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LEGISLATIVE SUMMARY. Joint Convention. WEDNESDAY, JAN. 21, 1891, 10 A. M. The speaker called to order and after prayer by the chaplain, and roll call Mr. Schrader of Logan offered a resolution as follows: Whereas, There are certain members of this joint convention in doubt as to the constitutionality of our procedure without the signature of the de facto governor and lieutenant governor of the state to the joint resolution by which we are convened, and Whereas, There is a general desire among the members to have the construction of the honorable supreme court upon the matter; therefore be it Resolved, That the speaker of the house appoint a committee of three to wait upon the honorable judges of the supreme court and ask for an immediate opinion upon the following questions, to-wit: To the Hon., the supreme court of the state of Nebraska: Be it resolved by the senate and house of representatives of the state of Nebraska, sitting as a joint convention under section 4, article V, of the said state, to try certain contests for the executive offices named in section 1, article V, of the constitution, as follows: WHEREAS, a question has arisen as to the constitutional right of this joint convention to proceed with the trial of certain contests for the several executive offices named in section 1, article V, of the constitution of Nebraska without the joint or concurrent resolution thereof being first signed by the governor of the state, therefore be it Resolved, That the opinion of the supreme court of the state of Nebraska be and the same is hereby asked upon the following questions: 1.—Where a contest is pending before this joint convention convened in the manner and for the purposes aforesaid, for the office of governor of the state of Nebraska, and the contestee thereof is the acting or de facto governor of the state, is it necessary to the constitutionality or validity of the resolution therefor named in section 77, chapter 28, of the compiled statutes, that such resolution shall first be signed or approved under section 15, article V, of the constitution of this state by said acting or de facto governor? 2.—If such resolution should be presented to the acting or de facto governor of this state, he at the time being a contestee for the office of governor, which is to be determined by this joint convention acting under said resolution, and under the constitution and the statutes, and he should withhold such resolution or veto the same, would this joint convention, notwithstanding that fact, by a majority vote have the legal power to proceed and determine said contest under such resolution? 3.—Where the office of lieutenant governor is also being contested before this joint convention as provided by the constitution and statutes of this state, would it be necessary to the legality of the proceeding of this joint convention, that the resolution for a joint convention to try the contested election for said office at the same time that the contest for the office of governor is to be tried, should be presented to the acting or de facto lieutenant governor for his signature, and if the de facto or lieutenant governor should withhold his signature from said resolution or vote the same, would this joint convention, notwithstanding that fact, have a right to proceed to try said contests? Where all of the executive officers named in section 1, article 5, of the constitution are being contested, and the senate and house of representatives have duly passed a concurrent or joint resolution fixing the time and place for the trial of said contests as provided by the constitution and the statutes, is it necessary to the validity of such resolution, or the proceedings in said contests that such resolution be presented to either the acting or de facto governor or de facto lieutenant governor, each of whose offices are being contested, and are mentioned and embraced in said resolution? We respectfully ask an early answer to these questions. As soon as the clerk finished reading the resolution Mr. Schrader moved that it be adopted and also the previous question. The motion was seconded by about half of the members present. Mr. Howe tried to talk against the resolution and in favor of it at the same time, and he was in favor of leaving off a part of it as it would no doubt be considered improper by the supreme court. In response to repeated calls for the question, the speaker decided that all remarks were out of order, and especially one man who insisted that it took a two-thirds vote to carry the previous question. The question was put, and the speaker being in doubt, the roll was called and resulted in 81 for and 51 against the previous question. It was therefore carried by a good majority. It was then moved, seconded and carried unanimously to adopt the resolution as read. Pantomimism followed. Somebody finally moved to adjourn, but as there was a committee to appoint the speaker would not entertain the motion. Church Howe was seen frantically gesticulating in his place, and in a moment of comparative calm, said he had a resolution to offer. The speaker said he was out of order but he insisted on reading it. Resolved, That we request the chaplain to offer a prayer of thanks to Almighty God that we a last recognize the laws as found upon our statute books. The speaker ruled it out of order but Mr. Howe was bound to be funny or die in the attempt. And amid all kinds of racket, which would have disgraced Babel, Howe's melodious voice was heard insisting on the resolution. An A liance member said he was glad to see that the gentleman from Nemaha was willing to come to the members bench. The speaker finally made his gavel heard and restored something like order. Schrader of Logan, chairman, and Taylor of Johnson, and Chapeck of Douglas were appointed committee to consult with the supreme court. It was then moved and carried that the joint convention take a recess till 2 p. m. to give the committee a chance to make their report. AFTERNOON SESSION. The joint convention was called to order and after