sergeant-at-arms approached the dais and served the official paper on the lieutenant governor.

THEY MADE A BLUNDER.

A Misunderstanding Prevents an In dependent Coup d'Etat.

The failure of the independents to execute a coup d'etat and take control of the joint convention was entirely owing to a misapprehension on the part of the doorkeeper. The independents got control of the conven tion early in the morning and orders were issued to deny access to the hall to Lieutenant Governor Meiklejohn, but the presiding officer of the senate swore in four deputies and marched them through the guards unop posed. When he arrived at the desk two stalwart assistant sergeant-at-arms disputed his passage. The deputies asked if he desired to go up to the speaker's stand, but the lieutenant governor replied :

"No; I dislike to assume the offensive in this contest. I will take my position here in the clerk's stand. It will do just as well.' And there he remained. Had it not been for his five stalwart deputies, President Meiklejohn would never have got inside the hall. He outgeneraled the independents by the display of superior force. He arrived at 6 in th norning. An hour later and he would have been shut out. At that hour the idependents at the capitol were too few in number to resist this display of power.

Officious doorkeepers refused to let the messengers with private messages from the press correspondents through the lines until he speaker had inspected the dispatenes. The speaker O. K.'d the dispatches outside

MILITIA ORDERED OUT.

Co ridors Cleared by a Company of

National Guards. The crowd constantly increased on the outside and the greatest excitement prevailed. horns in the great contest. The independents refused to recognize Meiklejohn as presiding officer and the democrats and republicans ignored the powers of Elder. Finally the three parties, after a warm conference, decided to appoint a committee of four from each party, the same to submit to the supreme court as to who should preside at the joint session, Meikle

john or Elder. All agreed to this. The announcement of this proposition to the crowd in the corridors elicited cheers that fairly made the dome tremble. The ter rible din was continued without any intermission or any show of the same,

A request was sent to Governor Thayer by Speaker Elder asking him to clear the hall. The governor made a conciliatory speech asking the crowd to keep quiet, but this only elicited the jeers of the crowd. The governor

then ordered them to disperse. The uproar in the corridors again broke out and after continuing for several minutes a full company of militia and a corden of police appeared on the scene and drove the crowd back from the doors of representative

This excited the jeers of the crowd and they began singing "Johnny get your gun." The militia paid no attention, but at the order of Captain Rhodes cleared the corridors

BEFORE THE SUPREME COURT. Writ of Mandamus Issued

Against Speaker Elder. The democrat members of the conference committee were Gardner and Switzler of

ford to wait and see what fruit the tree will | Douglas, White of Cass and Senator Keiper of | Shrader kept his seat by the side Pierce, in the application before the supreme court for a mandamus to compel the speaker of the house to open and publish the election

> The republican members of the conference ommittee were Senators Moore and Wilson, Representatives Cramb and Oakley; independents, Senators Stevens and Poynter, Representatives McReynolds and Shrader. The independent members of the conference committee requested the democrats and republicans to withdraw, and they did so The independents on the committee then conferred among themselves.

Chaplain Diffebracher of the house as sumed the role of peacemaker and was closoted with the independents of the conference committee.

General Cowin presented the argument for the mandamus, quoting section 4 of article 5 of the constitution, which says "The speaker of the house shall immediately after the organization of the house, and before proceeding to other business, open and publish the same in the presence of each house of the legislature."

H. H. Wilson, counsel for contestants, made a plea against the issue of the manda-

mus. The court took a short recess. The supreme court room, in the north wing, was crowded to overflowing when at 11:40 a. m. the judges came in to give their oplaion in the case regarding the application for mandamus to compel Speaker Elder to open and publish the election returns. The court room being small and an eager crowd pressing for admission, the corridors and entrance were filled with a confused mass of humanity. The decision was awaited with breathless silence by those fortunate to be in hearing distance.

The opinion was rendered by Chief Justice Cobb. The judges were unanimous in the opinion that a writ of mandamus be issued commanding the speaker of the house to open, canvass and eclare the result of the returns for the different state offices. The reasons given for the opinion were similar to those given by Meiklejohn in sustaining his position yesterday. They further state that this must be done before anything else, as all legislation passed before that would be null and void and the judges of the supreme court would treat it as such.

