

## MUST GIVE BONDS

The Ruling of the State Attorney General

## NEW STATE DEPOSITORY LAW

Holds that Recent Act of the Legislature Cannot Effect Contracts Already Made

The state depositories must give new bonds if they desire to have state funds on deposit up to the full amount of the bonds given. This is the ruling of the attorney general. He holds that the recent enactment of the legislature cannot affect contracts already existing between the state and depository banks. The bill that is now a law is S. F. No. 275 by Randall of Madison, and it applies only to state depositories. Under its provisions if a state depository gives guaranty bonds, as all now do, the state treasurer may deposit an amount equal to the bond, if a personal bond is given, the treasurer of the state may deposit one-half the amount named in the bond. Governor Sheldon vetoed S. F. No. 281 by Randall of Madison, making a similar provision for county depositories. The governor signed S. F. No. 410 by Clarke of Adams, which permits county depositories to give two or more bonds, such bonds to be concurrent. Both bills signed by the governor contain an emergency clause and the laws are now in force. In the bill relating to state depositories there was a provision permitting banks to deposit certain securities in lieu of a bond, but this was stricken out in the senate. The same provision was in the county depository bill that did not become a law.

The question of the date of the lapsing of state funds recently passed upon by Deputy Auditor Cook is still under consideration by Auditor Searle. He has not yet affirmed the ruling of his deputy that claims incurred after April 1, 1907, cannot be drawn from appropriations made by the legislature two years ago up to and including August 31, 1907. The deputy auditor held that claims incurred prior to April 1 need not be presented until August 31, but that those incurred after April 1 must be paid from the appropriations for the coming biennium. It has been customary to permit the drawing of funds on an appropriation up to August 31, and many of the heads of state institutions say they will be handicapped for funds unless this plan is followed, and that the legislature in fact make allowance for the drawing of funds from the old appropriations up to August 31. On the other side it is said the funds will be spent if the claims incurred after April 1 are allowed. Still others say that it makes no difference if the heads of state offices and state institutions only have notice when the time limit expires, as they will be certain to draw most of the funds available.

Employees of the auditor's office and the treasurer's office worked two days to find a discrepancy of 1 cent which existed in the Morrill fund of the state university, the error having been made six years ago. It was found that the treasurer's office had paid out 1 cent less than was called for on a warrant for \$424.83 in the year 1901. Several thousand old warrant stubs had to be examined.

The state printing board has called for bids on printing that is estimated at \$20,000. Bids are to be on file by 4:30 Monday, April 29. The matter to be printed includes 3,500 copies of the session laws, 1,000 copies each of the house and senate journals, reports of the state agricultural society, horticultural society, historical society, dairymen's society and the poultry association, assessors' books, school laws and printing for state officers and state institutions. Secretary Lou W. Frazier of the state printing board has issued notice to bidders.

## WORK OF THE LEGISLATURE.

H. R. 390, by E. W. Brown of Lancaster, appropriating \$2,800 for purchase of five lots for the home for the friendless of Lincoln.  
H. R. 295, by Armstrong of Nemaha, appropriating \$25,000 for heating plant at Peru normal school.  
H. R. 490, by E. W. Brown of Lancaster, appropriating \$2,500 for an addition to the building for the home for the friendless of Lincoln.  
H. R. 247, by Jenison of Clay, appropriating \$50,000 for normal training in the high schools of the state.  
H. R. 302, by Whitney of Sarpy, appropriating \$3,000 for new buildings and improvements at the fish hatcheries at South Bend.  
H. R. 484, by Hamer, appropriating \$15,000 for new building for the Kearney industrial school.  
H. R. 528, by Hamer of Buffalo, authorizing townships and villages to vote bonds for the assistance of railroads. Emergency clause.  
H. R. 89, by Jenison of Clay, changes poll tax to \$2.50 and makes it payable in cash.  
H. R. 112, by Hamer of Buffalo, appropriating \$85,000 for two new wings to the Kearney normal school. Emergency clause.  
H. R. 158, by Hamer of Buffalo, permits cities of the second class to purchase their own waterworks.  
H. R. 203, by E. P. Brown, curative bill amending the law with regard to

appeals to the supreme court.

