

Nebraska

URGE STATE OWES SALARIES

L. H. Tate of Omaha and H. F. Dowling of Grand Island Seek Cash.

UNDER BANK GUARANTY ACT

Allegation Made Payment Must Be Forthcoming Under Appointment While Law Was Held Up in District Court.

(From a Staff Correspondent.)

LINCOLN, Neb., Oct. 21.—(Special)—Arguments in favor of allowing salaries to L. H. Tate of Omaha and H. F. Dowling of Grand Island for the time when the bank guaranty law was held up in the courts during which time the men were appointed to serve as bank examiners were heard by State Auditor Barton and the matter taken under advisement.

In case the auditor decides against the claimants they still have the right to appeal their cases to the district court. The Omaha man has filed a bill with the state for \$2,827, while Mr. Dowling asks for \$3,600. The latter alleges that he held his office for two full years until July 2, 1911, while Mr. Tate says he resigned his non-paying place when he had learned that the supreme court had upheld the law under which he was appointed.

Neither of the men deny that they have earned money in other pursuits since they were appointed to the \$1,800 a year jobs under the guaranty law, while the attorneys for the two men aver that it matters little if state officials are away from their posts half the time, or that they perform their duties a portion of the time or that they attend to business but little or that they earn money "on the side."

The mere fact that the appropriation was provided, for they say, and that the men were appointed for the place, is sufficient to make the state liable for the salary of the men they maintain.

Appropriation in Force.

The attorneys further argued that the two bank examiners who never examined any banks cannot be shut out because the appropriation to pay them lapsed August 20, 1911, and their claims were not presented to the state until September 20, 1911. The attorneys allege that the constitution of Nebraska makes a distinction between appropriations for expenses of the state government and salaries of "officers of the government." They contend that the constitution does not set any time limit on the time of drawing of salaries from the treasury. They admit that the constitution requires that the obligation incurred by the state must be incurred during the biennium, or within three months after the legislature adjourns, or appropriations lapse. This the supreme court of Nebraska has held, allege the attorneys.

Attorney General Grant Martin was present to hear what the lawyers had to say. He will act as the advisor of the state auditor. He intimated that as the work of bank examiners was done under the old law while the new law was being held up and was done by five examiners instead of by seven appointed by Governor Shallenberger it was possible that no indebtedness had been incurred by the state and that the remainder of the salary appropriation not drawn by the five examiners need not be paid to the two examiners who were prevented from working.

Claims of Prof. Gain.

State Auditor Barton is holding up a claim presented by Prof. Gain of the department of pathology at the state farm and in which that official desires pay for serving as a member of the newly created board of registration for stations at \$750 a day. Auditor Barton contends that the state should not pay for duty at the state farm and as a member of the state board at the same time.

The supreme court in a decision rendered some time ago gives it as their opinion that such claims can be paid.

Hearings by Randall.

State Fire Warden Randall has announced that he will hold hearings at Schuyler, North Bend and Milford October 28, at Fremont October 29, and at Madison October 31. On these dates persons who have been notified to remove unsafe buildings will have an opportunity to be heard.

Delzell Back from Topeka.

State Superintendent Delzell has returned from Topeka where he attended a meeting of state superintendents. At this meeting the state superintendents present adopted the Salt Lake committee's recommendations in regard to certification of teachers and reciprocal relations between states.

FREMONT FESTIVAL PAYS WITHOUT ANY CARNIVAL

FREMONT, Neb., Oct. 21.—(Special)—The committee which had charge of the arrangements of the Fremont festival, held here last month, have got their affairs all fixed up and have \$1,71 in the treasury after paying bills. The festival was conducted without any street fair or carnival attachment, the attractions being daylight and evening parades and high-class free shows at intervals at street corners. The result, financially, was a surprise to those who believed a street carnival necessary to raise money to pay the bills.

CUMING COUNTY NEWS NOTES

Double Wedding at Church in Neligh Township—Mrs. Bert Harrison is Dead.

WEST POINT, Neb., Oct. 21.—(Special)

A double wedding was solemnized at the German Lutheran church in Neligh township on Thursday, by Rev. William Barnes, pastor. The contracting parties were Adolph Miller and Martin Struck. Mr. Miller espoused Miss Minnie Altemeier, and Mr. Struck was united to Miss Lida Altemeier. The young people are residents and natives of this county, and reside in Neligh township, where they will make their future homes.

News has reached this city of the marriage, at Scotts Bluff, of George Elquist and Miss Elsie Lane, a former teacher of Cumming county. Mr. Elquist is a hardware and furniture man of Scotts Bluff, and the newly married people will make their home in that city.

The death is announced, at Tulsa, Okla., of Mrs. Bert Harrison, the young wife of Bert Harrison, formerly of Beemer. The cause of death was from the effects of a severe cold, contracted while the deceased was on a visit here to attend the funeral of her husband's mother.

NEWLY ELECTED PRESIDENT OF NEBRASKA LIBRARY ASSN.



MISS NELLIE COMPTON.

CHARGES MADE AGAINST BUFFALO COUNTY JUDGE

KEARNEY, Neb., Oct. 21.—(Special)—Charges have been made against County Judge F. M. Hallowell, through a newspaper article in the morning daily, that excessive fees have been collected by him from litigants in his office. Later in the week the county attorney was instructed by the county board to investigate a number of criminal cases in which the county was interested. County Attorney E. B. McDermott and Attorney Warren Pratt were appointed to make a report.

This report was given to the board Thursday and the investigators reported that in the ten cases cited a total overcharge in fees of \$46.80 had been made, according to their understanding of the statutes. Mr. Hallowell was called before the board to explain and he appeared, but asked for time to acquaint himself with the report of the special committee. This was granted and Friday afternoon he sent the board a written statement, in which he says that as he could not profit by collecting illegal fees, the county receiving considerable excess fees from his office, he had only done his duty as he saw it. He further objects to a hearing unless it be before a tribunal that has jurisdiction to determine what a proper fee should be.

Notwithstanding, the board today authorized the county attorney to look into other cases, both civil and criminal. The outcome of the whole matter is watched with great interest, as some people think the obligation incurred by the state must be incurred during the biennium, or within three months after the legislature adjourns, or appropriations lapse. This the supreme court of Nebraska has held, allege the attorneys.

The attorneys further argued that the two bank examiners who never examined any banks cannot be shut out because the appropriation to pay them lapsed August 20, 1911, and their claims were not presented to the state until September 20, 1911. The attorneys allege that the constitution of Nebraska makes a distinction between appropriations for expenses of the state government and salaries of "officers of the government."

They contend that the constitution does not set any time limit on the time of drawing of salaries from the treasury.

They admit that the constitution requires that the obligation incurred by the state must be incurred during the biennium, or within three months after the legislature adjourns, or appropriations lapse.

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