Twenty-third General Assembly Moves Off Almost on Schedule Time.

INDEPENDENTS ORGANIZE THE HOUSE

Combined with the Democrats They Elect Gaffin to Be Permanent Speaker.

KRUSE SEATED FROM KNOX COUNTY

Norton Casted by the Vote of the Combine with Little Ceremony.

SOLIDLY DEADLOCKED IN THE SENATE

Efforts to Organize the Upper House Are

So Far Without Avail.

DRAMATIC SCENE IN THE SUPREME COURT

Justice Maxwell and Justice Post Engage in an Almost Sensational Colloquy Over the Boyd County Decree-The Day at Lincoln.

Lincoln, Neb., Jan. 3.—[Special Telegram to THE BEE. |-The "demo-pops," as they are characterized by John C. Watson, captured the organization of the house this afternoon. but, as predicted by Tue Bee this morning, the democrats deadlocked the senate and the organization of that body has not yet been effected. And it is not among the certainties of the morrow that the deadlock will be broken, for the democrats are not fully satisfied with the turn affairs have taken. As a prominent democrat said this evening:

"It came so easy for the independents today over at the other end of the house that they are beginning to think that the world was made for them alone. They are so cranky tonight that there is no living with them. This lien and lamb business is all right when it works both ways, but it is about time for the lamb to take in the lion." Caused by the Stock Yards.

The secret of the situation is that the democrats are unable to get the concessions that they desire in the organization of the senate. It is charged by the republicans and apparently on very good foundation that the stock yards management is very largely responsible for the combine that was so successfully engineered through the house, and this same interest is supposed to be deadlocking the senate. Just what their purpose is has not been definitely ascertained, though the generally accepted conclusion is that it has to do with proposed legislation. The stock yards folks have been more represented here than any of the other corporations and their contingent has taken a very bold and aggressive hand in the proceedings up to the present time. They are now claiming that the entire democratic delegation from Douglas county will be seated, and it is known that a broad and daring deal along that line is now under contemplation. The republicans are making some ugly threats as to what will happen if this high-handed procedure is carried any further, and there is a pessibility that the independents will receive material assistance in the passage of a radical stock yards regulation bill.

The senatorial fight has entered into the situation very largely, in fact, the multiplicity of republican lightning rods had a great deal to do with the failure of that element to

successfully get together. Democrats in Trouble

Senatorial buzzings are making lively music in many a democratic bonnet. It is stated that the relations between Bryan and McKeighan have become sadly strained and that they do not speak as they pass by. Both of them have a dead sure thing, so they claim, and each is ready to pack his carpet bag and start Washington to tell congressional acquaintances what an easy time they had in capturing a majority of the Nebraska legislature. Bryan visited the Lincoln hotel this evening, and whisperingly confided his great joy to a few intimate friends. McKeighan apparently has no friends around Lincoln and hugs the Lindell rounda with much pertinacity.

In speaking of Bryan's boom, a well known democrat, who by the way is a member of the state central committee, said: would be the consummation of all political folly to send Bryan to the senate. We would better surrender our charter as a state and come in again as a territory.'

Sheep and Goats. Aside from the few spectators drawn

to the state house today by the prospects of a row in the organization of the two houses of the legislature, that stately edifice was filled with two classes of people. The first class embraced the 133 members of the legislature, and the other class included the thousand and more applicants for places of honor and profit, and especially profit. There were men at the state house today who arrived at Lincoln three days ago with the idea that their services might be needed as confidential advisors of the members. After looking the ground over most of them came the conclusion that an ordinary clerkship would be about the thing Tomorrow their ambition will sink to the level of a janitorship, and before the senate and house get fairly down to the work, the disappointed applicants for place will find themselves face to face with the necessity of cleaning cuspidores or walking home. Already many of them have given up their temporary quarters at the hotels and have commenced taking their meals at lunch counters and sleeping at night on the comfortable settees of the hotels.

Already in Bad Shape.

The plight of these placehunters would be ridiculous if it were not pathetic. A large majority of them have either been deceived by the thoughtless promises of friends or they have deceived themselves with the be-Hef that remunerative places are to be had for the asking. They will consider themselves fortunate if at the end of the week they are able to find friends with sufficient "influence" to secure them passes to their

And among the hundreds of men who are anxious to serve their state, for a consideration, there are a half score or more gentlemen of the cloth who are none the less keen for the position of chaptains because of their profession, which teaches them not to set their minds on earthly things.

And speaking of the clergy, Chaplain Gearhart made what the irreverent galleries

would call a palpable hit while offering his prayer in the senate today. After he had approached the throne of divine grace with an carnest supplication for a blessing upon the deliberations of the senate, he prayed that none of the seats before him might beome vacant during the session by reason of slekness or death, and then, as if the picture of the absent Taylor filled his mind he added "or otherwise" to the prayer. Several grave and reverend seignors raised their heads at the pious suggestion and almost smiled in a knowing way.