roll call Mr. Schrader offered the following resolution: Whereas, The joint convention is meeting by virtue of separate motions fixing the time thereof, passed by the senate and house of representatives as well as by virtue of a concurrent resolution; and Whereas, Other questions may arise therefrom in the minds of many members which may require the opinion of the honorable supreme court, therefore be it Resolved, That the joint convention do that copies of said motions and this resolution be transmitted to said court, and under said motions the court be requested to answer the following question, to-wit: Has this joint convention the right to sit and determine the various contests for executive state offices under said motions regardless of any provisions of a joint or concurrent resolution? On motion of Mr. Schrader the resolution was adopted, after a few remarks by different members who thought it was not necessary. Mr. Schrader explained that it was at the suggestion of the supreme court that the resolution was drawn. The report of the committee appointed to consult the supreme court was then read as follows: TO THE JOINT SESSION OF THE NEBRASKA LEGISLATURE: Your committee beg leave to make the following report in the matter of the submission of the resolution sent to the supreme court this morning. The Hon. Supreme Court estimate the propriety of an argument of a case of so much importance; and signified their readiness to listen to an argument at any time it may please this body. We therefore recommend that the contestants for the several executive offices and the contestees also, choose counsel to make said arguments and that the hour of three P. M. be set aside for hearing said arguments and that this convention take a recess until 10 A. M. tomorrow. C. D. SCHRADER, Chairman. It was moved and carried that the report be accepted as read and a recess taken in accordance. Every body then tried to hear the pleas before the supreme court. The supreme court room was crowded to suffocation and all were intensely interested in the proceedings as was shown by the silence and close attention. The attorneys who argued the case were Walter J. Lamb, H. H. Wilson and Chas. H. Hall of Lincoln; G. Cowan of Omaha and Judge Allen of Madison. As the lawyers were limited as to time, the pleas were all made by 5 o'clock. Judge H. Maxwell said that they all realized the value of time in this matter and their decision would be handed down just as soon as possible, but he was unable to state the exact time. The court then adjourned till 9 o'clock in the morning. THURSDAY. The house was called to order at 10 o'clock, and after prayer and roll call Mr. Taylor of Johnson moved that a recess be taken till 11 o'clock, as they had good reason to believe that the decision of the supreme court would be handed in by that time. The motion was amended to 2 o'clock and carried. The joint convention called to order at 2 o'clock, and after roll call the committee which was appointed to confer with the supreme court was asked to make their report. Before the report was made a resolution was offered by Mr. Stevens as follows: Resolved, That the legislature of the state of Nebraska, now in joint session assembled for the purpose of hearing and determining the contest for executive state officers, hereby respectfully ask that the decision of the supreme court touching such matters of law and parliamentary practice as relates to subject matter before this joint convention, and as submitted to them, be requested to submit their opinion in writing. Every man in the house seemed ready to speak on the resolution and a general fire of words followed. A motion was made to postpone the resolution, which after a heated discussion, was lost. The vote was then taken on the adoption of the resolution, which was decided in the negative, and the committee requested to make a verbal report of the decision of the supreme court. Mr. Schrader, chairman of the committee, then rose and said that he did not hear all of the opinion of the court, but thought he had the gist of it. It was that the joint convention was unlawful and could not transact any business; that the signature of the de facto governor and the lieutenant governor ought to appear on all bills and on the concurrent resolution, the fact of these officers being parties in the contest does not matter. The resolution must be read three times, and in fact everything must be done over again. A motion was then made and carried that the joint convention adjourn sine die. The members of the senate then retired and the speaker called the house to order. Bills for second reading were then taken up and referred to their proper committees. Resolutions and petitions were the next order of business. A petition presented by Mr. Kruse was the first one read, in regard to amending article eight, section five, so that all license money, etc., go into the state school fund. A similar petition was also presented by Mr. Ruggles. These were signed by a large number of voters. A numerous signed petition from Jewel, Keith and Lincoln counties was next read, in regard to the establishment of a board of immigration. Mr. Stevens then read a resolution requesting John M. Thayer to furnish all the information in his power in regard to the western sufferers. Adopted. Several resolutions were offered and adopted with reference to the western sufferers. A resolution was then presented that we appoint a committee of two to inform James E. Boyd that we are now organized and ready to receive any communication he might wish to make. Not adopted. Mr. McReynolds then offered a resolution that a joint convention be called February 5 for the purpose of hearing the evidence in the contest case. Audited for second reading. By Mr. Schlotfeldt—A resolution in reference to furnishing copies of resolutions, heads of bills, etc., to representatives of the press. Not adopted. A resolution was then adopted asking that a committee be appointed to investigate the irregularities of the post-office of the house. Taylor of Butler, Cornell and Sertinsdork were appointed.