The mandamus issued by the supreme court is as follows:

To Hon. S. M. Eider, speaker of the house of representatives of the state of Nebraska: Whereas, It has been duly shown on the petition of Thomas H. Benton that you, the said S. M. Eider, speaker of the house of representatives, refuse to open and publish the returns of elections in the hands of you, the said speaker being the returns of the election had November 4, 1890, in the state of Nebraska, for the officers of the executive department of the state of Nebraska, and other officers, which were selected by and transmitted to the sceretary of state of said state as by law provided and by said secretary of state devicered to you, said respondent; and that you, the said S. M. Eider, speaker aforesaid, so refuse to open and publish the said returns in the presence of a majority of each house of the legislature, after which organization thereof, assembled in the hall of the house of representatives in the cap to for the purpose of witnessing the opening and publishing of said returns as required of them by the con-To Hon. S. M. Elder, speaker of the house of of witnessing the opening and publishing of said returns as required of them by the con-stitution of the state and to discharge their duty in that behalf; and that you so refused duty in that behalf; and that you so refused in said assembly or otherwise to open and publish said returns on January 7, A. D., 1891, and that you still refuse so to do;

Now, therefore, we, being willing that full and speedy justice be done in the premises, do command you that you as speaker aforesaid, immediately and before said legislature shall proceed to transact any other business, and forthwith proceed to open and publish the said returns from each and every county of said state, and all thereof, and deel are the persons shown by said returns to have the highest number of votes for each of said executive state officers duly elected thereto, in the presence of a majority of each house of the legislature assembled in the hall of the house of ature assembled in the hall of the ho active assenced in the half of the house of representatives for the purpose as aforesaid; and that you make due return of the writ of naving done as you are commanded; and this you will in no wise omit.

Witness the Honorable Amasa Cobb, chief the supreme court of Nebruska, the January, A. D. 1891.

oth day of January, A. D. 1891. D. A. CAMPBELL, Chief Clerk. A HAND-TO-HAND ENCOUNTER.

Ferrific Struggle Over the Serving of

the Mandamus. To Sheriff McClay, Deputy Sheriff Hoxie and United States Marshal Hastings was deputed the work of serving the mandamus on the speaker. They reached the door of representative hall and demanded admission. The sergeant-at-arms refused to admit them, and slamming the door in their face locked it. The sheriff and his deputies hunted up J. H. Naden, the janitor, and ordered him to unlock the door. The officers, accompanied by Naden, went to the door, the lock was turned, and McClay squeezed in.

Some one shouted, "There comes the sheriff !" and then pandemonium was let loose. Every legislator jumped to his feet and rushed toward the center aisle. The independents attempted to force the sheriff and his posse back, but the republicans and democrats came to the reseue and a terrific struggle ensued. McClay mantully fought for a passageway and went forward inch by inch.

In the struggle both glass doors were smashed to smithereens, McClay was badly choked and Norden's hand was cut. The militia rushed to the rescue, but could

do but little in the surging crowd. Finally the republican and democratic members conquered by sheer force of strength and almost carried the sheriff up to the

The mandamus was then served amid the wildest excitement.

INDEPENDENT'S LEFT ALONE. Republican and Democratic Member

Leave the Hall. Meiklejohn and the speaker now agreed to take a recess until 10 a. m. tomorrow, but Church Howe objected and the roll was called in regular order.

Senator Stevens arose and said: 'Mr. President, this joint convention has assembled for a particular purpose, with no rules for its government and I respectfully inquire if it would be in order to propose rules to govern this joint conven-

President Meiklejohn said: "We are about to agree to take a recess till 3 o'clock and I dislike to go into a discussion ou parliamentary points." At this juncture Church Howe moved to

take a recess until 3 o'clock, which was voted down by the independents. The excitement then broke out again. Pres-

ldent Meiklejohn and Speaker Elder both put motions at the same time, each insisting upon his right to do so. Mcikiejohn put i motion to take a recess till 3 o'clock and declared it carried, but Elder declared it lost. The republicans arose from their seats, but the independents remained.

Senator Stevens' motion to proceed to the doption of joint rules for the government of the joint convention was then taken up, Speaker Elder was disposed to obey the man damus of the supreme court, but Shrader rushed up and said: "For God's sake, stand by us. We have got things all our own way now. The others are gone they can't hurt you. the nouse to order and put our motions," The speaker then braced up and directed

the clerk to call the roll of the senate.

of the speaker to ceach him. The eighteen independent senators all answered to their names on roll call, making a quorum of that body.

The roll call showed fifty-five members of the house present and Specker Elder announced that a quorum of both houses was present and the convention duly organized. The speaker also announced that Attorney General Leese was now present and he desired to consult with him.

LEESE MAKES A STATEMENT.

The Attorney General Gives the Independents Some Advice. Senator Stevens then arose and moved that the attorney general be invited to give his opinion as to the legality of the proceedings.

The motion prevailed.

Attorney General Leese spoke as follows: 'Mr. Speaker, Gentlemen of the Convention-I have not been present to know what proceedings you have had this morning, but have seen the writ of mandamus from the supreme court, a co-ordinate branch of the state government, and, however, much I might have differed with the supreme court in assuming jurisdiction at this time over the speaker of a co-ordinate branch, acting under the manner of this joint convention, I believe it is better for us to act according to law. I believe that from the proceeding at this time it would be better for this legislature to submit to the order of he supreme court until we can get a better remedy. The court has stated the law from the constitution that the first duty is to open, publish and canvass the returns; that the speaker is your presiding officer-that is what the writ commands him to do. Now there seems to be a conflict. I know of no higher authority under the constitution than our supreme court. I do not know how the case stands at the present time, but however it may be, the court has decided the question and submitted their opinion, and it has gone down into the writ in the hands of the speaker. In the contest in this matter I understand the papers have never been put into the hands of the speaker. The court intimated, as I understand it, that every right would be preserved by the contestants and they

only ask that the procedure take place in accordance with the language of the constitution. The first duty is to open and publish the returns and this declaration is to be made by the speaker. If I could put the constitution upon this, I would submit to the supremacourt, but do it under protest. I would maintain my rights and yield under protest, so that you have the right to come before the supreme court again and have your rights protected. Anything that I can say to throw oil upon the troubled waters I will willingly do."

Senator Stevens interrunted: "Has the supreme court decided that the speaker is the presiding officer at this time!" Leese replied: "I understand that it is the

judgment of the court that no other officer is recognized and that the speaker of the house is your presiding officer." [Great cheers from the independents.] Representative Shrader arose and said: "Mr. Speaker."

The speaker replied: "New take it cool. We are going to stay here quite a while and don't be in a hurry." Shrader-I now move the Stoption of the

joint rules proposed by the senator from Lincoln county. This resolution, providing for joint rules

governing the joint convention was adopted Mr. Shrader-I now move you to take a recess until 2:30.

This carried and the hungry independents rushed out to get a lunch. The joint rules governing the convention adopted by the independents provide that the speaker of the house and not the president of the senate shall preside over the convention. This is the only change made in existing

ANOTHER HOTSKYRMISH.

Warm Times When the Joint Conven tion Reconvened.

At 2:50 p.m. President Melklejohn came in to the hall and took a position unopposed at the clerk's desk. Attorney General Leese sent in a note to the effect that he was mistaken in saying that supreme court recognized the speaker of the house as the presiding officer of the joint convention.

At 2:55 the speaker again called the house to order and ordered a roll call of the joint convention. The democrats and republicans recognized the authority of the speaker answered to their hames, with the understanding that it was under an arrangement made with President Merklelohn.

As the time arrived for the joint conven tion to convene, the corridors were crowded and almost impassible. The state guards were kept busy keeping the crowds back and the halls clear. The door guards kept strict watch that only the select few entered. A solid mass of men extended from the door of the house to the extreme end of the building. There was general mismanagement at the doors regarding the admission of those desiring to get in. The sergeants-at-arms were all excitement. No less than eight or ten at tempts were made to run the inside doors leading to the house.

At 3:20 p.m. the lieutenant governor and peaker both acted as presiding officers, but things were still running quietly. They sent for the returns from the secretary of state. The independents finally yielded and agreed to count the vote as required by the mandate

of the supreme court. About 3:45 o'clock Elder announced his in tention of reading the returns. It was also decided to open the galleries and lobby for the first time to the awaiting multitudes.