H. R. 204, by E. P. Brown, to provide for review upon error in the district court of final orders made by a county court, a county judge, a justice of the peace or any other tribunal exercising judicial functions inferior to the district court. Emergency clause.  
H. R. 381, by Killen of Gage, appropriating \$30,000 for a new building for epileptics at the Beatrice institute for feeble-minded youths. Emergency clause.

H. R. 451, by E. P. Brown of Lancaster, appropriating \$1,200 for fire protection at the state capitol. Emergency clause.

H. R. 456, by Keifer of Nuckolls, appropriating \$15,000 for ran officers' flat at the Milford soldiers' home. Emergency clause.

H. R. 491, by Scudder and White, appropriating \$9,500 for an addition to the brick hospital at the Grand Island soldiers' home.

H. R. 492, by Scudder and White of Hall, appropriating \$25,000 for a new building for the Grand Island soldiers' home. Emergency clause.

H. R. 537, by Keifer of Nuckolls, to require the payment into the state treasury of the funds of the state institutions secured from the sale of property. Emergency clause.

H. R. 467, by Keifer, \$30,000 appropriation for orthopedic hospital.

H. R. 157, by Lee, Omaha charter amendment.

H. R. 419, by E. W. Brown, amends juvenile court law.

H. R. 346, by Metzger, appropriates \$2,000 for sub-fish station in Cherry county.

H. R. 188, by E. W. Brown, mutual windstorm and fire companies to change to stipulated premium plan when it has \$750,000 insurance in force and establishes guaranty fund.

H. R. 197, by Fletcher, for the incorporation of accident insurance companies.

H. R. 355, by committee on banking, for an additional bank examiner and more than one examination each year.

H. R. 429, by Whitman, equitable adjustment of school district boundaries when a district has only three sections of land.

H. R. 293, by Harvey, regulating mutual insurance companies.

H. R. 356, by Doran and others, appropriating \$25,000 for the aid of school district that cannot maintain seven months of school.

H. R. 205, by E. P. Brown, for preserving and making a part of the record in district court proofs and testimony taken orally.

H. R. 90, 91 and 92, by Jenison of Clay, amending the road laws to provide that road overseers shall be abolished and making county commissioners overseers in their respective districts.

H. R. 460, by finance committee, current expenses appropriation.

H. R. 534, by deficiencies committee, deficiency bill.

H. R. 538, by claims committee, miscellaneous claims.

H. R. 440, by finance committee, salary appropriation bill.

H. R. 386, by Cone, penalty to the Harsh elevator law of two years ago.

H. R. 147, by Harvey, gives Omaha city council power to give contract to haul garbage at no expense to the city.

H. R. 161, by Walsh, appropriates \$20,000 for a building at the state fair.

H. R. 396, by Noyes, for road drag on public highways.

H. R. 470, by Lee of Douglas, providing office room and clerks for county comptrollers. Approved.

H. R. 559, by Shubert of Richardson (on request of the governor), making a distribution among the counties of \$790 received from the government forest reserve fund. Approved.

H. R. 9, by Clarke of Douglas, child labor law. Emergency clause. Approved.

H. R. 27, by Thiessen of Jefferson, permitting mutual fire, wind and lightning insurance companies to organize on the basis of the number of risks as well as the number of members. Approved.

H. R. 56, by E. W. Brown of Lancaster, to provide for quieting the title of real estate against unenforceable liens. Emergency clause. Approved.

H. R. 106, by E. W. Brown of Lancaster, persons convicted of having burglars' tools may be sent to the penitentiary for from one to five years. Approved.

H. R. 202, by E. P. Brown of Lancaster, any taxpayer may appeal from levy of county board without appearing before the board and may hold up such portion of the levy as he deems exorbitant pending court settlement. Emergency clause. Approved.

H. R. 207, by Graff of Cuming, empowers county boards to exercise the right of eminent domain for the protection of roads and bridges. Approved.

H. R. 146, by Baker of York, to provide for the sale of real estate belonging to a cemetery association. Emergency clause. Approved.