A resolution was offered by Speaker Elder that the heading of all bills be furnished to the press. Adopted. Mr. Storms offered a resolution that publishers of school text books on political economy be required to insert the reform principles on money and all finances. Adopted. Resolution by Mr. Severin that the state treasurer be requested to furnish the house with a report of the amount of money in the school fund, who has it, how much interest has been paid on it in the last two years, to whom paid, etc. Adopted. A motion was made and carried that we adjourn. FRIDAY. House called to order by Speaker Elder. After the opening exercises and roll call came the reading of the journal. After a few corrections the same was approved and the regular order of business taken up. The resolution by Mr. Stebbins in relation to the state treasurer's report was read as that was the last order of business at adjournment. An amendment asking about the number of members who have received part pay was offered and a motion to table the amendment, which carried the original resolution with it, was carried. A resolution by Mr. Gardner in reference to aid for the western sufferers was carried. Mr. Gale then introduced a resolution in regard to instructing the judiciary committee to form a court of claims, which was adopted. The concurrent resolution in reference to hearing the contest was then read for the second time. Mr. Gardner then offered a resolution that the bill in reference to the drouth sufferers be printed at once, and also to find out who is to blame for the delay in printing this bill. A motion to adjourn was lost. The bill referred to was then brought in by the printer and the resolution lost. The following bills were introduced before adjournment: A bill to revise the law in relation to the rate of interest, and to punish usury. A bill to amend section eight of chapter nineteen of the compiled statutes of the state of Nebraska. A bill to amend section seven of chapter twenty-six of the compiled statutes of Nebraska for 1889, entitled "Elections," and to repeal said section seven. The Senate. The senate was called to order and roll was called. Senator Shea was reported sick and was excused. The journal read and approved. The assistant clerk of the house appeared and read resolutions passed by the house appointing a committee of two to act with like committees from the senate and wait on the retiring governor, Hon. John M. Thayer, and invite him to make such retiring message as he may desire, and second, appointing a committee of two to act with committee of one from the senate to correspond with the legislatures of adjoining states with a view to passing harmonious legislation reducing the rate of interest in all of the said states. First reading of bills. A bill to protect parties furnishing sowing seed. Introduced by Mr. Collins. A bill to regulate the interests of mortgagors and mortgagees in real estate mortgages. Introduced by Mr. Coulter. A bill providing for weekly payment of wages by corporations. Introduced by Valentine Hora. A bill to provide for and regulate proceeding in garnishment in civil actions. Introduced by Mr. Koonz. A bill to amend section ten of chapter twelve of the compiled statutes of Nebraska, 1887 edition entitled, "Chattel Mortgages." Introduced by Mr. Koonz. A bill to amend section 505 of the code of civil procedure by adding thereto after section 505 the following which shall constitute section 505 a. Introduced by Mr. Koonz. A bill to amend section seventeen of the criminal code of Nebraska. Introduced by Mr. Koonz. Bills were then heard on second reading and referred to their proper committees. Wilson of Dawes moved that the chair appoint two additional members of the reapportionment committee. Poynter and Keiper opposed the motion. The motion was then put and lost. Poynter moved a recess until 2 p. m. Collins announced that the judiciary committee would meet immediately on adjournment. It was thought unnecessary to meet before to-day and the senate adjourned until 10 a. m. to-day. By Mr. Soderman—A bill for an act to amend sections one and fourteen of chapter forty-five of the compiled statutes of 1887 and to repeal said sections as now existing, entitled "Bonds—Election." By Mr. Cape—A bill to extend and regulate the liability of railroad corporations to make compensation for personal injuries suffered by employees in their service. By Mr. Waldron—An act to amend section forty-six of chapter twenty-six of the compiled statutes of 1889, entitled "Elections," and to repeal said section forty-six. By Mr. Bartholomew—An act in relation to fixing the time of issuing execution in cases of judgment, decree and order of foreclosure of mortgage of real estate. By Mr. Stephens—A bill for an act to prevent the use of special police powers in the state of Nebraska, and to provide penalties for the same. AFTERNOON SESSION. The house called to order as per adjournment and after roll call the following bills were introduced. By Mr. Fulton—A bill to amend section seventy, chapter seventy-seven, of the compiled statutes. By Mr. Parker—A bill to amend section 847 of the civil code relating to the foreclosure of mortgages. By Mr. Gerdes—A bill to amend section one chapter fifty of the compiled statutes of Nebraska 1889. By Mr. Folker—A bill for the relief of Jno. Anderson, Mrs. Martha Feddie and Henry Rolf. By Mr. Cornish—A bill to amend section seventy-seven, chapter twenty-six, of the compiled statutes of Nebraska. By Mr. Moan—A bill to amend section thirty, chapter twenty-three, of the compiled statutes of Nebraska of 1889 and to repeal said section as now existing.

