

THE DEPOSITORY LAW

POINTS RAISED BY TREASURER MERVINE PASSED UPON.

The State Supreme Court Hands Down an Opinion—A Decision that Will Give the State Treasurer Access to State Funds Heretofore Tied Up in State Depositories.

State Supreme Court Opinion.

Lincoln dispatch: The house of representatives is in possession of the ballots cast at the last November election on the propositions to amend the constitution of the state. At a few minutes before 7 on the evening of the 17th a committee of the house, with the sergeant-at-arms and his assistant, forced their way into the room where the members of the canvassing board were watching the ballot boxes, and the committee in the name of the legislature, took possession.

The members of the board protested, and they with two guards that had been on watch endeavored to prevent the sergeant-at-arms and the committee from carrying out their purpose. The six canvassers and their two guards were powerless to prevent the others from carrying out their plans and now the ballots are locked up in the big vault at the state house under watch of the sergeant-at-arms and his assistant.

The resolution authorizing the seizure of the ballots was presented to the house by Sheldon of Daves county and was in this form:

"That the committee heretofore appointed to confer with a like committee from the senate relative to the recount of the ballots cast for the constitutional amendment be and is hereby authorized and empowered to at once proceed to the office of the secretary of state and in conjunction with him, the said secretary of state, take possession of and hold until further order of this house all the ballots, poll books, tally sheets, abstracts now in the possession of the said secretary under and by virtue of an act to recount the ballots cast on the constitutional amendment relating to the judges of the supreme court and their term of office of November 3, 1896, to compare said ballots, declare the result and fix the penalty for violation of the provisions of this act," which act was passed by the Twenty-fifth session of the legislature and approved the 20th day of February, 1897.

Said committee is hereby authorized, empowered and directed in case of resistance to summon to its aid the sergeant-at-arms of this house and to use all force necessary to gain possession and hold possession of said ballots, poll books, tally sheets and abstracts, until further order of this house."

Senator Beal introduced in the senate a resolution providing for the appointment of a committee of the senate to act with a like committee of the house to devise ways and means for carrying on the count which had been suspended under the injunction issued by the district court judge, C. L. Hall of Lancaster county. This resolution was adopted and the lieutenant governor appointed Senators Beal, Mutz and Feltz on the committee. The respective committees held a conference which resulted in an agreement that the legislature must take possession of the ballots and conduct the count. No other plan was considered practicable, for all other plans left the canvassers exposed to the interference of the delays by the restraining orders obtained through the courts. Accordingly the poll books were taken possession of in the manner before stated. Gov. Holcomb, it is said, will present to each house a bill calling for a recount by a legislative committee. He will include a call for a recount of two more amendments, the amendment providing for the investment of the permanent school fund and another placing three railroad commissioners in the list of the elective officers. Further movements are looked forward to with a great deal of interest.

LATER.—There have been no exciting developments over the controversy regarding recount of the constitutional amendments. The ballots have remained in the fire proof vault in the office of the secretary of state. The doors of the room in which the vault is located are locked and the sergeant-at-arms of the house or one of his deputies is constantly on guard to ward off an anticipated attack. There will be a bill introduced in the house or senate providing for counting the ballots and declaring the result of the election on the proposition to adopt amendments to the constitution. The form and substance of this bill was agreed upon in a joint caucus of the fusion members of the house and senate. The caucus had before it a draft of a bill which had been prepared to meet the suggestions contained in the governor's message. The question of whether a bill or a joint resolution should be adopted was discussed at some length, and it was agreed that the latter would be best. It was agreed that the bill should provide that the ballots be taken charge of by a joint committee of four members of the house and three members of the senate and counted. It will provide that one republican from each house may be appointed. There is no limit as to the way in which the canvass is to be completed. It is provided that the act of February 20, 1897, be repealed and the members of the committee may employ as many clerks as may be necessary to do the work.

On Union Pacific Finances.

The statements of earnings and expenses of the Union Pacific for January, 1897, is the most encouraging monthly report that has been made by the system for a long time. Every branch of the system showed a healthy increase in its earnings, and the expenses of the main line and of the Oregon short line exhibited a marked decrease.

John Sawyer of Lincoln county has devoted a good deal of time to hunting and trapping this winter and has killed 574 muskrats, seventeen skunks, two coons, fifteen mink and several coyotes. By selling the furs he has made good wages.

Alfalfa Growing in Favor.

One of the most favorable signs of the improvement in agricultural matters in the vicinity of North Platte is the remarkable change that has taken place among farmers relative to alfalfa in the past two years. Its virtues as a forage plant are on every agricultural tongue and the better the farmer becomes acquainted with it the better it appears to be liked.