H. R. 211, by Glien of Red Willow, permits an abstractor to furnish a guaranty bond. Emergency clause. Approved.

H. R. 258, by Jones of Richardson, amendment to the drainage law now in effect. Emergency clause. Approved.

H. R. 371, by Walsh of Douglas, making theft of live poultry a felony and the receiving of the same knowing it to be stolen. Approved.

H. R. 113, by Cone of Saunders, memorializing Congress to pass a law for a uniform standard of grading and classification of grain. Approved.

H. R. 472, by Lee of Douglas, providing for the countersigning of warrants by the county comptroller and for the filing of all claims with the comptroller. Approved.

H. R. 471, by Lee of Douglas, making county comptroller ex-officio city comptroller in cities of the metropolitan class. Approved.

## WILL CUT THE PIE

It is Thought the Governor will Make his Appointments Soon

## MANY CHANGES WILL BE MADE

It is Thought the Adjutant General will Return Soon—Major Phelps to Take his Place

It is becoming pretty generally known what Governor Sheldon has in view regarding some of the appointments at his disposal, although no announcements have yet come from the executive office. Regarding the post of private secretary to the governor it may be stated on good authority that A. B. Allen, the present incumbent, will continue to fill it indefinitely. Some observant people thought when Secretary Allen moved his family back to Tecumseh it was a sign that he would soon retire, but Governor Sheldon has not shown any intention to make a change and has not even considered naming a successor to Mr. Allen, it is said. At the outset of his term he did offer the position of private secretary in turn to W. D. Hayward of Nebraska City and County Attorney C. A. Rawls of Plattsmouth, but both men declined and since then the governor has not bothered himself to find a new private secretary. The rumor that he was about to pick a Lincoln man for the place seems to be without good foundation.

Burrett Bush of Omaha is still nominally the head of the state labor and statistical bureau, but his resignation has been placed in the governor's hands. It will undoubtedly be accepted, and everybody expects that Don C. Despain, who has been serving as chief clerk of that department, will be given Bush's job, the legislature having been unkind enough to abolish his own by taking away the salary. State house wisecracks say that Despain's appointment will date to the first of next year. In the meantime Senator Norris Brown may help him to a place in the federal service.

Chief Oil Inspector E. A. Church has not been an applicant for reappointment, and expectations are that he will be relieved within a short time to make way for some other man of Governor Sheldon's choosing. Heretofore the place has been given to Lancaster county, and if precedent should be followed in this regard it is probable that Fred Beckman will get it. Governor Sheldon, however, has a habit of disregarding precedents, and there is no certainty that Lancaster will receive this plum. Mrs. Daisy Despain, the oil inspector's stenographer, will probably vacate her position when the head of the office changes, or soon thereafter.

Another official who will doubtless retire in the near future is Adjutant General Culver. There are a number of applicants for his position, and to pick the successful one would be mere conjecture, but some of the knowing people predict that Major Phelps, who is now with the department, will be promoted to the chief place.

All of the superintendents at the three state hospitals for insane will be retained, according to present belief. They are Dr. J. T. Hay at Lincoln, Dr. W. B. Kern at Hastings and Dr. George A. Young at Norfolk. At the Beatrice institute for feeble-minded, Superintendent Johnson will probably stay until July 1 and then be relieved at his own request. F. E. Osborne, physician at that institution, wants to be superintendent and was in Lincoln to see Governor Sheldon about it.

Chief Game Warden George L. Carter stands a good chance to keep his place, as the wisecracks view it. Besides having a record as a capable and active official, he was a staunch supporter of Brown and Sheldon in the campaign last year. The fish and game committee of the house and senate unanimously endorsed Carter for reappointment, and he has other strong testimonials. Ed Morris of Omaha has been making a canvass for the position, but it is said that he will be satisfied to accept a deputyship.

## GIVES A BIG BOND.

The largest single county bond ever registered in Nebraska was turned over by Treasurer F. M. Cook of Otoe county to the state treasurer's office and will become an investment of the permanent school fund. It is in the denomination of \$75,000, drawing 3.7 per cent. It is a refunding security, being issued in exchange for seventy-five bonds, each for \$1,000, which were held by the state. The original issue was \$77,000, but two of the old bonds were canceled, the money being paid in by Treasurer Cook. The bonds surrendered by the state have been drawing 4 per cent.