By Mr. Curtis—A bill to amend section seventy-three of the code of civil procedure, and to repeal section four of the compiled statutes of 1889. By Mr. Curtis—A bill relative to the liability of corporations, companies and individuals operating railroads in this state for the acts of their agents and employees. By Mr. Hinkle—A bill to prevent corrupt use of money at elections by prohibiting the campaign funds and treating and providing penalty. By Mr. Modie—A bill to amend section 189 of the code of civil procedure, and to repeal original section. By Mr. Modie—A bill to amend section 505 of the code of civil procedure, by adding thereto after section 505, the following which shall constitute 505 A. By Mr. Modie—A bill to provide for and regulate proceedings in garnishment in civil actions. By Mr. Modie—A bill to regulate procedure in the district court in civil actions. By Mr. Storm—A bill to amend section 116 of chapter fourteen of the compiled statutes of 1887. By Mr. Williams—A bill to repeal an act entitled "An act concerning the care of and to prevent the spread of contagious and infectious diseases among domestic animals, to provide for the appointment of a state live stock commissioner and veterinary surgeon, defining their powers and duties and regulating their compensation." Approved March 4th, 1885. By Mr. Watson—A bill to define the qualifications and conditions under which any insurance company, association or partnership, whether benevolent, whether cooperative or otherwise, organized under or incorporated by the laws of any other state or territory of the United States, or any foreign government for the purpose of taking risks or doing business in this state in life, fire, accident, or other insurance, may transact business in this state, providing penalties for the violation of the provisions thereof, and repealing all acts and parts of acts inconsistent with or in conflict with the provisions thereof. By Mr. Watson—A bill to extend and regulate the liability of employers to make compensation for personal injuries suffered by employees in their service. By Mr. Nelson—A bill to amend subdivision one of section fifty-two of article two of chapter fourteen of the compiled statutes of Nebraska of 1889. By Mr. Williams—A bill to construct and furnish additional buildings at the Nebraska institution for feeble minded youth and making appropriation therefor. By Mr. Williams—An act entitled "An act to reimburse parties who have purchased real estate from the state of Nebraska in case of duplicate transfers, and appropriating money for the same." By Mr. Gardner—An act relative to public schools in metropolitan cities, and to repeal an act approved March 30, 1887 entitled "An act relative to public schools in metropolitan cities and all acts amendatory thereof." By Breen—Making eight hours constitute a day's labor for laborers and mechanics working on public buildings. Joint resolution submitting to the electors of the state an amendment of section four of article 5 of the constitution of Nebraska. By Lomax—To amend section seventy-two, seventy-six and seventy-seven, chapter 24, compiled statutes of 1889, entitled, "Sections and to repeal said original sections." By Capek—To regulate the liability of employers to make compensation for personal injuries suffered by employees in their service. The bills on second reading were then read and referred. This was followed by bills on third reading. J. B. Watson presented a petition asking that Nathaniel Crabtree be given a position in the legislature. Referred. The report of the committee an engrossing bills then reported on the concurrent resolution to congress asking the immediate foreclosure by the government of the mortgage it now holds on the U. P. Railroad. Adopted. The committee to confer with the supreme court made its report which was to the effect that on Tuesday the opinion of the judges would be handed down in writing. Adjourned till 10 o'clock to-day. SATURDAY. The House. The house called to order promptly at ten o'clock by Speaker Elder. After prayer the journal was read and approved. Resolution No. 5 in reference to the contest was postponed and No. 6 read for the second time. The following bills were then read for the first time: By Mr. Schelp—A bill to allow children of one district to attend school in adjoining districts under particular circumstances. By Mr. Rohan—A bill to provide for a presentation of the products, resources, and possibilities of the State of Nebraska at the World's Columbian Exposition, to be held at the city of Chicago, Illinois. By Mr. Bartholomew—A bill to amend section three of chapter ninety-three of the compiled statutes of Nebraska. Bills on second reading were then taken up and referred to their proper committees. A petition was read from Stevens and Furnas counties in reference to having all license fees and fines paid into the state school fund, also a similar one from Cherry county. The question of adjournment was discussed pro and con, and notices of committee meetings read and a recess till four p. m. was finally voted. AFTERNOON SESSION. The house called to order at 4 p. m. by Speaker Elder. Rev. L. P. Luden, general manager of the state relief commission, made a report which was in substance that the railroads have refused to carry any more freight free. The wholesale merchants have sent a great many supplies which are charged to the state and prepaid the freight on the same. There has been about \$15,000 spent already. As the weather is colder than it is here fuel is needed. If we could make special rates on freight we could save about 40 per cent. Money is needed now. A motion was made and carried that this be made a special order of business on Monday. The committee on judiciary then reported, as stated on the following bills, all of which reports were accepted and bills placed as recommended: