

PLACED ON RECORD

Minority Members of the House Speak Out

EXPLAIN WHY THEY VOTE YEA

Railroad Commission Bill Tends to Stop the Practice of Open Discrimination

H. R. No. 305, the railway commission bill, was passed unanimously. The fusion members sent up a signed statement, asking that it be incorporated in the record in the following form:

"We, the undersigned, of the minority membership of this house, desire to explain our vote and to vote 'aye' on house roll No. 305, the railroad commission bill, believing it to be a proper step in the direction of destroying those discriminations the common carriers of this state have for years been employing against the people they should serve, but we believe this legislature should not adjourn without having enacted maximum freight rates upon such commodities as grain, live stock, coal, lumber, fruit and vegetables, oil, both fuel and refined, and we pledge the majority membership of this legislature our every support to pass reasonable maximum rates upon these products, and to reduce these rates to a basis now in force upon these same systems of railroad in our neighboring states of Kansas, Iowa and Missouri and other like situated commonwealths.

"Signed: Tremore Cone, H. T. Worthing, J. J. Garlin, E. A. Brown, M. W. Dusan, S. M. Fries, George W. Adams, H. D. Shoettger, J. M. Baker, E. B. Quackenbush, John Weems, W. D. Redmond, John Kuhl, P. C. Funk, John W. Marlatt, C. L. France, P. A. Murphy, H. R. Henry, James Greig, C. R. Besse, Fred A. Howe, Adam Pilger, A. H. Metzger, C. Mackey, J. C. Van Housen, Frank Vopalensky, D. C. Hefferman."

A STATE-WIDE BILL.

Fusion and Republican Members Have the Whip Hand.

By the close vote of 47 to 43, the Nebraska house of representatives defeated the attempt to re-commit the state-wide direct primary bill to committee of the whole for the purpose of cutting out the amendments adopted making choice of party ballot elective with the voter and allowing candidates to have their names printed on more than one ticket. Nineteen republicans voted with the solid fusion minority for the bill in its present form. The result vindicates the strategy of Speaker Nettleton and other house leaders in permitting the fusionists to assist in shaping the bill, the direct primary not being considered a party measure.

Herewith is the result of the roll call:

Ayes—Baird, Baker, Barnes, Barrett, Best, Blystone, Buckley, Byram, Cullice, Doran, Farley, Fletcher, Gilman, Glem, Hagemeister, Hamer, Harvey, Hill, Johnson, Jones, Killen, Knowles, Lahnors, Leeder, Lee, Line, Logsdon, McCullough, McMullen, Noyes, Raper, Renkel, Rohrer, Saunders, Scudder, Shubert, Smith, Springer, Steinauer, Talbot, Thiessen, White, Wilson—43.

Nays—Adams, Alderson, Besse, Bolen, E. W. Brown, E. P. Brown, Brown of Sherman, Carlin, Clarke, Cone, Dodge, Duncan, Eller, France, Fries, Funk, Greig, Hansen, Harrison, Hart, Haffernan, Henry, Howe, Jenison, Keifer, Kuhl, Mackey, Marlatt, Marsh, Metzger, Murphy, Neff, Pilger, Quackenbush, Redmond, Rejcha, Schoettger, Snyder, Stalder, Stolz, Van Housen, Vopalensky, Walsh, Weems, Whitham, Worthing, Mr. Speaker—47.

RAILROADS HELD RESPONSIBLE.

Goods Confiscated or Lost in Transit Must be Paid For.

The passage of S. F. 256, by Sackett of Gage, has been accomplished. The bill provides that railroads must pay the value of goods confiscated in transit and in addition 50 per cent of the value of the goods. The bill was placed on its passage with the emergency clause. A total of twenty-two votes is required to pass a bill with an emergency clause. The bill received twenty and ten were recorded in the negative. The bill was then placed on its passage without the emergency clause and was passed by a bare constitutional majority, seventeen to twelve. McKesson of Lancaster and Thomas of Douglas, who voted for the bill with the emergency clause, voted against it when it was placed on its passage without the emergency clause. Thomson of Buffalo did not vote on the last roll call but voted for the bill with the emergency clause. The last roll call on the bill without the emergency clause was as follows:

Aye—Aldrich, Buck, Byrnes, Dodson, Epperson, Holbrook, King, O'Connell, Patrick, Phillips, Randall, Root, Sackett, Sibley, Thorne, Wilson, Wiltse—17.