Another noticeable feature about the opening scene today was the presence of so many young girls who are all after clerk ship, many there are handsome and well dressed, and others were less favored in face and raiment. Unless a reform is instituted over the methods of the seassion two years ago a majority of these girls will be the victims of one of the most disgraceful systems that has ever grown up in the legislative history of the state. It is worth a girl's reputation to hold a place in the legislature. There is a movement on foot in the senate to do away entirely with the assistance of female clerks during the present session. If the good sense of the members of the house prevails a similar rule will be adopted there, and the disgraceful scenes of two years ago will not again be enacted this

Norden's Chase of Van Camp.

One of the much wanted men at the state louse this afternoon was Bailiff Norden, the man who so diligently prosecuted the search for the missing county clerk of Knox county and finally ran him to earth and compelled him to obey the mandate of the supreme court. In the eyes of the republicans the old man was a hero, but his persistence and the manner in which it was crowned with success excited nothing but disgust in the breasts of the indignant democrats and independents.

Telling of his experience, Mr. Norden said that after he had finally found the clerk, that official at first claimed that he was not well enough to go to Niobrara. He was finally prevailed upon to undertake the ourney. He arrived at the county seat after a drive of twenty-six miles at 1 o'clock in the morning. The order issued by the oprome court was then served upon him. After considerable delay the clerk decided to recanyass the vote. After consulting an attorney named Fox, who has lent himself to the scheme to delay the issuance of the certificate as long as possible, two men were summoned to assist the work of canvassing the vote.

Delayed All They Could. One of them lived at Broomfield, over forty miles away, and the other at Spencer, twenty-six miles in another direction. The ns were placed in the hands of the sheriff for service and then a long wait ensued. Norden persisted in his efforts to hugey them along, and finally he succeeded in having another canvassing board summoned. This time the men were at hand and

the work of canvassing the votes was begun Attorney Fox got in his hand again and nade a lengthy speech to the board, as to the proper manner for them to go about the the duty they had been called upon to perform. He then asked permission to draw up a legal document, and after delaying matters until he had laboriously and with no inconsiderable effort prepared seven pages of matter entirely foreign to the work in hand, the cauvassing board took the responsibility ng the work in their own way

Came Back Flying.

The certificate was issued at thirty-six minutes past 1 o'clock this morning. Morden at once drove to Verdigre, where he found Matt Daugherty in waiting with an engine and a special car and a track clear of all trains to Norfolk. The distance to Nor folk was covered in but little more than an hour. The regular train was then taken to Fremont, where another special stood ready. and again Norden and the then precious certificate were speeding toward the state capi tal. The track had been cleared, and barring a few minutes delay in the suburbs, no stops were made until Lincoln was reached and the certificate was handed to the proper

it took the house but a few minutes to undo the work that he worked so hard to do. But he got the certificate and if the independents ever have need of a man with the grit and determination to run to after a rascally official they find the venerable bailiff of the Nebraska supreme court a man with experience that will stand them in good stead

And yet the independents are trying to ilence the qualms of conscience tonight for their action by claiming that they have received a telegram from County Clerk Van Camp containing the information that the certificate presented by Norton today was : forgery, for the reason that he has issued certificate only this morning. Knox county official is probably correct, but when he sent the telegram he was doubtless ignorant of the fact that a special engine car under certain circumstances.

Too Utterly Lovely.

The Lindell hotel rotunda was the scene of a very interesting love feast this evening Shortly after 8 o'clock Representatives Por ter of Merrick and Casper of Butler were of a hundred spectators. Porter was pre-sented with a handsome gold-headed cane, Congressman Bryan making the presentation speech. He referred in eloquent terms to the fact that they had assonished their friends and disappointed their enemies of the effectually getting together. He paid Porter a motley-worded compliment for his work on the floor today and said he was here proclaim that there was nothing criminal

n a man's being young.

Mr. Porter responded very nicely and Con-Mr. Porter responded very nicely and Congressman McKeighan took the beach to present a similar ornament to Casper. He patted the democrats on the back for the noble stand they had taken, and asserted that there were men here who had the manhood to vote their convictions and to break through the lines of partisanship. Mr. Casper came in for some vigorous commondation for his fight on the thornal when mendation for his fight on the floor and when he rose to respond he launched into a dissertation on the beauties of fusion until some

ne pulled his coat tail, and he sat down. The crowd wanted more, and Green, Kem. Trevelleck, "Governor" Powers and Poynter made brief speeches lauding fusion to the skies, and declaring that the collar of partisanship had at last been broken. Powers expressed the opinion that the example set by the democrats and independents would be followed by some of the republicans, and re-form, the grand good work they had undertaken, was in plain sight now

There were loud calls for Elder and Van-derveort but they did not show up, and Casper and Porter tucked their canes under their arms and headed for the caucus.

COMBINATION COMBINED.

Independents and Democrats Organize the Lower House.

Lixcoln, Neb., Jan. 8,- Special Telegran to THE BEE. - It lacked but a few seconds of high noon when Secretary of State Allen took his place at the speaker's desk, and the sound of the gravel rang through the hall of representatives for the first time during the Twenty-third general assembly. All of the members were in their places and the gal leries and lobby were crowded almost to suffocation.

The spectators encroached on the space set

apart for the legislators and the small army of boys, who are seeking appointments as pages, pre-emptied all other available space, and the overflow squeezed under the press tables and toward the brains and disposition of the correspondents.

