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THE NEW LAWS OF NEBRASKA

A Digest of Bills Put Through at the Recent Session of the Legislature.

A SAMPLE OF THE BALLOT MEASURE

The Election, Insurance and School Laws Undergo Liberal Amendment--Criminal and Civil Codes Materially Changed--Appropriation and Other Bills.

The legislature of 1899 adjourned April 1, but the records of the two houses show that it adjourned March 31. The session resulted in the election of a republican United States senator to succeed Senator W. V. Allen. Judge M. L. Hayward was elected senator on the forty-third joint ballot after fifty-seven ballots had been taken in the republican caucus. The senatorial contest was the longest in the history of the state. The first ballot was taken January 17 and the election of Judge Hayward was effected March 8.

The total number of bills passed by the legislature was 122, fifty-two being senate bills and seventy being house bills. Two bills from the house and two from the senate were vetoed by the governor, the vetoes being sustained owing to lack of votes to override them or lack of opportunity to act upon them. One item in the general appropriation bill was also vetoed. Two years ago the total number of bills passed was 132, seven of which were vetoed.

In the matter of appropriations the session just closed exceeded the amount given two years ago by $112,635, but at the same time appropriated more than $200,000 less than the previous legislature for new buildings. The following is a comparative statement of the appropriations voted by the legislature in 1897 and in 1899:

Salary appropriation.	$ 805,300.00	$ 835,300.00
General approp	1,104,967.36	1,069,055.00
Claims & defic'c's..	94,211.97	122,886.04
Legislative approp ..	130,000.00	130,000.00
New buildgs, etc. ..	111,000.00	308,700.00
Sundry misc. bills....	118,500.99	20,714.86
	$2,364,080.32	$2,477,715.90

All laws which were signed bearing the emergency clause go into effect on the date of the governor's signature. Other laws go into effect on July 1.

A digest of the new laws follows:

ELECTION LAWS.

House roll 53, by Zellers. Amends sections 129, 130, 131, 132, 137, 140 and 146 and schedules "A" and "B," chapter 26, compiled statutes of Nebraska for 1897, entitled elections, and to repeal sections 128, 129, 130, 131, 137, 140 and 146, and schedules "A" and "B" of said chapter 26 as originally existing.

The law repeals the section of the election providing for party emblems and strikes out all reference to emblems in the laws as it stood before.

The provision when candidates are to be nominated otherwise than by convention, committee or primary meeting, United States raises the number of signers necessary for petitions as follows:

"The number of signatures shall not be less than five thousand when the nomination is for an office to be filled by the electors of the entire state, and not less than two hundred and fifty when the nomination is for an office to be filled by the electors of a township, precinct or ward, provided that the number of signatures need not in any instance exceed one-fourth of the total number of voters when the nomination is for an office to be filled by the electors of a county, township, precinct, village or ward, and that the signatures need not all be appended to one paper."

A provision provides the name "certificate ticket" for an independent ticket in cities of the second class and villages.

The change in form of the ballot is provided as follows:

FOR PRESIDENTIAL ELECTORS.

[Vote for Eight (8)]

John Smith	Republican	
John Jones	Republican	
John Brown	Republican	A mark within this circle
John Tank	Republican	
John Swan	Republican	
John Long	Republican	votes for all the Republican electors.
John Frink	Republican	
John Bell	Republican	

FOR GOVERNOR,

[Vote for One (1.)]

M. L. Hayward	Republican	
W. A. Poynter	People's Independent / Democrat / Silver Republican	
R. V. Muir	Prohibition	

The party polling the highest number of votes at the last general election for the head of the state ticket shall have the right of its nominee immediately beneath the name of the office for which such candidate was nominated; the party polling the second highest number of votes shall have the second place; the party polling the third highest number shall have the third place, and so on, leaving those candidates whose names appear upon said ballot by petition to appear beneath all other candidates placed there by nomination. In each division and below all candidates placed there by nomination or petition, a blank space shall be provided, into which electors may write the name of any person for whom they wish to vote, and whose name is not printed upon the ballot.