The minute the doors flew open the crowd rushed in, madly jostling and pushing each other, and in less than three minutes every bit of sitting and standing room was taken. The secretary of state had meanwhile

brought the returns to the speaker again. At 4:30 the radical independents made as effort to take a recess to 6 p. m., but the lieutenant governor promptly declared the motion out of order, and on appeal refused to entertain the motion.

appeal being put." The speaker arose, put the appeal and declared it carried, and it looked as if the battle was about to be revived. Switzler of Douglas sprang to his feet in-

Some one called out: "I insist upon the

sisting that the mandate must now be oboyed and the count proceeded with. Church Howe got the floor and asked if the legislature proposed to defy the mandate of

the supreme court, the highest tribugal in the

state John C. Watson said that the court had stated in issuing the writ that no officer would dare to defy the writ, and warned the members that they were on the verge of anarchy.

Senator (funtz (ind.) of Hayes coun'y ar se and stated that for one he bowed to the | man is on guard at the door. decision of the highest court in the

count without delay. Representative Newberry of Hamilton and Stevens of Furnas spoke in the same strain. Law and order triumphed and the appeal

was not pressed. CANVASSING THE VOTE.

The Returns Finally Opened and Published by the Speaker.

The speaker after some delay arose from his seat and took the returns in his hands. A shout then went up that almost rent the roof, and immediately afterwards the crowd lapsed into breathless silence. Elder slowly unfastened the package, showing that it was law and not love that prompted the action, and in a somewhat sullen manner began to read the returns.

He commenced with Adams county, that being the first alphabetically. It took nearly an hour to count this one county. It then dawned upon the legislators that it would take several days to count the votes at this rate, and on the completion of the count for that county, Shrader of Logan moved that the joint session canvass the vote from the tabulated statement made by the secretary of state.

This motion prevailed, the count proceeded and for a time the great strain of excitement relaxed.

DECLARE NOBODY ELECTED. The Independents Refuse to Have the

Result Announced. As soon as the result was announced Shrader (ind.) of Logan arose and moved a resolution to the effect that, notwithstanding the oper ing and publishing of the returns, no person had been duly elected to the office of governor or other state office, and that the joint convention would refuse to recognize any person as governor, etc., until the contest had been decided according to law.

Watson moved to adjourn sine die, and the president ruled that the motion to adjourn

The speaker cried out, "Stay with her, boys," and during the roll call on the motion to adjourn gave notice of the contest now pending.

The motion to adjourn was lost by a solid vote of the independents. Shrader then offered the following:

Whereas, The supreme court has seen fit to issue a mandamus, etc., therefore be it Resolved. That the house and senate protest against such action and hereby declare that no person has been elected to said office and refuse to recognize them as such.

Gardner made the point of order that the resolution was not in order but the resolution. resolution was not in order, but the point was not sustained by the chair.

Schrader's resolution was then seconded. The motion to adjourn was renewed, and another roll call taken with the same result. The republicans and democrats wasted cou siderable time in explaining their votes.

McKesson read the resolution in full and said he voted ave because he did not think it was a proper matter to come before this convention, and that the joint convention was itself usurping the functions of the supreme

The motion was lost-59 yeas and 70 nays, White moved to lay the resolution on the

Shrader said he would strike out that part reflecting on the supreme court, to which the republicans objected. President Meiklejohn put the White

notion to lay the resolution on the table, and t was lost by a vote of 59 to 70. Shrader amended his resolution by striking out the part censuring the supreme court and demanded the pre/ious question, which, in spite of the filibustering tactics of the demo-

crats, was seconded and the main question was ordered. The Shrader resolution was then adopted by the following vote: Yeas 70, nays 59.

Gaie and Lomax, independents, declined to vote. Senator Switzler of Douglas, in explaining his vote, said: "This resolution is introduced at the instance of attorneys to give one side a partisan advantage in the contest for governor." He argued the case at length and eloquently defended the supreme court, ap-

parently talking against time. Point after point of order was raised by the ndependents. Scott (ind) of Dawson asked the chair to

make the senator sit down. Stevens (ind) of Fillmore asked Scnator Switzler if he proposed to make an argument on the contest, and was loudly cheered by the

ndependents. Senator Stevens of Lincoln county ex plained his vote by saying that he believed the members of the joint convention were conscientious and desired to abide by the law, but that this resolution represented the honest sentiment of a majority of the members and should be adopted. He made an eloquent and convincing speech in favor of the position assumed by the independents, and was loudly cheered by that side of the

Cramb (rep.) of Jefferson said he thought the resolution should be passed by each body separately and a concurrent resolution, and

herefore voted no. Gale (ind.) said he did not think the reso lution should properly come before the convention, and on request was excused from

voting. Gardner of Douglas said that the proper officers had declared certain parties duly elected, and it was the duty of the members to recognize them as being elected, and he

Shrader (ind.) of Logan said his vote needed neither explanation nor apology, and voted aye.