The secretary of state said that by the

power in him vested by the legislature of the state of Nebraska he called the house of representatives to order and immediately asked Elder Howe to offer prayer. The vener-able divine stepped forward, the members rose to their feet and this brief but fervent supplication ascended to the throne of grace;

cation ascended to the throne of grace:

Almighty God, we come to Thee as the maker and ruler and the supporter of this world; we come to Thee asking the blessing upon us in the opening of this legisfature, and asking especially that Thou wift give it wisdom in all its deliberations and the counsel that cometh from above, that is first pure, then peaceable and filled with good fruits. May the laws that shall be enacted by this legislature be for the good of the whole state, reaching every family and every institution, and lift up and clevate the people of the state. We pray Thy blossing upon us for the future as it has been in the past. Thou hast given to us clothing and bread, and shelter, and warmth. Thou hast opened Thy hand and supplied the desire of every living thing. Still continue Thy goodness, guide us in the way of truth as a state, and bring us at last to everlasting life, through Jesus Christ, our Lord, Amen.

Called Norton's Name.

Called Norton's Name.

The presiding officer stated that he would call the roll of those who had certificates of election emitting them to scats upon the floor of the house, and asked Rev. L. P. Ludden to assist him. Mr. Ludden took a roll the prepared by the secretary and began the call, while the opposition that had been anticipated did not develop. It was not delayed, however, for the combined forces of opposition were in waiting for the reader to reach the name of the contesting member

from the Twentieth representative district.
When the clerk spoke of Norton, Porter of
Merrick demanded to know by what authority that name had been placed on the list. He said that the secretary of state had assured him that it would be called at this Secretary Alien replied that he had made up the list from the certificates sent in by the various county clerks and that the name of Norton had been placed there instead of that of Kruse in accordance with a writ of the supreme court of the state.

Raised the Question Quickly.

"I demand to know," said Porter, "by what authority the supreme court decides who are members of this house, and we propose to find out before we go any further by what authority that body assumes to decide who are entitled to seats here. We want to understand this that we may vote legally. I demand that the name of Norton be stricken from the list, or that the name of Kruse be added to it. We ask nothing but fair dealing, but we propose to have that."

Watson wanted the gentleman from Merrick to understand that the secretary had acted in accordance with the ruling of the

court, and that if any information was de-sired as how that court had arrived at its onclusion, the clerks of that court were

conclusion, the cierks of that court were proper persons to give that information.

Casper of Butler took up the democratic end of the fight, and said that they knew where the scoretary got the authority, but that they objected to the supreme court redistricting the state to suit its own con-venience. He insisted that the secretary and the court were taking an unfair ad-

and the court were taking an unfair advantage for partisan purposes.

Porter again took the floor, and said:

"We recognize the supreme court as the highest tribunal in the state, but if it oversteps the bounds of propriety and tramples our rights under foot we are not bound to sit idly by and submit to it. We may be surkers, but we still have a little herse sense left." Arguing the Matter.

Watson called his attention to the fact that the supreme court had done nothing more than the district court had done in the Clay county cases, and Elder at once arose to explain the difference in the legal aspect of the two cases.

of the supreme court in the matter, and said that he had based his action on that clause, declaring that the certificate had been wrongfully issued to Kruse, and was there-Wongruny issued to Kruse, and was there-fore null and void.

Porter insisted that this was not sufficient grounds to sustain the action of the secretary, and declared that the independents

The secretary read a section of the ruling

roposed to spend the time until doomsday f necessary in order to get justice.

Casper said that they recognized the cute ess of the little trick and appreciated it but they did not propose to allow any su-premé court or any other body to practice any chicanery. He proposed to make a fair statement of the situa-tion, and said that the people tion, and said that the people of Boyd county had paid their takes in Holt county, and nothing was heard of the proposition to annex it to Knox county until it

was found necessary to defeat an independent candidate for the legislature. McKesson called Casper down, and asked him a few questions regarding the action of the candidates on the tickets as to the intention of counting the vote of Boyd county The house was no nearer a solution of the question than it was at the start, and the secretary ordered the clerk to proceed. Por ter protested, but without avail

Porter Pressing His Claims.

As the clerk continued to call the names Porter lifted his voice several feet, and de-clared that he appealed from the decision. The secretary declined to recognize the peal, and Porter vehemently insisted that unless the chair entertained it, he would put the motion himself, but before doing asked whether the chair would give ther satisfaction on the matter as soon as the roll call was completed, and before the hous proceeded to the temporary organizatio

The secretary said he would stand by the roll as long as he was presiding officer.

The clerk kept on with the call and Porter put the appeal from the decision of the chair and declared it sustained. It did not the call, however, and Porter then told the independents not to answer to their names Some of them heeded his advice, but it die not affect the proceedings, and when the call was completed a demand was made for a verification of the call in order to get on these names. It was stated that all could vote on the organization whether the previously arranged or not and the se of a temporary speaker was declared to be in

For Temporary Speaker.