Each division containing the name of the office and a list of the candidates nominated for such office, shall be separated from other groups or divisions by a distinct and heavy line. Any candidate who shall be the regular nominee of one or more party conventions shall have the party title of each party so nominating him, printed after his name. The names of these candidates shall be printed in capital letters one-eighth of an inch high, and following each line upon which the name of the candidate and party title is printed, a square shall be printed, each side of which shall be one-fourth of an inch. The space intervening between the names of the candidates of the same party, for the same office, shall be space between candidates of different three-sixteenths of an inch, and the parties shall be one-fourth of an inch.

Provision is made whereby electors in making ballots may use a blue pencil instead of an indelible one.

Instructions to voters are as follows:

Persons desiring to vote must procure their ballots from a judge of the election board. They must then without leaving the polling place, proceed to a compartment and prepare their ballots.

The ballots are prepared as follows: Make a cross in the square to the right of every candidate for whom you wish to vote. In a presidential election, make a cross in the circle to the right of the group of presidential electors of your choice provided you desire to vote for all the electors of one party; otherwise do not mark in the circle, but make a cross in the square to the right of every elector for whom you desire to vote. Do not make any mark in the circle, but make a cross in the square to the right of every elector for whom you desire to vote. Do not make any mark on the ballot save as above directed. If you spoil a ballot return it it the judge of the election board and obtain from him a new ballot; you cannot get more than four in all. Having marked your ballot fold it so as to conceal the names and marks on the face and to expose the names on the back; then take it to the judge of election and see it deposited in the ballot box, after which immediately leave the railed enclosure.

If you wish to vote for any person whose name is not on the ballot, write his full name in the blank space on the ballot under the proper office you wish him to hold, and make a cross in the square opposite the same.

Senate file 287, by Talbot of Lancaster, to authorize and provide for the use of voting machines.

Section 1. The county and municipal boards, in counties and cities of this state, may authorize the use of vote and register machines of such kind as will secure absolute secrecy to the elector, accurate record of every vote cast, prevent fraudulent voting and not liable to get, or be by mischievous persons, placed, out of working order.

Sec. 2. If the use of such machine be not authorized by the county or municipal board and 10 per cent or more of the voters of any precinct or voting place, having 100 or more electors, petition the county or municipal board therefor, the question of adopting the use of the voting machines shall at the next general election be submitted to the electors of such precinct, and if a majority voting at said election vote yes, the board shall purchase and provide the requisite number of such machines and cause them to be placed in the polling places, at least one day before the next general election. Use of such machines may be discontinued on re-submission of the question and vote in favor thereof, at any subsequent election.

Sec. 3. The counters or registers of each machine shall be enclosed within a compartment requiring three separate keys for opening thereof. Each judge of election shall keep one of such keys till the result of the vote is taken and recorded in the poll book, when all such keys shall be sealed in an envelope and forwarded to the county or municipal clerk as a part of the election returns.

Sec. 4. A blank ballot shall be provided in form like ballot used in precincts where voting machines are not used on which electors may write names of any persons for whom they wish to vote, whose names are not on the printed ballot in the voting machine.

Sec. 5. Before opening the polls, the judges shall put in the voting machine, a ballot corresponding in form as near as may be to the official ballot in use and arranged so that the button opposite a candidate's name on the key-board will operate the counter opposite such name. Button in this act shall include and mean any push button, lever, key or other device to be used by the voter for expressing his will or choice. All counters shall then be placed at naught (0) and publicly so shown to all party representatives, and the apartment securely locked. No person shall open the counters apartment during progress of any election, except for unavoidable necessity and then only in the presence of a representative of each party having a ticket on the ballot.

Sec. 6. After closing the polls, the election judges shall lock the machines against further voting and in presence of at least one witness from two different political parties, if any are present and desire to witness, shall unlock the counters apartment and forthwith announce the number of voters for each candidate and for or against each propositions, and the same shall be at once recorded in the poll book. Each member of election board shall immediately verify the number recorded with those shown on the counters and the counter apartment then be again locked.

Sec. 7. The election board in precincts where voting machines are used shall consist of three judges, one shall keep the door of the voting machine, he and one judge shall each keep in the poll books the lists of those voting. The other shall instruct voters when necessary, in the proper use of the voting machines. If more than two machines are used at one voting place, a doorkeeper may be provided for each additional machine.