The announcement of the passage of the resolution was greeted by wild cheers from the independents. Lieutenant Governor Meiklejohn thanked

the members for the courtesy shown him, and the joint convention adjourned sinc die. Both houses will meet again at 10 a.m. tonorrow to open up the contest cases. Meanwhile Governor Thayer refuses to recognize Boyd, and the end is not yet.

to THE BEE. |- Following the address of Attorney General Leese to the joint session that

Leese Corrected Himself.

Lincoln, Neb., Jan. 8.—[Special Telegram

gentleman was called into the presence of the supreme court, and upon being interrogated by Justice Maxwell as to the references made him to the joint session as to the mandate of the court, admitted the statements as reported by THE BEE. Justice Maxwell in emphatic tones declared the intention of the court to deny the right of interference in the rendering and publishing of their de-cisions, and intimated the advisability of the retraction and correction of the misleading statements made. It was in pursuance of this advice that Attorney General Leese ad-dressed to the joint session a letter correcting his statement that the supreme court had held that the speaker was the presiding officer of the joint session.

They Took the Oath. Boyd took the oath as governor in a

notary's office up town this morning. All the republican executives-elect have also taken the oath The gubernatorial rooms are still occupied Governor Thaver, but the doors

are locked and no one is admitted. A police-

state and would favor proceeding with the the militia who have t z satrolling the halls all day to disperse. soldiers gladly obeyed the order and dissipation whether it was in confin the superior au-

thority or not. Governor Thaver deel that his purpose in calling the militia 3 uerely to preserve order and save the le,

nre from the annoyance caused by to bise in the Thayer Hopes to Hold Over. It is now definitely known that Governor

Thayer will serve a quo warranto writ Boyd in case the legislature declares him elected. The grounds of the contest will be Boyd's alleged ineligibility as an allen Thayer's lawyers, J. L. Webster and Richard Norval, insist he will be able to hold over for

SHINING BUTTONS.

They Are Seen at All Doors to Thayer's Private Office.

the pext two years.

The guard of six police has been kept in front of Governor Thayer's office all the afternoon and evening, beside an inside guard of a squad of state militia. A reserve of state militia can be seen in various parts of the building at this writing. The police officers who have been conspicuous in front of the governor's office have just been called inside, where they will probably remain for the night. All entrances to the governor's office are carefully and securely locked and bolted, except the main entrance, which is guarded by sentinels both inside and out. The curtains are all drawn and there is an air of secreey surrounding the whole affair that sets the average man to guessing.

Your correspondent learned on good authority that while in the governor's office, this evening, Mr. Boydhad been placed under arrest for perjury in that in qualifying for office he had declared himself to be a citizen of the United States:

Thaver is said to be armed with one war rantos and is waiting to serve them on Boyd. The democratic governor has not made haste o get into the governor's office and Thayer therefore sent for him 'to come, either at 8 o'clock this evening or 8 o'clok in the morning, Thayer giving out the alluring bait of promising to turn over the office to Boyd at noon today.

Governor Thayer asked for a squad of ununiformed police but was denied the request. hence the brilliant array of buttons now to be seen in front of and around his office. The request was made to Mayor Graham in person, but refused promptly and without deliberation. A fact that makes the position more striking and puzzling is that on duty with the squad of police is to be seen Chief of Police Melick and Captain of Police Miller. An air of secrecy and mystery pervades the cutire surroundings. Reporters and

the limits of the present secret sanctum. The office has been surrounded all the evening by reporters and an anxious rew, but at best they and the general public are left in total darkness as to the probable outcome, or as to what turn affairs will take next. At the hour of leaving the state house all entrances except the one on the south, near the governor's office, had been securely locked.

those on the outside are not permitted within

A rumor is affoat that the keys of the office of superintenden of public instruction were turned over this evening to Superintendent. elect Goudy. Also the office of secretary of state to Secretary-elect Alien. This report receives credit and is believed to be true.