Watson named Church Howe of Nemaha. and Porter immediately renewed his motion to strike the name of Norton from the list. That precipitated trouble again, and Dob son of Fillmore declared that the indepen dents proposed to have their rights, in spite of the supreme court or any other body, and they did not want the organization of the house stolen from the hands of the people by unfair methods. They would not lose unless the other fellows had the necessary votes and wanted it understood that no other

means be allowed to come in. Watson said that the republicans had simply decided to sustain the supreme court until the proper time came for the house to pass upon the matter under its tempor organization, and insisted that it was other side that was moving unfairly. He did not think it right for the opposition to pack the house and applaud to the echo, profane denunciations of the supreme court. The republicans represented the law and The republicans represented the law and order part of the house, and they proposed to let the house settle the question fairly. Casper then asked as a favor that the roll

be called on the election of temporary speaker in order to have a fair expression and avoid confusion, and the request was

The independents saw that they were defeated on the first point raised, and confident in their strength submitted to the refusal of a verification of the original call. They present the confident of the original call. ented the name of Sheridan of Red Willow and the call was ordered. It resulted 51 to 48 in favor of Sheridan who voted for himself, Howe not voting. Barry of Greely Watson of Otoe were appointed a committee to escore the temporary speaker-elect to the chair. He said he would try to be fair and thanked the house for the honor conferred.

Named Clerk and Committee.

Eric Johnson was named for temporar clerk, and when Howe moved his election by acciamation it was quietly carried. The chair was instructed to appoint committee of five on credentials and seconded it by pulling a list already prepared

from his pocket. This action called forth a derisive shout from both floor and gallery, but Sheridan proceeded to read the list as soon as order was restored

as order was restored

The committee was as follows: Casper of
Butler, Barry of Greeley, Watson of Otoe,
Gerdes of Richardson and Sodorman of

Phelps.
It was then to'clock, and pending the report of the committee on credentials a recess was declared until 3 o'clock,

Got Two Reports.

The members were late in reassembling and it was necessary to call the role twice in order to properly show the presence of the The only contest was in the case of Norton and Kruse, and all the committee reported in favor of senting all the others, but in that case there was a majority and minority report. The first was signed by four of the members and Watson stood behind the minority report. The numberity report purported to review the case, and wound up by advising the seating of Kruse on the ground the ground that his was the certificate that was originally issued by the clerk of Knox county, and that the supreme court had no authority to mix up in

the matter, as it was something of which the house itself was the sole judge. The report of the minority recited that the supreme court had ordered a certificate is sued to the candidate having the largest number of votes locluding those cast in Boyd county and that the certificate issued Kruse had been annulled by the same power. How They Saved Time.

As soon as Casper finished reading the two reports Watson took the floor and asked Casper if it was not a fact that the report that he had read as voicing the majority of committee had not been drawn up or read in the presence of the committee. Casper admitted that such was the fact, and said that it was being drawn up while the committee was deliberating over the

Watson then demanded to know whether my investigation was instituted by the committee, or any evidence touching the case introduced before B, and Casper again admitted that such was not the case. He said that the members of the committee knew just what it would come down to," and that they did not think that there was any use in going over the whole matter for nothing. Watson then took up the question of the duty of the legislature to see that the people of Boyd county were not disfranchised, and moved the adoption of minority report.

Porter amended by moving the adoption of he majority report, Howe discussed the phase of the matter as touched upon by the supreme court, and stated that if it was the intention of the members to ignore that body and set aside its decisions, they might as well go out of business first as last, as it was a revolutionary proceeding and directly opposed to the

continuation of general government.

Exchanged Some Compliments. Porter insisted that there was something

higher than the supreme court, and that was the legislation of the slate under which it is supposed to be operating.
Who interprets the legislation if it is not the supreme court?" demanded Howe.

"Where it is so plain that one running may understand," was the reply, "I say that the average horse sense of an individual is sufficient."

It was then stated that the independents on the committee had offered to report in favor of setting out both Kruse and Norton

favor of setting out both Kruse and Norton until the question was finally settled, but that Watson would not consent to it. He had insisted on seating his man, and had forced them to espouse the cause of their man from the very start, regardless of the facts or morals of the case.

Porter offered to now settle it for the time being in the way proposed, but Watson insisted that it was not just or right to attempt to keep a member out of the place to which he had been duly elected, just because the he had been duly elected, just because the

opposition had power to do so.
"You cracked it to us this morning when you had the bulge on us," retorted Casper. we had, we would have taken advantage of it."

Casper moved the previous question, alleg-ing as a reason for so doing that the wrangling and haggling would otherwise continu nembers were apparently of one mind on that point, and the vote was ordered on the ent which was the adoption of the ninority report.

Seated Bruse.

It was defeated, the democrats and inde-endents voting solidly together, thus getting the necessary 51 votes, the republicans

The majority report was adopted by the vote, and Kruse was formally declared entitled to a seat. A motion to adjourn until morning was deeated by a vote of 50 to 40, and the presen-

tation of names for permanent speaker was declared to be in order. Oakley of Lancaster named Jensen of Fillmore, and Barry named Gaffin of Saunders. Both were seconded, and then Jensen se-cured the floor to suggest that the proper thing to do would be to have the members sworn in before the house proceeded any further, and moved the appointment of a committee of three to wait upon the chief justice of the supreme court to inform him that the members of the house were ready to take the oath.