Nay—Ashton, Burns, Clarke, Gibson, Glover, Goodrich, Hanna, Latta, McKesson, Saunders, Thomas, Wilson—12.

As there was a show to defeat this bill on final passage, the roll call on the bill without the emergency clause was considered a true test of the

strength of the friends and the opponents of the measure.

THE CHILD LABOR BILL.

Representative Clarke's Measure Meets Favor by Senate.

Largely through the efforts of Senator Patrick of Sarpy, the senate has been turned in favor of the child labor bill, H. R. No. 9, by Clarke. At first it appeared that a majority opposed the bill. Aldrich of Butler, Latta of Burt, Burns of Lancaster, Epperson of Clay, opposed the bill. Finally Epperson moved to amend so that boys may be employed on a farm or in any occupation not specifically named in his amendment, without regard to hours. Patrick added to the amendment beet fields. The amendment names as occupations in which boys cannot be employed without regard to the terms of the bill, theaters, concert halls, places of amusement, mercantile establishments, stores, offices, hotels, laundries, manufacturing establishments, bowling alleys, passenger or freight elevators, factories, workshops, beet fields, "or as messengers or drivers thereof." The friends of the bill say this does not injure the spirit of the measure. The bill provides that boys under fourteen years cannot be employed, and that boys from fourteen to sixteen can be employed if they have had certain school qualifications, but then only not to exceed eight hours a day.

A MARKED DIFFERENCE.

Free From Railroad Influence Much Good is Result.

The Nebraska legislature, which is acknowledged to be the first one in thirty years not controlled by the railroad corporations, with the aid of Governor Sheldon is making progress to fulfill platform pledges, something unheard of in this state. The two cent fare bill is a law, following the pledge of the republican platform to reduce passenger rates. The employers' liability bill, pledged by the platform, was signed by Governor Sheldon. The senate recommended for passage the terminal taxation bill, another party pledge. The house passed a bill clothing railway commission with power, an elective commission created by a constitutional amendment adopted by a republican legislature two years ago.

An anti-pass bill has been passed by each house and an agreement is confidently expected, demanded by the people. The house has agreed upon a direct primary bill, demanded by the platform of the dominant party. The two houses continue to keep on the trail of the corporations. The house agreed upon a reciprocal demurrage bill, a measure opposed by the railroad lobby. The senate railroad committee decided to report out the Sackett reciprocal demurrage bill, and the same committee will report out the Aldrich maximum rate bill, a measure that makes the rates in force January 1, 1907, maximum rates, and gives the railroad commission power either to lower or increase these rates. The senate committee on railroads also decided to report out the Ashton bill to require railroads to weigh coal in transit. The senate has already passed the Sackett bill to require railroads to pay a heavy penalty for the confiscation of coal in transit. In committee of the whole the senate recommended for passage an anti-brewers' bill, a bill that was pushed forward without the aid of the prohibition element that has lobbied much during the present session. The only "sidestep" taken by the legislature was the action of the senate in retracing its steps and recommitting the pure food bill at the request of manufacturers of drugs and patent medicines and retail druggists of the state, a bill that had been ordered to a third reading.

DON'T LIKE THE LABEL.

Druggists from Over the State Make Protest.

Druggists from every part of the state protest against sections 8 and 9 of the pure food law now pending. It is stated that nearly if not quite all of the druggists who were in Lincoln protesting against the measure are manufacturers of as well as retail dealers in patent medicines and that they object strongly to putting the formula on their preparations or of labeling them "Poison" when they contain a certain percentage of poisonous drugs.

One of the objections to the proposed law is that if these medicines should be barred out of the state it would allow the mail order houses to ship them in and the local dealer would be the loser. To this the friends of the bill reply that it will not bar the preparations out of the state but will only compel them to disclose what they are made of. If they are not afraid or ashamed to give this information they can come in the same as before, and if they are afraid or ashamed, they should be kept out.