SHERIFF McCLAY'S FIGHT. One of the Most Exciting Scenes Ever

Witnessed in the State. The terrible fight of Sheriff McClay in his attempts to get to Speaker Elder to serve the writ of mandamns compelling him to canvass the returns will pass into the history of Nebraska as one of the most exciting and dramatic scenes ever wit nessed in the state. It was the crowning event in the greatest political criis ever witnessed in Nebraska, and McCiay played well the heroic part thrust upon him. The assembled legislators knew the writ was to be served, but, when the stentorian voice of Meiklejohn announced the entrance of the sheriff, for a moment the dignity of the law appalled the lawmakers and there was a moment's death-like silence. Suddenly there came the crash of breaking glass, and every person in that great assemblage jumped in-

Then the tumult arose. The officious sergeant-at-arms, flanked by the inpendents, made a rush at sheriff to throw or force him out of the hall. McClay then recognized the emergency and was equal to it. A dozen fists were aimed at him, while twice that number attempted to throttle him, and partially succeeded in so doing, but the old man was not at all appalled. The veins on his temples suddenly sprung out in bold relief, his brows contracted, and a look of determination flashed from his eyes. He raised aloft his gold headed cane and brought it down furiously upon the heads and knuckles of those opposing him. He seemed to gain strength after each blow, and a howl followed each descent of the impro-

voluntarily to his feet.

vised weapon. The uproar that followed was deafening. The legislators rushed from their seats to the scene of conflict to aid or oppose the heroic old man who was mowing his way to the speaker's desk. Several times the savage blows of the independents aimed at McClay took effect, and he fell, but the effect was only momentary, as he was on his feet again in a moment and fighting as bravely as ever. The chorus of republican and democratic voices of "Stand back; let the sheriff do his duty," availed nothing. Then the republican and democratic members of the legislature took a hand and pulled and jerked back and struggled with the independents, and for a few minutes a hand to hand struggle prevailed throughout the entire chamber. The tumult was deaf-

McClay finally managed to force his way half way up the aisle, when he was suddenly seized and hoisted on the shoulders of half ; dozen stalwart republicans and democrats and carried to the speaker's desk. He served the mandamus. A shout then arose that was caught up and multiplied ten-fold in the corridors. The sheriff looked at his cane. It was bent double. The crowd again sent up a shout that shook the rafters. McClay then started down the aisie, and Napoleon himself could not after his greatest victories been accorded more enthusiastic cheers from the men who admired his courage or more malicious looks from those he had conquered. His way out was unimpeded, and he strode down the aisle with the air of a conqueror.

Later the sergeant-at-arms of the house was asked what caused the discoloration under his left eye and the abration of the flesh on his cheek. He said that he had been in a scrape a day or two

Lieutenant Governor Meiklejohn ordered A number of the assistant sergeants-at-

arms are carrying lumps on their heads not phrenological. Sheriff McClay, on returning from the scene, found himself more badly bruised and scratched than he at first believed himself to be, but none of his injuries are in any manner serious.

MAJORS GOES IN.

Any Effort to Debar Him Will Prove

a Dismal Failure. Lieutenant Governor Majors will be Installed into office as soon as the senate is called to order and any attempt to debar Majors from the senate chamber will prove a dismal failure. If necessary the governor will be called upon to open the doors, The independent senators who are expected to oppose any such high handed proceedings are Beck, Collins and Kuntz, Should Majors be barred out, Meiklejohn declares he will continue to act until the lawful presiding officer is duly recognized by the senate.

Some of the more moderate of the independents are now in favor of letting the law take its course. They claim they only adopted the resolution in joint convention not to recognize any of the officers declared elected as a matter of form, and to preserve the rights of the contestants. A few of the radicals are in favor of preventing Lieutenant Governor Majors from assuming his duties as prendert of the senate. Two independent senators, Beck and Smith, have signified their intention of letting the matter drop and proceeding with the contest according to law. President Meiklejohn will yield the gavel to Lieutenant Governor Majors at the morning session, and, if his right is disputed, the scene of conflict will be transferred from the house. The independents will press the contest with all possible dispatch, and expect to reach a conclusion by the end of the week.