Almost forty years ago the Burlington railroad, then known as the Chicago, Burlington & Quincy, was constructing its Kansas City and St. Joseph line. It agreed to build a bridge over the Missouri river at Nebraska City and run into that place from the east if bonds were voted. The people of Otoe county obligingly authorized the issuance of the bonds. These have twice fallen due, and it has been found necessary to refund the main issue each time. Altogether Otoe county is still carrying some \$360,000 of bonds voted to build different lines of railroad in the early days.

## BIG PRICE PAID FOR LAND.

Farms Sold in Cedar County for \$144 Per Acre.

Three thousand two hundred and eighty acres of land in Cedar county sold recently for over \$216,000, or nearly \$68 per acre, which established a new scale of prices for northern Nebraska lands and crowds the high-priced lands of eastern states for a high range of prices. This land is all located in the north half of Cedar county and was sold at the referee's sale of lands of the estate of John Lammers. Much of these lands were pasture and hog lands and some of the choice pieces brought unheard of prices west of the Missouri river. The land was sold in forty-acre tracts. The top notch was reached when \$144 per acre was paid for one forty. Another brought \$101 per acre, and one forty twelve miles from Hartington in wild grass knocked down at an even \$100 per acre. One 163-acre tract sold for \$83 per acre. Others ranged from \$71 to \$80 per acre. All of this land is some distance from town, and while some is rough pasture lands, there is among the higher priced pieces some of the best lands in the Bow valley. In addition to the lands sold some town property was sold, making the total sale run up to \$228,193.

John Lammers was without doubt one of the wealthiest farmers in Nebraska. He came to Cedar county in an early day with practically nothing but a determination to succeed. He died about ten years ago, leaving a widow, and he was the father of twenty children, sixteen of whom survived him. The estate was left to his widow for her lifetime and was then to be divided among the heirs. In addition to this real estate just sold the estate has notes and mortgages and personal property amounting to over \$150,000, and some years ago each of the sixteen heirs received a quarter section of land apiece. The widow died a few months ago. The scale of prices set in this sale of real estate is demonstrative of the fact that Cedar county and northern Nebraska lands have a value heretofore unknown and that the increase is substantial.

## MILKING MACHINES IN USE.

Has Been Given Thorough Test at Experimental Station.

Many farmers of the state have installed milking machines in their dairy. The milking machines, like corn-husking and cotton-picking machines, have never seemed possible, but it is now quite certain that the former is a pronounced success, differing from the latter in that it does its work to perfection.

The milking machine is not so complicated or wonderful in its mechanism, although it is marvelous in results. The new invention was adopted at the state university farm after its labor-saving qualities had been fully demonstrated, and its utility, cleanliness and sanitary provisions were so apparent. In a word it is as far ahead of the old way of milking as the self-binder is ahead of the cradle.

Briefly stated, the machine milker is operated on the vacuum or suction principle. A little gasoline engine of three-horse power will operate a system capable of operating eight of the machines and milking sixteen cows at one time. Experiments with milking machines have been conducted at the state farm for more than a year.

## MUST FURNISH NEW BONDS.

Funds to Full Amount of Bonds Will Be Deposited.

Under the new state depository law as signed by Governor Sheldon, the state depositories will have to furnish new bonds if they want state funds deposited to the full amount of their bonds. Under this new law, if a depository gives a guarantee bond, the state treasurer may deposit funds to the full amount of the bond, but if a personal bond is given but half of the amount may be deposited. This will compel new bonds if the bankers want to take advantage of the new law.

## FOR THE THAYER MONUMENT.

Bids Received and Contract Will Soon Be Let.

The committee designated by the legislature to buy a monument to be erected at Lincoln over the grave of the late Gen. John M. Thayer, formerly governor of Nebraska and a veteran of the Civil war, has received bids from several sources and will soon award a contract. The legislature set aside \$1,250 to purchase a monument. With this amount the committee will be able to buy a plain and substantial monument. Gray granite, hammer finish, with the exception of the place where the inscription is to be placed, is favored by the committee. It will be in the form of a shaft about nine feet high. The G. A. R. emblem will be one of the devices on the stone. The committee hoped to have the monument ready to unveil on Memorial day, but all of the factories that have been heard from say it cannot be ready before some time in August. The committee comprises C. N. Baird, F. A. Truell, O. C. Bell and J. B. Strode.