Sec. 8. The voting machine shal be placed within a railed enclosure at least three feet from such railing. There shall be one machine for every three hundred voters or fraction thereof.

Sec. 9. A model of the voting machine key-board shall be at every polling place on which the instructor shall instruct the electors thoroughly before they are permitted to enter the machine to vote.

Section 10. The county or municipal clerk shall provide four official ballots on white paper, ten sample ballots on red or green paper, and two hundred blank ballots on white paper, for each machine. Sample ballots shall be conspicuously posted at the polling place for inspection of voters. Nothing contained in any section or provision of the election law as to the manner of preparing, casting, preserving or transmitting paper ballots in precincts where voting machines are not used which conflicts with this act shall apply to elections in precincts where voting machines are used.

Section 11. When a qualified elector presents himself at the polling place to vote, his name shall be recorded in the poll-books and he be given a blank ballot if he so request, on back whereof two judges shall first write their names in ink. The voter shall then, if not challenged, be admitted to the voting machine and record his vote by pushing buttons, till he securely locks the buttons opposite the name of every candidate for whom he desires to vote. Should he desire to vote for a person whose name is not printed on the ballot of the voting machine, he may write the name of such person in the proper space on the blank ballot furnished and return it to the judges of election who shall deposit it in the ballot box in the voter's presence who shall forthwith leave the railed enclosure. No voter shall be permitted to occupy a voting machine beyond two minutes. Voters who by physical disability, are unable to record their votes in the machine, may have aid of one of the election board. Intoxication, illiteracy or want of mental capacity shall not be deemed physical disability.

Section 12. The "blank ballots" provided in section 4, cast shall be canvassed as ballots are canvassed where machines are used.

Section 13. If the voting machine becomes out of order and cannot be operater, the election board shall proceed by voting with paper ballots and all such ballots cast while the machine is out of order, shall be counted, and be separately canvassed and returned.

Section 14. Any person who shall tamper with any voting machine so as to derange its working, or change any counter, or falsify report or return the result of any voting machine, shall, upon conviction, be fined not to exceed $1,000 or be imprisoned in the penitentiary not more than three years or both.

House roll 184, by Olmstead. No candidate indirectly or directly under penalty of a fine of $50 or six months imprisonment shall pay for any entertainment to any meeting of electors previous to election; give away or treat to any drinks, cigars or other refreshments; pay anything to promote the nomination or election of any candidate except for the bona fide personal expenses and then not in excess of sums as follows:

For five thousand voters or less, $100 00; for each one hundred voters over five thousand and under twenty-five thousands, $1.50; for each one hundred voters over twenty-five thousand and under fifty thousand, $1.00; and nothing additional for voters over fifty thousand. Any payment, contribution or expenditure, or agreement or offer to pay contribute or expend any money or thing of value, in excess of the limit prescribed by this act, for any or all such objects and purposes, is hereby declared to be unlawful and to make void the election of the person making it. But this section shall not apply in cases where such nomination of such candidates, or any rival candidate for the same office, shall have been made prior to the taking effect of this act. Nothing in this section shall refer to traveling expenses.

The bill provides that all the candidates for preferment at a caucus or convention or primary election for office of United States representatives, shall file expense statements with the clerk of his county, the form of affidavit being given. Candidates for the offices themselves shall perform similar acts after election. The penalty fixed is a fine not over $1,000. No certificate of election shall be given till the expense accounts are filed. Proof that a sum in excess of the amount allowed has been expended shall be cause for removal from office on action brought by the public prosecutor on demand by the attorney general, and such cases shall have the preference over civil cases on court dockets. Leislative seats may be contested in this manner.

Political committees shall disburse all funds through a treasurer. All acounts of funds disbursed by others than the treasurer shall be kept and reported to him and he in turn shall file a report with the county clerk showing how all the money was expended. Reports must be filed within twenty days after the election and all claims owing by the committee must be paid in eighty days after election. Penalties are provided for treasurers of committees refusing to comply with the law, the same being imprisonment for from three to six months.

"It shall be unlawful for any candidate for any office which is to be filled by popular election under the constitution or laws of this state, or for any member of a political committee to pay, contribute, promise or offer, or to procure or connive at the paying, contributing, promising, or offering any money or thing of value for the purpose of procuring, facilitating or defraying the actual expenses in connection with the naturalization of any alien or aliens, and any violation of this section shal be punishable by a fine of not less than $100 nor more than $500, or imprisonment for not less than ten nor more than thirty days, or both."

Emergency clause. Approved April 4.

Senate file 15, by Van Dusen of Douglas—to protect primary elections and conventions of political parties and to punish offenses committed thereat.

Section 1. Shall provide a election, within the meaning of this section, and as used in this act, is an election held within the state, county, city, district or subdivision thereof, as the case may be, by the members of any political party, or by the voters of some political faith for the purpose of nominating candidates for office, or electing delegates to party conventions.

Sec. 2. All primary elections held in this state by the various political parties shall be held and conducted in the same form and manner and under the same requirements as are or shall be provided by law for the holding of regular state elections, except as is herein otherwise provided.

Sec. 3. Any act or deed denounced an offense by the laws of this state concerning elections shall also be an offense in all primary elections, and shall be punished in the same form and manner as is provided for the punishment of similar offenses by the laws of this state.

Sec. 4. A committee of governing authority of any political party desiring to hold a primary election under the provisions of this act shall give twenty days' notice, giving the date of the proposed election, the offices for which candidates are to be nominated or conventions to which delegates are to be elected. Where registration is required the polls are to open at 12 and close at 7 p. m.

Section 5. That all persons who are legal voters shall have the right to participate in such primary election, subject to such additional political qualifications as may be prescribed herein or by the committee.

Section 6. In order that none but those affiliating with and being members of any political party shall participate in any primary election held by such political party, a system for the registration of such persons is hereby provided. In all cities and towns, of whatever class, in which a registration law is in force under the provisions of the general law governing regular state elections, there shall be space on the regular registration books headed "party affiliation," and the question shall be put to each voter, "What political party do you desire to affiliate with?" And the name of the political party given by such person so applying to be registered shall be recorded in the column provided on the books for that purpose. In case any person applying to be registered does not give the amount of his party affiliation he shall not be required so to do, nor shall his failure to do so act as a bar to his registration for the purpose of voting at any primary election held under the provisions of the general election law, but only at primary elections.

Any person who was prevented from registering at the regularly appointed time for any of the above named causes may apply at the polls of the precinct in which he resides at the primary election and upon the presentation to the judges of such election of his affidavit, sworn before the city clerk setting forth the reasons or causes for his failure to register as herein provided, together with the affidavit of at least two well known and reputable resident freeholders of the precinct.

Section 8. The person or persons appointed by the committee or governing authority of any political party to copy the names of those persons entitled to vote at any primary election from the regular state registration books and the primary registration books shall, before entering upon the discharge of such duty, be sworn by some officer authorized by law to administer an oath.

Section 11. The officers for each election precinct, in all primary elections held under the provisions hereof, shall consist of two judges and one clerk, and their duties and responsibilities shall be precisely the same as those of legally appointed and regularly qualified officers of regular state elections. They shall be appointed by resolution passed by a majority vote of the members of the regularly organized and constiuted committee or governing authority of the political party holding such primary election.

Section 15. All expenses for holding such primary elections shall be borne and paid by the political party holding the same, and the pay of officers, cost of publishing and circulating notices of elections and all other expenses shall be defrayed in such manner as may be provided for by the committee or governing authority of the political party holding such primaries. The Australian ballot shall be used in voting.

Section 16. The provisions of this article shall apply to all primary elections held for the purpose of nominating candidates for state, county, district or municipal offices hereinafter held in this state, except those held in the year one thousand eight hundred and ninety-nine, but the first registration of voters as required by this act shall be had at the state registration held in the fall of the year one thousand eight hundred and ninety-nine.

House roll No. 292, by Detweiler.

An act to amend section 13 of chapter 12a entitled cities of the metropolitan class of the compiled statutes and to repeal said section 13 as heretofore existing; also to amend chapter 26 entitled "Elections," and being section 7 of said chapter, and providing for a police judge for cities of the metropolitan class, and to repeal said section 2306 of said compiled statutes as heretofore existing.

Adds a provision for the election of a police judge in metropolitan cities in addition to six justices and six constables in the law formerly existing, the election to take place at the time specified in the act creating the office. Approved April 4.

House roll No. 412, by Clark. Amends section 7, chapter 26, compiled statutes, and repeals them as existing before. Provides that instead of three justices of the peace and three constables in cities having less than 50,000 and more than 25,000 inhabitants there shall be two justices of the peace and two constables in cities of the first class having less than 100,000 and more than 25,000 inhabitants.

INSURANCE LAWS.

House roll No. 191, by Weaver. Re-enacts the entire insurance code, providing that an insurance department shall be created with headquarters on the first floor of the capitol building. The governor is to appoint insurance commissioner and he with the advice and consent of the senate shall appoint a deputy who may exercise equal power with the commissioner subject to his approval. The deputy's salary shall not exceed $2,000 per annum. The auditor shall surrender records to him. The state treasurer shall hold securities.

All companies of other states and every foreign company doing business in the state shall give the insurance commissioner a power of attorney as attorney for services in all suits brought against such companies in the state.

Insurance companies shall pay fees as follows:

Domestic companies, $50 per charter and all necessary filings and papers necessary to complete their incorporation; for filing annual statements, $20; for each agents' certificate, 50 cents; two certificates of publication, $1; annual license, $1. Each domestic insurance company shall be taxed on the excess of premiums received over losses and ordinary expenses during the year previous, the tax to be proportioned as all personal property is taxed. These fees and taxes shall be in lieu of all fees and taxes except taxes on real estate. There shall be an occupation tax of $25 yearly for each agency which any city, town or village may impose.

Every other state company shall pay for depositing copy of charter, $100; filing copy of amended charter, $75; filing annual statement, $50; each agent's certificate, $2. Companies doing a life and accident business shall file separate statements for each and shall pay $100 each year for filing the two statements. The same fee applies to life insurance companies that transact industrial business. Miscellaneous companies shall pay $50 for statement each year reporting all their transactions. Every other state company shall report the gross amount of premiums received annually in the state and pay 2 per cent of the gross premiums so reported as additional license fee to the state treasurer and shall not be relicensed till the payment is made.

A few small concessions in filing fees are made life or accident companies under reciprocal provisions. All other state companies shall pay annually $2 for two certificates of publication, $2 for every paper filed, 10 cents per folio and $1 for certifying the same. The taxes and fees referred to shall be paid the state treasurer before service is performed by commissioner. In cities of the first class and in cities of the second class having more than 5,000 inhabitants that maintain a fire department an occupation tax of not more than $10 may be levied with a tax of not more than $5 in smaller places.

Foreign country companies of all kinds shall pay the same fees and taxes as other state companies of like character.

Fees of examiners are fixed at $10 a day with necessary traveling expenses. Nothing in the act shall be construed to affect either fraternal beneficiary associations doing business in the state under the laws except the exemption from taxes on premiums and assessments and occupation and fire department fees. The exception shall apply to all fraternities from any state or country doing business on the lodge plan.

The fees and taxes provided for other state companies shall apply to and be paid by each company of every character organized under the laws of any other state doing business in Nebraska except fraternal beneficiary associations, mutual accident insurance companies, mutual benefit associations, conflicting provisions in other acts notwithstanding. Provided that this act shall not apply to any fraternal beneficiary society or association or to any mutual accident insurance company, society or association doing business in this state. Provided that associations of employes for mutual benefit of members shall not be subject to the provisions of the act.

The law provides a code for life insurance companies and various mutual companies included in former insurance legislation.

The bill repeals sections 1 to 14 inclusive, chapter 16, and sections 1 to 42 inclusive, chapter 77, compiled statutes.

Senate file No. 176, by Steele of Jefferson, to authorize the insurance commissioner to license fire insurance brokers.