Wants the Police Withdrawn. Mayor Graham declares that it is sheer folly to have a cordon of police in front of the gubernatorial offices, and has gone to the state house to inform ex-Governor Thayer of the fact and to send the officers back to their

A Correction. LINCOLN, Neb., Jan. 8 .- | Special Telegram to Tue Bee. |-It was Senator Switzler of the Douglas county delegation who made the able defense of the constitutional plan of counting and publishing the returns, and not

SKIPPED WITH THE FUNDS.

Senator Christofferson, as reported

The Bookkeeper of the South Dakota Penitentiary Missing. Stoux Falls, S. D., Jan. S.-[Special Telegram to Tue Bur.]-The state board of charities and correction met this afternoon with Warden Kanouse of the penitentiary and were astounded to learn that the bookkeeper, John Patton, had disappeared and could not be found. The final settlement of the year was expected and suspicion was at once aroused. The safe was drilled by a locks with and only \$10 in currency was found n the drawer. The accounts indicate that \$1,119 is missing and presumably Mr. Patton arried it off with him. Surprise was abundaut when the fact became known this evening. The missing bookkeeper has been con-nected with the penitentiery since its inception, ten years ago. He is well connected. his father being a judge in the superior court of Detroit. The cause of the embezzlement

is drinking and gambling, a species of vice that Mr. Patton has been indulging quite freely of late. He deserts a wife and grown daughter. The police are hot on his trail and expect to catch him before long.

Searched Him by Force. Sioux City, Ia., Jan. 8 .- [Special Teleram to THE BEE. |-About two months ago Pat Scanlon, cashier of the Danbury bank, was arrested, charged with forging the name of C. C. Frum, a wealthy citizen of hat town. Scanlon gave bonds for his appearances. He has one witness to the fact that Frum signed his own name to the mortgage. and that no forgery had been committed. This man, G. Wernimont, is in poor health. So a short time ago Scanlon had him prepare and sign a statement setting forth his knowledge of the case. Last Monday Scanlon came to Sloux City to to teatify before the grand jury and went back that evening to allow Wernimont to come up Tuesday. Last evening the latter returned to Danbury, and it was rumored that he had testified to the effect that the affidavit posessed by Scanlon was a forgery. This morning, as Scanlon went into the bank, he was ollowed by John Elliott marshal: and H T Jonas. Scanlon said today that these gentle-men informed him that they had a search warrant and insisted on searching his person for papers belonging to Wernimont. "I asked that we go to a justice or call in an other party as a witness," said Scanlon, they refused and searched me by force." is claimed that the two men threw Scanlon down and took the affidavit and a number of ther valuable papers from him, which they threw into the stove. Some of these he rescued in a badly charred condition, and now has them to offer in evidence, The grand

ury is now at work on the matter. To Prosecute Scalpers,

CHICAGO, Jan. 8 .- The Western Passenger association today authorized Chairman Finley to take immediate steps looking to the immediate presecution of Chicago ticket brokers under the Illinois state law. This action is in line with the general tendency of late to bring out forms in the conduct of railroad competition in the west. It is understood that the prosecution will be commenced in a week or two. and as Chairman Finley is a good fighter a good result is expected. Apparently the ticket broker is in more danger of being exterminated than ever before, Besides the proposed prosecutions in this state there is a movement on the part of the associated roads west and east to drive him out of business. If the scheme to about unlimited tickets is carried out it will do more to cripple scalpers' trade than anything yet accomplished Another scheme calculated to burt the scalper is a proposition to discontinue the payment of commissions on the sale of tickets which of being adopted.

The Scotch Railway Strike.

GLASGOW, Jan. 8 .- Officials of the Caledonia railroad in a manifesto this morning promised to consider the prievances of the strikers who would promptly resume work, and some of them did so. This action on the part of the men referred to created a small riot. The descriers were hooted at and pelied stones by the strikers. The police chr on the strikers and arrested six of their ring

The Weather Forecase. For Omaha and Vicinity-Light snow

For Nebraska-Fair, scow; northerly vinds; stationary temperature. For Iowa-Easterly winds; snow; stationry temperature. For South Dakots—Local snow: northerly

winds; slight change in temperature. Rock Island Action.

Lincoln, Neb., Jan. 8 .- | Special Telegran THE BEE. |- Today the Chicago & Rock Island served a summons and injunction on the attorneys of the Omaha & Republican Valley railroad commany, preventing them from interfering with any of the property of the Rock Island at Lincoln. The action was un in the district court of Douglas county, Neurasita.