Howe remarked, "Oh, John, we don't need that," but Porter insisted that the gentle-man from Nemaha did need it. Howe retorted that he was glad to see that the gentleman from Merrick would recognize the supreme court in the same hour and within five minutes of the time that he had

eeu so cager to ignore it.
"Yes," replied Porter, "but the justice who will swear us in is the one who dissented from the decision that met with your ap

"He is the one whose name was affixed to the order declaring that Kruse's certificate was unlawfully issued," insisted Howe while the packed gallery rose on its hind legs and shouted, "No." The speaker ap-pointed Jensen, Casper and Porter as the committee to wait on the chief justice and a sort of disorder ensued during this absence.

Swore Them In.

As they re-entered the hall escorting the tors burst out in applause as their eyes fell upon the bent but well known form. The greeting was modestly acknowledged, and taking his seat in the chair of the chief just under the speaker's desk, the members step forward as their names were called and subscribe to the oath. This occu-pled some time, although it was a noticeable fact, and one afterwards commented on by the justice, that the members wrote their names very readily and without apparent exertion, and the list proved to be very legi-ble when subsequently examined, much more so than is usually the case when the chirography of 100 individuals is grouped in one collection. It was a very different sight from the one offered by the representative

body of two years ago.

When all had signed the oath it was ad ninistered to the members in a body, stand ng in their places. It was the oath pro scribed by the constitution, each promising to support the constitution of the state and not to accept any maney or other bribe, either directly or indirectly, to influence their action regarding any legislation con-sidered by them. Some of them smiled at the vigorous wording of the oath, while a spectator declared that if the members proposed to live up to it they might as well stop

right where they were. Gamn Elected Speaker.

The house then again essayed to proceed to permanent organization and the same names were presented by the same members, Keckley seconding the nomination of Jensen. The roll was called and the re-sult as announced gave Gaffin 53 and Jensen 47. Gaffin received the united support of 47. Gaffin received the united support of the democrats and independents, while Jensen was given the support of all the republicans with the exception of Lockner of Douglas, who voted for Gaffin.

A committee of three escorted the permanent was been for the content of the con

nent speaker of the Twenty-third Nebraska general assembly to the chair. After the usual expressions, he said that he fully realized the responsibility resting upon the speaker in faithfully performing the duties

of his office. He promised to be fair and henorable in every ruling and protect every member of each party on the floor, while, if he erred, he would put all appeals cheer-fully. He said that the speaker was helpless without assistance from the members, and he asked their aid in making this a session

that would be profitable to every citizen of the state. Unanimous on Johnson.

Porter moved the election of Eric Johnson is permanent chief clerk of election by ac-lamation Howe demurred on the ground that it could not be done that way as the constitution required the vote of every member to go on

ecord in that matter. Porter rejoiced to know that he had finally come to recognize the constitution, and formally moved the election of Johnson.

Howe seconded it, and the roll call gave
Mr. Johnson an even one hundred votes—the

support of every member of the house and he was declared elected. That was as much happiness as the demo-crats and independents wanted for one day, and flushed with victory they joined with the republicans in carrying a motion to adjourn to tomorrow morning at 10 o'clock.

DEADLOCKED IN THE SENATE.

Each Party Supporting Its Nominee for Temporary Speaker.
LINCOLN, Neb., Jan. 3.—[Special Telegram to THE BEE.]-The hands of the big clock above the president's desk

pointed to several degrees past the

noon mark when Lieutenant Governor Majors took his seat and called the senate to order. Then he said: "The hour fixed by the constitution having arrived, the senate will come to order." Chaplain Gearhardt invoked the blessing

liberations, the senators standing in their Senator Darner nominated Pirtle for temporary secretary. Senator Everett of Burt placed in nomination Frank Wilson, while

of Divine Providence upon the opening de-

Senator Mattes of Otoe performed the same service for Frank R. Morrissey. The two votes were taken, the division being upon strict party lines. Pirtle and Wilson received fourteen votes each and Morrissey five.

Moore of Lancaster sought to expedite

matters by moving that the lieutenant gov-ernor appoint a temporary secretary. Mattes thought it could not be done. The vote was taken and declared lost. Another vote was taken with no change in the relative strength of the three candidates and then, on motion of Mattes of Otoe, sec-onded by North of Platte, the senate took a recess until 3 o'clock.

Just the Same After Recess.

If the recess from noon until 3 o'clock had been taken with the idea that the two of three candidates for the temporary secre-taryship would get together and decide among themselves, then the adjournment was in vain, for the afternoon brought no results. The lieutenant governor called the unorganized senate together a few minutes after 3 o'clock and announced another ballot for temporary secretary. The vote stood as before adjournment, fourteen republicans, fourteen independents and five democrats still sticking to their favorites.

Senator North of Platte county wanted to know by what authority the lieutenant governor alluded to the gentlemen present as The lieutenant governor said that he did

not know officially-he only guessed. He assumed that the gentlemen sitting behind the desks held certificates. Moore of Lancaster agreed with the others that the senators had as yet no official title to their senatorial dignity. He moved for the appointment of a committee upon credentials and remarked "Let us be a senate before we act as one," but there were cer-tain gentlemen present who proposed to fight it out on their own line, if it required the

mentary ability to carry their point.