The Blair Courier thus announces the redemption of a fellow citizen: "Robert Carter is now a full-fledged man, without the demon, having obtained a sheepskin for sobriety."

Frank Owens, night clerk at the Meridian hotel at Columbus, narrowly escaped being murdered the other morning. Owens was dozing in a chair when a man entered and struck him a terrific blow across the head with some instrument, knocking him out but not fracturing the skull. The man then pried open the cash drawer and took \$6.50 and fled.

The election contest of the Sutton High school for a representative in the north district contest was won by Miss Ella Howe. A large number entered for the honor, displaying a high order of talent.

BALLOTS SEIZED.

Sergeant-at-Arms and a House Committee Take Possession.

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THE TARIFF TOILERS.

TAKING CARE OF THE FARMERS, AND WAGE EARNERS.

Republicans Also Pushing the Bimetallism Conference Bill—Prosperity Will Surely Be With Us in a Few Weeks from Now.

Special Correspondence.

Washington, Feb. —

The ways and means committee is still struggling with the interests of the farmers. It announces that it will not be able to complete the tariff bill during the present session of congress, and will probably not have it ready for presentation until the next congress meets in special session, which is expected to be about March 15. No determination has yet been reached on the sugar schedule, but on all farm products which have been taken up and acted upon the interests of the farmers have been very thoroughly protected. McKinley law rates have been restored in most cases and this seems to have been just about the desire of the farmers. It is observed that those representatives of the farmers who came before the committee in most cases recommended the restoration of the rates of that law, and this recommendation has been followed as far as possible. It has been suggested that the committee in framing the rates on sugar should give to the beet sugar industry some greater encouragement than is given cane sugar. This suggestion is based upon the assumption that beet sugar is, in fact, an "infant industry," while cane sugar has been produced in this country for many years and does not require the encouragement for its extension that the beet sugar industry needs. While the members of the committee recognize this fact and would be glad to extend this special encouragement to the production of beet sugar in the northwestern states where beet growing is practicable, they are finding it extremely difficult to devise any way by which it can be accomplished. It is scarcely expected that the bounty system will be made a feature of the new law, and it will, of course, be impossible to so shape the tariff that beet sugar would derive any greater encouragement than cane sugar from the rates of duty levied.

The committee is still undetermined, and it may be added somewhat embarrassed in regard to the wool schedule. The extremely high rates of protection demanded by the Wool Growers' Association are looked upon as likely, if adopted, to result in such an increase in prices of woolen goods as to prove not only unpopular, but absolutely unjust to all other classes of population outside of the comparatively few who are engaged in wool producing. It is in the effort to strike the "golden mean" between the extremely high tariff demanded by the wool producers and the low rates desired by the manufacturers that the committee is now engaged.

Washington on the Tariff.

The fact that Washington's birthday was celebrated in the midst of a tariff discussion by the ways and means committee has suggested to somebody an investigation of his record and views upon this great question of protection, which is under consideration just at the time that his birthday is being celebrated. This investigation develops the fact that he was a firm believer in that cardinal doctrine of the Republican party—protection. At the very beginning of his career as President, in his first message to congress he recommended a protective tariff and that congress made its first measure a protective tariff bill as is shown by its preamble, which reads:

"Whereas it is necessary for the support of the government for the discharge of the debt of the United States and for the encouragement and protection of manufacturers that duties be laid upon imported goods, etc., Therefore, be it enacted," etc. This bill President Washington not only signed, but he showed his full confidence in a protective sentiment by the following statement in his first annual message in speaking of our people as a free people:

"Their safety and interest require that they promote such manufactures as tend to render them independent of others for essentials, particularly military supplies."

In his seventh annual message he shows that our "agriculture, commerce and manufactures prosper beyond example (under the tariff of 1789). Every part of the Union displays indications of rapid and various improvement, and with burdens so light as to be scarcely perceived. Is it too much to say that our country exhibits a spectacle of national happiness never surpassed if ever before equalled?"

In his eighth and last annual message Washington said:

"Congress has repeatedly and not without reason directed their attention to the encouragement of manufactures. The object is of too much consequence not to insure a continuance of their efforts in every way which shall appear eligible."

Pushing International Bimetallism.

International bimetallism has been much discussed here during the past few days, and the discussion has shown two or three interesting facts. One of these is the determination of the Republican leaders to maintain absolutely the pledge of the Republican party with reference to this subject. While a handful of the representatives of the great financial centers opposed action on the senate authorizing the appointment of delegates to an international conference they were as nothing compared with the overwhelming sentiment of the party and of the leaders of the party in favor of doing all that can

AMENDMENT RECOUNT

IT IS RESTRAINED BY SECOND INJUNCTION.