The bill has been ordered engrossed for third reading by the senate, but and effort will be made to have it re-committed for specific amendments.

Pullman rates probably will be reduced by the legislature. One of the puerile reasons against the passage of the bill introduced in the senate was given by Attorney Ransom of Omaha. He insisted that if the rates were reduced the "company" would not be as desirable. He evidently meant that the common people would be given a chance to ride. An ordinary wage earner or a Nebraska farmer would be able, under reduced rates, to ride in a parlor car with a gentleman rich and skilled in the ways of suspicious finance.

PROTECT THE FLAG

Supreme Court of the United States Gives Ruling

CAN'T DESECRATE OLD GLORY

Important Decision Rendered on Case Taken from Nebraska to Washington

Attorney General W. T. Thompson has received a copy of the decision of the supreme court of the United States sustaining the Shelly act of 1903, to protect the desecration of the United States flag. The bill was introduced in the legislature of 1903 by T. C. Shelly of Douglas county. The first fine imposed under this act was against the Willow Springs Brewing company of Omaha, which had adopted a trade mark for beer and whisky resembling the United States flag. The fine was imposed upon Nicholas V. Halter and Harry V. Hayward. The decision of the district court was affirmed by the Nebraska supreme court and the defendants carried the case to the supreme court of the United States where Justice Harlan delivered an opinion affirming the judgment of the Nebraska court. This is the first decision of the kind ever rendered by that court. The highest court of the state of New York, in an opinion by Judge Parker, late candidate for president of the United States, declared such a law unconstitutional. The supreme court of Illinois held a similar law unconstitutional, but neither of these cases was carried to the United States court. Justice Peckham, who dissented in the case of the state of Nebraska against the Burlington and the Union Pacific railroad companies, involving the collection of a tax levy, also dissented in the flag case.

THE COMMISSION FAVORS IT.

The Reciprocal Demurrage Bill is Agreed to.

Consideration of house roll No. 141, a reciprocal demurrage bill by Quackenbush of Nemaha, has been endorsed by the railroad committee. It provides:

That railroads shall transport freight with reasonable dispatch, see that there are suitable switching facilities for handling cars, receive and transport the cars of connecting lines, and charge no more than a reasonable compensation. Violations are punishable by \$100 to \$1,000 fine for the first offense and \$1,000 to \$5,000 if it is repeated.

The roads shall furnish cars on application by any intending shipper, supplying them in the order that applications are made, within three to ten days, according to the number called for. Companies to forfeit \$1 per day to the state for each car per day that it fails or refuses to furnish within the time limit. Shipper may also recover damages.

That an applicant for cars shall see that they are loaded within forty-eight hours after being placed on the sidetrack, under forfeiture of \$1 per day for each car not loaded or used. Railroad may collect damages.

That railroads shall keep record books at every station, in which applications for cars shall be entered and numbered consecutively, this record to be available at all times for public inspection.

The railroads shall carry shipments forward at the minimum rate of fifty miles per day, except Sunday, with the proviso that this shall not be held as a sufficient speed for trains carrying live stock or perishable freight. Same forfeitures for delay in supplying cars. Delay for unavoidable accidents not to be considered.

That notice shall be given to consignees within twenty-four hours of time when shipments arrive. Weight and amount of freight charges to be included in this notice. No charges to be collected in excess of actual weight.

That delivery of cars loaded with freight shall be made within twenty-four hours after arrival, under penalty of \$1 per day for overtime.

THE JUDGE IS INSTALLED.

The Two Mungers Make Ruling Governing Practice.

Hon. T. C. Munger, the newly named judge of the federal court, has taken the oath of office, the same having been administered at Omaha. Some of the attorneys had suggested that the oath be assumed in Lincoln with some ceremony, but Mr. Munger's modesty caused him to put a veto upon this proposition. The new judge is now located in the federal building at Lincoln.