They were led by Dysart of Nuckells. He moved to lay Moore's motion for a committee on credentials on the table, but at the request of Tefft he withdrew the motion in order that the original motion might be dis

cussed. In Duty Bound to Organize.

Senator Tefft differed from the senator from Lancaster. He contended that the senate was following the usual course. Men claiming to be cleeted to a legislative body have a perfect right to get together and organize according to precedent. He believed that it was the duty of those present to keep on voting for the office of tem orary secretary until one had been elected. Then Dysart made a personal explanation. He believed that this session had been or-ganized as previous sessions had been. The old rules should be followed, therefore he moved that the motion offered by the gentleman from Lancaster should lie on the table.

A division was called for and the motion

was carried by a vote of 15 to 11 The balloting for a temporary secretary was again resumed and the results showed that the senators by courtesy were all of the

same opinion still. Senator Pope attempted to unravel the complexities of the situation by moving that the lieutenant governor be designated as the temporary secretary until the credentials should be examined but this did not suit the senator from Nuckolls, and he moved that the motion of the Saline county statesman be indefinitely postponed.

The motion prevailed and another ballot

was taken. No change in the result. Then two more ballots were taken and still the result was the same. As a relief from the onotony of disagreement the senators went to talking again.

Necessary to Start Somewhere. Senator Moore insisted that there was no rule that required the senate to elect a temporary secretary, but the licutenant governor was able to enlighten him. He stated that it was a matter of precedent. ate must have a place of beginning. There must be somebody with whom to file the cer-tificates of election from the various dis-It would be presumption on the part e chair to select a committee on credentials before any certificates had been filed. Senator Clarke of Douglas made his maiden effort in a motion to dispense with the office of secretary protem, but the in-evitable motion from the Nuckolis county senator placed it on the table with the

Tefft then brought up his old motion for the appointment of a committee of five on redentials. Dysart move to table it, but apon discussion the motion to table was de-clared lost, the vote standing 14 to 14, and the chair east the deciding vote. Speaking in fayor of his own motion Tefft stated that in the appointment of a committee on cre-dentials the senate was not proceeding out of the regular course and he referred to the enate journal of two years ago as an au

Dysart renewed his opposition to the pro-posal by moving to indefinitely postpone, but his motion was lost, the chair again casting the decisive ballot.

Adjourned Without Action.

After further discussion, in which Gra-ham of Gage expressed his belief that there was no rule to compel a legislative body to elect temporary officers until it could be de-termined who are entitled to seats, Tefft withdrew the motion and the ballot was re-sumed. Two more ballots were taken with out altering the relative position of the three candidates, and then the schate ac-journed until 10 o'clock tomorrow morning.

VERY SENSATIONAL SCENE.

Justice Maxwell and Justice Post Have an Unusual Colloquy.

Lancoln, Neb., Jan. 3 .- [Special Telegram to THE BEE. |-The exciting scenes at the organization of the house of representatives were exceeded in sensational features by the still more exciting events which transpired in the supreme court room a short time before the house was called to order.

When the court convened this morning Attorney A. J. Sawyer of this city, representing James G. Kruse in the contest from Boyd county, arose and moved the court that the decree be modified to conform to

the judgment of the court as given last Fri-

day afternoon.

C. E. Magoon, also of this city, stated to the court that Mr. Norton had had but a short notice of the intentions of the attorneys an the other side to move for the modification of the decree, and he requested that the matter he delayed for a few morants. the matter be delayed for a few moments until Mr. Ages, who had represented Mr. Norton in the case, could arrive.

Justice Maxwell's Judgment.

Justice Maxwell straightened himself up and, with more than his usual carnestness, declared that if the decree had been written up as reported in The OMARA BER this morning some one had been guilty of a high-handed proceeding. That it was infamous to change or doctor the judgment of a court of justice, and that if things of that nature could be done and justified by public opinion and the guilty parties remain unpunished, then courts of justice and free institutions were a

It was noticed that while the aged chief justice was speaking his mind so freely the associate justices were taking more than an ordinary interest in his remarks, and at the first opportunity Justice Norval suggested that he was inclined to think that the decree was the very one which would naturally follow the judgment of the court as expressed. ow the judgment of the court as expressed last Friday. Then Chief Justice Maxwell responded with considerable warmth: I would do no such thing. That judgment did not authorize or contemplate a great deal of the matter contained in the decree. The court has recently held that a judgment and a decree upon matters not contained in the pleadings is an absolute nullity. I

this decree. Justice Post Ordered It.

ould like to know who is responsible for

This aroused Justice Post from the posiion of an interested listener and made him an active participant in the unwonted pro-ceedings. With unusual deliberateness of manner he said to the chief justice:

"I beg your pardon, the decree was based upon the judgment of the court. I want to be understood as saying that the judgment contemplated no cancellation of the certifi-cate that had been issued to Kruse without authority of law.

Justice Post then went on to explain that immediately upon the judgment being an-nounced and when the other members of the court left the bench, the chief justice with drew from the court room and took a hack which had been waiting to carry him to his train in order that he might reach his home that evening. Then the party who prepared the decree came before the court, before the decree had been prepared, and asked for in-structions in regard to the certificate that had already been issued; that he (Post) in-formed him that the judgment of the court had contemplated the cancellation of that and the decree was written ertificate. ecordingly. "I want it understood," said Justice Post,

"that I take upon myself the full responsi-bility of saying that the decree was based upon the judgment of this court, and fur-ther that the judgment of the court was just and lawful.