Hands of the Commission Now Firmly Tied by the Court—Constitutionality of the Law to be Tested in the District Court of Lancaster County—Legislature Will Finish the Count.

A Second Injunction Issued.

A dispatch to the Omaha Bee says: Judge Hall this afternoon issued a second injunction restraining the members of the commission charged with the duty of recounting the amendment ballots from proceeding until the constitutionality of the law creating the commission and providing for the recount can be tested in the courts. The restraining order was served upon all members of the commission at the state house shortly before 3 o'clock, with the exception of Mr. Oberfelder, who was out of the city.

The effect of this second injunction is to tie the hands of the commission, as it is constituted at present, for an indefinite length of time. Attorney General Smyth said that the constitutionality of the law could not be tested within three months, at least. The restraining order issued this afternoon is in words following:

This came on for hearing upon the application of the plaintiff for a temporary injunction against the defendants. Thomas C. Manger, Charles O. Whedon, G. M. Lamberson and Roscoe Pound appeared as attorneys and counsel for the plaintiff and Constantine J. Smyth appeared for the defendants.

Thereupon the court, upon reading the petition and information of the plaintiff duly verified, and after hearing arguments of counsel for the plaintiff and defendants, and for good cause shown, it is ordered that a temporary order of injunction be granted herein restraining the defendants, William E. Porter, Joseph Oberfelder, C. J. Bowley, P. O. Hedlund, Frank M. Ross, George W. Blake and J. N. Campbell, and each of them from proceeding with the counting, inspection and canvassing the votes and declaring the result of the canvass of votes cast at the election on the 3d day of November, 1896, for and against an amendment to the constitution of the state of Nebraska relating to the number of judges of the supreme court and their term of office, which amendment was submitted to a vote of the people of the state of Nebraska on the said 3d day of November, 1896, and enjoining and prohibiting them and each of them from performing any acts and duties and exercising any powers conferred upon them under an act provided Feb. 27, 1897, by the twenty-fifth session of the legislature, entitled "For an act to recount the ballots cast on the constitutional amendment relating to the judges of the supreme court and their term of office on Nov. 3, 1896, to compare said ballots, declare the result and fix the penalty for the violation of the provisions of this act."

And the said defendants are further enjoined, each of them, and as a canvassing board, from declaring the results of the counting and canvassing of the said votes cast at said election for and against said amendment and from handing over and delivering to any person or persons the ballots now in their possession cast at said election, or the abstracts, poll books or other papers and records in their custody or either of them. And the said defendants and each of them are commanded to keep said ballots, abstracts, poll books, records and papers in their custody and under their control until further order by this court.

This temporary order of injunction shall continue in force and effect until the court shall have heard the question and determined the constitutionality of the act of Feb. 20, 1897, under which respondents are acting and until the further order of the court, upon the plaintiff executing and delivering to the clerk of the courts an undertaking in the defendants in the sum of \$300, with approved sureties conditioned as required by law and service hereof upon the respondents.

South Sioux City is rejoicing that its star tough, John Keyson, is in jail across the river, and likely to serve a well-earned term in the penitentiary.

Madman at Large in the Town.

Decatur dispatch. Abe Huggs, a man who has thrice been sent to the Norfolk insane asylum, the last year and a half, came home last night carrying his rifle. He walked in. Huggs is a dangerous man when under the influence of his insane fits and since he got back the town people are badly scared and many of them go armed. The last time he was captured he destroyed about \$100 worth of personal property before the officers could capture him. He has a wife and three little children living here.

Utah Makes an Appropriation.

Salt Lake City, Utah, dispatch: The general appropriation bill passed by the Utah legislature today carries an appropriation of \$8,000 for the Trans-Mississippi exposition. This amount will be largely increased by private subscriptions, many donations having already been promised.

The mine owners of the state are showing great interest in the subject and promise to make a magnificent exhibit of the mineral resources of the state.

Isaac Hupp of Boyd became violently insane as a result of religious excitement coupled with a bad case of la grippe.

Outlook Good for Crops.

The ground is full of moisture to the top, and all the draws and lagoons are full of water, says a Juniata dispatch. Winter wheat appears to have come through without killing much, and no doubt will make a big crop. The low temperature has also prevented the fruit bud from swelling, and with a couple of weeks more of favorable weather, an enormous fruit crop may be expected.

It is expected that the Superior starch company will be reorganized with enough capital to go ahead and do business.

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