Judges Munger and Munger of the federal court have adopted the following rule, relating to practice:

"Hereafter, all applications for motions or orders, arising in the divisions of Lincoln, Hastings, Grand Island and McCook, will be presented to and heard by Judge T. C. Munger at Lincoln; all applications for orders or motions arising in the divisions of Omaha, Norfolk, Chadron and North Platte will be heard by Judge W. H. Munger at Omaha. In case of sickness or absence from the district of either one of said judges, said applications and motions in the division assigned to such judge will be heard by the other judge."

HE DIDN'T GET ENOUGH.

Inhuman Treatment of Dumb Animal By Human Brute.

An instance of cruelty to animals unprecedented in the history of human operation in Omaha, or that has ever come to the attention of the Nebraska Humane society within its territory, was reported by the officers of the American Transfer company against one of its employes named Hamilton, who, in an effort to make a horse pull, fastened a cord to the animal's tongue and pulled it out by the roots. Hamilton immediately went into hiding but was captured after a search of twelve hours by the police, upon complaint of the owners of the horse and the Nebraska humane society. Judge Crawford wasted no time on the case and fined the prisoner \$100 and costs, but then discovered the limit set by law is a fine of \$50 or thirty days in jail. The fine was set at \$50.

NOT SATISFIED OF COURSE.

Relatives of the Late Count Creighton Displeased.

Aggressive fighting plans are being made by those nephews and nieces of the late Count John A. Creighton, who were not mentioned in Mr. Creighton's will, and an attempt will be made to break the instrument. Seven of the most prominent attorneys in the city have been retained by these seven relatives who were cut out of bequests and a fight will be made to prevent the will being probated.

The amount left by Count Creighton is estimated at \$7,500,000, one-fourth being bequeathed to relatives and three-fourths to charitable and educational institutions. An attempt has been made to settle the matter out of court, the heirs all contributing in a fund with which to buy off the disinherited kinsmen, but the plan failed.

TO REPRESENT NEBRASKA.

Debaters Selected to Represent University.

The university of Nebraska, through its debating board, announced the names of its representatives in the intercollegiate debates of the year with Wisconsin and Illinois. These contests will be under the auspices of the new five-cornered league. The announcement of these honors was made in the following bulletin:

"On the recommendation of the committee of judges the university debating board has appointed the following students to represent the university: Frank C. Bouilla, Merton L. Corey, C. C. McWhinney and Byron E. Yoder of Lincoln, Samuel W. Rinaker of Beatrice, Joseph W. Swenson of Omaha and Gorge M. Tunison of Cozad.

Lincoln captured three of the eight honors and Omaha one. Three of the six speakers were fraternity men, two of them being members of Delta Upsilon.

The debates will be held April 5, with Wisconsin at Lincoln and with Illinois at Urbana. The subject to be debated is, "Resolved, That cities of the United States should seek the solution of the street railway problem in private ownership." Nebraska will take the affirmative in the debate with Wisconsin and the negative with Illinois.

MUCH CORN UNMARKETABLE.

Thousands of Bushels May Rot in Elevators.

More corn, perhaps, is being moved out of the state at present than at any previous time since the close of the husking season. However, there are many thousand bushels of the cereal that may never be placed on the market, for the reason that it is still un-matured, and unless climatic conditions are favorable a large per cent of it will rot in the cribs and elevators. A test of the corn recently made shows the moisture to be 19 per cent. Such corn will not grade. It will not even pay shipping expenses. Cold weather is needed to dry out corn, but if the weather of the coming six weeks is mild, growers of wheat will be highly elated, but much of the corn will rot. Corn in the east and northern sections of the state is in much better condition than that of the south and western parts. Cars are being furnished and farmers and elevator men are shipping corn in all directions just as rapidly as they can sell it. The average state price paid for corn is 30 cents. Some, however, brings 31 cents, but much of it can be bought for 25 cents a bushel.

IN BAD CONDITION.

A Lincoln Lawyer Makes Serious Charges.

A Lincoln lawyer predicts that the people of Saline county will have more or less trouble over the condition in which the probate records of that county have been kept. Recently he had occasion to go to the records of that county for some evidence relating to land titles, and he found that the files in probate cases had not all been entered of record, and that it would be an easy matter for some of the records to be lost or destroyed, thus leaving a cloud on many a piece of land. He says that abstractors have been using the files in many instances in lieu of the records to get at transfers of land passing through that court.