Created a Profound Sensation No more sensational words had ever been uttered upon the bench of the Nebraska suoreme court. For the first time in the history of the court an associate justice had flatly contradicted the chief justice, and in the presence of leading members of the bar of the state. The coolness of the associate was in great contrast to the evident anger of the chief justice. His face grew intensely pale as the associate justice proceeded, and when he concluded by asserting almost dewhen he concluded by asserting almost de-fiantly that the judgment of the court was good law, the form of the venerable judge trembled with indignation and chagrin. Controlling himself with an effort, the chief justice said to Judge Post on his left:

"I am glad to know that you assume the responsibility." Then it was Judge Post's turn to grow in digmant. With a vigor of manner distinctly in contrast with his former coolness, he said: "No man has ever yet said that I shirked a responsibility that properly rested upon my shoulders. I don't hesitate in holding myself responsible for the matters that are contained in that decree, and [turning to the chief justice] if you are of the opinion that I shirk a responsibility you are the first that has even placed that charge at my door. I submit these facts to this court and I wish it to be understood by all the members of the bar here present in order that there may be

no misunderstanding in regard to the matter. Perhaps what I have said is sufficient.

His Personal Opinion, The chief justice looked as if he was about to make another angry retort, but he thought better of it and after a moment, in which he made a visible effort to control his feelings. he turned to the cierk below and said he would call the cases of the first district. Justice Maxwell stated this evening that he did not know until he reached the court that changes had been made by the associate justices themselves. The first associate justices themselves. The first intimation he had of the matter was when he saw it in the newspapers and he had supposed that the changes had been made by the attorneys. He had left the court room as soon as the decision had been rendered, and took it for granted that that was the end of it. So far as the political bearing of the decision is concerned, he thought it had a tendency to drive the demo crats and independents together, and was in fact just what they wanted, as it was giving them a reason to advance for their concerted

action

ter and an assistant.

Plans for Today. Lincoln, Neb., Jan. 3. - [Special Telegram to THE BEE. |-The independent and democratic members of the house held another caucus at the Lindell this evening to arrange the program for tomorrow. The conference was somewhat protracted, but an amicable understanding prevailed all the way through, The only matter decided upon definitely was that nothing further should be done tomorrow toward completing the organization, but the selection of a sergeant-at-arms and the assistant and the election of a postmas-

It was decided that the democrats should name the postmaster and the while the independents will select geant-at-arms and assistant. The division vas made on this basis for the reason that f the officers had been divided alternately between the two parties the democrats would have been able to name all the chiefs while the independents would have had to entent themselves with the assistants. No attempt will be made tomorrow

lect any of the subordinate officers and that matter will be left until the house has re turned to a more normal condition of mind.

The members of both the successful parties were in high feather this evening and ome of them were exhibarated to a very noticeable extent. The exhileration was en tirely due to their success in capturing the organization of the house and to no other cause. Most of the members availed them selves of the first opportunity to get a good night's rest that has offered itself since last Friday night and long before midnight the corridors of the Lindell were practically deserted of all but the few members of the office seeking contingent, who were unable to pay for a bed.

Sketch of the New Speaker. Hon. James N. Gaffin of Colon, representa-

tive-elect from the Twenty-seventh represen-

tative district, was born in Pecatonica, in Winnebago county, Hi., May 27, 1855, and is consequently 37 years old. Mr. Gaffin grad-unted at the High school of his native city at the age of 21. He then came to Douglas county. Nebraska, where he went into farm-ing and stock raising on an extensive scale. After six years he removed to his present home in Saunders county, where he has been for ten years, and during that time has been a successful farmer and stock raiser. Mr. a successful farmer and stock raiser. Mr. Gaffin was several times elected justice of the peace, both in this and in Douglas county, and was a member of the last legislature from that district. He belongs to the people's independent party, and since its organization; formerly he was a republican. He has a special interest in the transportation operation and will support measures. tion question and will support measures looking to a reduction of freight rates. He says: "I shall favor the election of an independent to the United States senate first, and in case it should develop that we cannot elect an independent it will depend on who the men are whether I support

LOOKS LIKE RESUBMISSION

Legislature of South Dakota Organized by the High License Element.

GOVERNOR MELLETTE'S FINAL MESSAGE

Commercial Interests of the State in Better Condition Than at Any Previous Period Other Features of the Occasion.

Pienne, S. D., Jan. 3. - Special Telegram o THE BEE . - Promptly at noon today Chief austice Bennett of the supreme court administered the oath of office to the coming members of the legislature, after which the senate and newly chosen officers filed into the house and the inaugural ceremonies took place. Governor Mellette, the retiring executive, delivered a long address, covering his administration and reviewing the work of the department

He said that marked progress had been made in the collection of revenues. A most rigid examination into the affairs of the railroads of the state shows that since the organization of the state government most divisions have been operated at a loss.