## AUTOMOBILE RACES.

Many Interesting Events Will Be Held in Lincoln.

The automobile dealers of Lincoln will give a tournament at the fair grounds about the first of May, the object being to demonstrate to the public the capacities of the various cars which are for sale in that city. Lincoln is now recognized as the automobile center of Nebraska and it is the intention of the Lincoln dealers to have all the leading gasoline and electric cars represented at this tournament.

## AT BIG EXPENSE

Transportation to the Manoeuvres a big item

## CANNOT USE FORT NIOBRARA

Adjutant General Culver will Begin Campaign for Armories Throughout the State

Under the new railroad laws of the last session of the legislature the annual encampment of the Nebraska National Guard will cost the state considerable more money and it is possible that only one regiment will be given the annual encampment drill. General Culver has been considering the question of rates and location of the encampment and can see no means of securing the former rate of 1 1/2 cents per mile which has been secured for several years past.

When the house committee on finance, ways and means had the question of appropriation for the guard under consideration the adjutant general appeared before them and explained the need of a larger appropriation than in former years, and they admitted the logic of his reasoning and granted the increase. Their estimate was reduced, however, and was placed at practically the same figure as in former years.

The movement of the guard is always a serious problem because of the great traveling expense, and it will be much increased this year. Participation in the maneuvers at Ft. Riley cannot be had under the appropriation, but it is hoped to have a successful encampment in the state.

Were it not for the railroad expense the guard would hold its annual encampment at the deserted Ft. Niobrara where ideal grounds and rifle range are to be found. The national government would give this fort and grounds to the state for the purposes of military maneuvers, it is said, but the state cannot accept because the fort is not located advantageously. The railroad fare would, in a few years, purchase maneuver grounds in the central part of the state. Such state grounds have long been desired by the adjutant general's department, but each legislature has adjourned without taking any action and each succeeding legislature has seen the price of land in the central part of the state greatly advanced. It is believed that in a few years more the price of land centrally located will be prohibitive and the state will never own the maneuver grounds coveted.

Adjutant General Culver will begin a campaign for armories throughout the state. The last legislature passed a bill which permits cities and villages to levy a small tax for the purpose of building memorial armories. This law will be the basis of many new armories in the state before many years have elapsed. Many of the companies have informed General Culver that they are laying their plans for the construction of the much needed armories. They will ask their communities to levy a tax to pay a portion of the expense and by means of entertainments, fairs and other devices raise the balance needed. At present the signal corps of Fremont is the only company in the state that owns its armory and this is located on leased ground. For some time the Fremont company has had an ambition to own its own location entirely and they hope to consummate it through this law.

## INSURANCE CO. INSOLVENT.

State's Attorney Brings Suit Against the Columbia Accident.

Attorney General Thompson, on behalf of the state, has filed suit against the Columbia Accident Insurance Co. asking the district court to summon the defendant to show cause why it should not have its affairs wound up and a receiver appointed. The plaintiff declares that the liabilities of the company consist of an \$800 accidental death policy and from one to two hundred worth of temporary disability claims, that its assets consist of the notes of its members of the face value of \$800, but that the real value is less. It is asserted that the defendant concern is insolvent and unable to pay its obligations. It is affirmed that the accident concern failed on about or after March 1 to make a statement of its affairs with the state auditor as required by law. The officers of the company are T. F. Bartlett, president, and W. A. Rankin, secretary.

## EXPRESS RATES NOT LOWERED.

State Attorney Is Anxious to Have the Bills in Effect.

Attorney General Thompson believes that the legislature must declare an emergency in as many words if it wishes to have a bill go into effect as soon as it has the approval of the governor. The question arose over the clause of the end of the Sibley maximum express rate bill. This declares "that the bill shall be in effect on and after passage and approval." The express companies have taken advantage of this holding of the attorney general and are holding their prices up to the old mark and will do so long as they can, as their agents in Lincoln assert. The Lincoln agents assert that the law will not hurt them much, as most of their business is interstate business, which will not be touched.

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