If Nominated Should be Elected.

H. M. Bushnell, editor of the Lincoln Trade Review and well known in the city and over the state, has announced that he has decided to be a candidate for the nomination for mayor of Lincoln.

WILL TEST LAW

Authoritative Information Comes from Headquarters

GOVERNOR'S DELAY HELPS CAUSE

The Railroads Forming Plans to Give the Two Cent Law a Lively Inning

It is authoritatively announced in a private report of official character from Chicago that the railways of Nebraska will contest the two cent passenger fare law which the legislature has enacted. The railroads are now preparing to carry the case to the courts and there make a vigorous contest to determine the validity of the new law.

When the law was enacted it carried an emergency clause which provided for its operation upon its being signed by the governor or within five days without his signature. The governor, George L. Sheldon, the railroad argue, though elected by the republicans upon a so-called anti-railroad platform last fall, on the stump during the campaign advocated a graduated scale of fares rather than a flat two cent law, believing the latter would be confiscatory in many cases of small or branch roads. So when the legislature passed the bill providing for a flat two cent rate, they say, Governor Sheldon hesitated to sign the bill, thinking to be consistent with his pre-election course. But when he considered that without his signature the law, which the people demanded, might be unconstitutional owing to the wording of the emergency clause, he decided to sign it rather than place himself in the way of what the majority of the legislature had deemed a wise measure. The railroads contended that the governor did not relinquish his former conviction as to the unfairness of such a measure and that he and prominent members of the legislature elected on anti-railroad platforms, even now question the validity of the law, primarily on the ground, as he advocated in his campaign speeches, that it is confiscatory. The railroads will proceed with their contest as soon as they can array their forces and complete their plans of campaign.

MUST FILL REQUIREMENTS.

Adjutant General Issues Order Increasing Strength of State Guards.

Adjutant General Culver has issued an order to the Nebraska national guard to comply with the orders of the war department, which will result in an increase of the minimum enlisted strength of the guard and which will cost the state more money. The adjutant general's order is as follows:

General orders No. 3. 1. By authority of section 7217, Cobbey's supplement to revised statutes of Nebraska, and in accordance with general orders No. 3, war department, the minimum enlisted strength of the organization provided for in sections 7224, 7225, 7226, 7227 and 7228, will be as follows:

For a company of infantry, total enlisted, fifty-eight, based on apportionment to grades as follows, viz: one first sergeant, one quartermaster sergeant, four sergeants, six corporals, two cooks, two musicians, and forty-two privates.

Troops of cavalry, total enlisted, fifty-eight, apportionment to grades as follows, viz: one first sergeant, one quartermaster sergeant, four sergeants, two corporals, two cooks, two farriers and blacksmiths, one saddler, two trumpeters and thirty-nine privates.

Battery of field artillery, total enlisted, one hundred and thirty-three; apportionment to grades as follows, viz: one first sergeant, one quartermaster sergeant, one stable sergeant, six sergeants, twelve corporals, two musicians, four artificers, two cooks, one hundred and four privates, which may be divided into two platoons, located at different stations.

Signal corps, total enlisted, fifty-eight, apportionment to grades as follows, viz: five sergeants, first class; five sergeants, ten corporals, two cooks, eighteen privates, first class, eighteen privates.

Ambulance company section, total enlisted, forty-three, apportionment to grades as follows, viz: two sergeants, first class; seven sergeants, thirty-four privates, first class, and privates.

DELAY ON WARSHIP.

Lack of Material Postpones Work on Battleship Nebraska.

Considerable delay has been encountered in the work on the battleship Nebraska, under construction by Moran Bros. at Seattle, Wash. The ship was to have been finished in March, 1904, since which time there have been three extensions to the period of completion, the latest one expiring last month. The builders have now presented an application for a further extension of time, promising to have the vessel completed by April 1. The navy department will undoubtedly act favorably in the matter, owing to the difficulties which have beset the contractors in the progress of the work on the ship. They have had much trouble in obtaining efficient labor, have been delayed by the failure to obtain material to be furnished by the government and have had to do much extra work not contemplated in the original specifications.