The common schools still suffer from lack of uniformity, and the governor recommends the entire abolition of the district plan. The report of the revents of education show that the educational institutions are in a very satisfactory condition. The agricultural college had enrolled in 1891, 271

The South Dakota penitentiary is one of the best managed institutions of the kind in the country. The development of the great artesian basin of the James river valley continues to disclose new wonders and pos-sibilities. There are now ninety-nine deep wells in operation in the state.

As to the State Mining Interests.

The advancement of the mining interests of the state during the last two years has not been surpassed by any other industry. The yearly output of silver now reaches \$250,000. The Soldiers' home has been managed in a very commendable manner. It was opened November 25, 1890, and up to June 30, 1892, had received 155 inmates. The state has been very free from epidemics. In regard to the Columbian exposition greatembarrassment was placed upon the executive on account of the refusal of the second legislature to make any provision for

the exhibit of the state's resources. As a direct result of the work of the State Russian Famine Relief commission there was collected \$3,807.63, 250,000 pounds of flour and two cars of corn. Governor Sheldon's message was very rief, being particularly chary of recommendations but advocating liberal appropria-tions for World's fair and Soldier's home. The house organized electing T. M. Caw-

son of Aberdeen, speaker, and J. W. Cone of Salem, chief clerk. Will Carry Resubmission.

The senate chose Charles N. Cooper of Huron chief secretary, over F. A. Burdick of Aberdeen. Cooper was the candidate of the esubmissionists and won easily, this being first blood against prohibition. Resubmis-sionists feel very confident of winning as

soon as a vote is reach. They figure a majority of six to fifteen in each house.

The exciting question just now is the one of appointments. Speaker Lawson this afternoon named Keily of Minnehaha chairman of the committee on rules of the house. Lieutenant Governor Herried named as com-mittee on rules for the senate, Brockway of Minnehaha, Horner of Hughes, Starr of Brule. No further nominations will be made for a day or two, but it is generally believed that Dollard of Bon Homme will be chairnan of the judiciary committee and Adams

of Brown on appropriations. Much anxiety is shown over the appointments by Governor Sheldon. The governor has so far kept his counsel well. It is generally believed that he has chosen for railroad commissioners, John Brennau of Rapid City, Frank Conklin of Clarke and probably Joe Creene, late manager of the republican state ampaign. Titus Corkhilliof Deadwood, preent mine inspector, will be turned down, and Jack Gray of Terraville will be appointed is his successor. Corkhill is unpopular and is reputed to be weak in republicanism.

One railroad commissioner and mine in-spector is conceded to the Black Hills. Ben Hoover of Sully county is likely to be private secretary,
This evening occured the grand inaugural ball in the parlors of the Locke hotel. orate preparations were made for the most brilliant occasion in the history of the state. Five hundred invitations were issued to prominent persons in all parts of the state. The city is crowded with visitors. The ball opened with a reception to the state officers. Pierre's celebrated orchestra furnished the music. In elegance and variety of costumes nothing approaching this has ever been seen in the state. Besides state officers and their wives, members of the legislature and their families, there were present many society leaders from all parts of the state, including Mrs H. B. Sterling and Miss Clara Abell of Huron, Mrs. McMartin of Sioux Falls, Miss Freeman of Ellipoint, Mrs. Burleigh of Amikton, A number of officers from Fort Sully, in full regimentals, were present, and added much to the brilliancy of the scenes. MINNEAPOLIS, Minn., Jan. 3.—A special to the Tribune from Pierre, S. D., says: A care-

enate, eighteen against twenty-one for and our doubtful. The measure will, on this showing, undoubtedly earry. WILL CONTINUE IN COLORADO.

four doubtful.

ful poll of the legislature on the resubmis-sion question shows in the house thirty-five

against, forty-one for and seven doubtful

Populists and Democrats Will Organize the Legislature. DENVER, Colo., Jan. 3.—The Colorado state egislature will convene in this city at noon omorrow. Great interest is manifested in regard to the organization of the two houses and numerous caucuses have been held by

the republicans, democrats and populists

but nothing definite has yet been

upon.
Tonight will be given up to the consideration
of the speakership of the house and speaker
pro tem of the senate. R. L. Wooten, jr., a democrat of Las Animas county, is the favor-ite in the house, while Senator Ammons, re-publican from Douglas county, is in the lead or speaker pro tem of the senate.
It is generally understood that the populists and democrats will unite, and thus control both branches. The populists, of whom Governor-elect Waite is the leader,

have signified their intention of enacting stringent laws against corporations of all clads and have declared themselves the champions of the people.

The selection of a United States senator to succeed Hon. E. O. Wolcott will not be made until the meeting of the next legislature, two years hence. Twelve members of present legislature will hold over and will have a vote for the next United States

PENNSYLVANIA'S LEGISLATURE,

Only One Little Row Disturbed Its Opening and Organization.
HARRISBURG, Pa., Jan. 3.—The biennial session of the legislature opened today at

noon. The returns of election of members of the house, as certified by the secretary of the commonwealth, were presented by Mr. When Crawford county was reached the chief clerk substituted for the returns certi-

fying the election of Wilbur P. Higby, demoto William H. Andrews, republican by Judge Henderson, before whom Andrews had raised the question of the legality of Highy's election

An ineffectual attempt was made to check