Section 1. The insurance commissioner of Nebraska, in consideration of the yearly payment of the sum of $25, may issue licenses to citizens of Nebraska permitting and authorizing the person, party or firm named in such license, to act as agent to procure policies of fire insurance from any company that is not authorized to transact business in this state, provided, that before any insurance shall be secured under the provisions of this act there shall be executed by the party licensed, and by the owner or manager of the property upon which insurance is desired, an affidavit. Such affidavit shall set forth in a clear and distinct manner, and in such form and detail as the insurance commissioner may direct that the party desiring such insurance is after diligent effort, unable to procure the amount required to reasonably protect the property owned or controlled by him, from the companies that are then duly authorized to transact business in Nebraska. The fire insurance broker procuring such policies from such unauthorized companies shall be by them authorized to accept service of all legal processes, issued under authority of the law, in this state, and said licensed broker shall be, and he is hereby required to keep a distinct and separate account thereof, open at all times to the examination, showing the exact amount of such insurance placed, the gross premium charged therefor, and where the property insured is located and the name in which such insurance is written.

Section 2. Each and every person applying for such broker's license shall execute and deliver to the insurance commissioners a bond, with personal security, or from some reliable surety company in the penal sum of $2,500, conditioned that said licensed broker shall faithfully comply with the laws of this state and the provisions of this act, and that he will pay to the treasurer of the state, taking duplicate receipts therefor, one to be filed with the state auditor, a sum equal to 3 per cent upon the amount of the gross premiums charged the policy holders, upon all policies procured by him during the continuance of his said license pursuant to the provisions of this act, and in default of such payment the attorney general of the state shall sue such licensed broker upon his bond and upon conviction such licensed broker shall forfeit and pay the sum of $100 in addition to the 3 per cent required by this section to be paid, and his license from the state shall be revoked and the guilty party or parties be debarred from either directly or indirectly being again licensed as insurance broker or insurance agent in this state, for the period of twelve months.

Section 3. All fire insurance policies issued to residents of this state, or upon property situated in whole or in part in this state by companies or persons who have not complied with the laws of this state, unless procured under and by virtue of the provisions of this act, are hereby declared void.

Emergency clause. Approved March 4.

House roll 187, by Weaver. To provide that all fire insurance policies, written and covering an whole or in part upon property within the state of Nebraska shall be written, countersigned and issued only by a duly authorized officer or agent of such company, resident of the state of Nebraska.

Section 1. All applicants to do fire insurance business in the state shall in addition to the returns required by the insurance law, file with the insurance department a return that they will not directly or indirectly by way of reinsurance or otherwise write any fire insurance on property in the state except by the agent resident in the county or state where such property is situated.

Section 2. The returns provided for in section 1 shall be filed annually.

Section 3. Refusal to comply with the provisions of the act shal be met by revoking of the authority or license to do business.

Section 4. The issuance of every policy contrary to the provisions of the act shall be deemed a separate misdemeanor.

Section 5. The penalty for violating the act shall be on conviction imprisonment in the county pail for not less than 30 or more than 90 days or by fine of $50 to $100 for each offense.

Section 6. Any company or person who shall place or solicit insurance in a company not authorized to place insurance in the state shall on the failure of such insurance company to pay the amount of liable to the insured for the amount the insurance company would have been liable. Such insurance companies shall not again do business in the state for a period not less than 90 days or until liability for the action is discnarged. The insurance commissioner is empowered to make investigations of companies seeking admission to the state with the end of ascertaining whether they have been doing business in the state.

Section 7. All acts or parts of acts in conflict herewith are repealed.

Section 8. Emergency clause. Approved March 24.

Senate file 35, by Holbrook of Dodge. For an act to amend sections 76, 85, and 87, chapter 43 of the compiled statutes of 1897 and to add to said chapter 43, two new sections herein designated as sections 85a and 85b.

Section 70—Every corporation or association organized under the laws of this state upon the mutual assessment, stipulated premium, plan, for the purpose of insuring the lives of individuals, or of furnishing benefits to the widows, heirs, orphans, or legatees, of deceased members, or paying accident indemnity, shall, before commencing business, comply with the provisions of this act.

Section 85, chapter 43, statutes of 1897, is amended to read: Any corporation or associattion doing business in this state which provides in the main for the payment of death losses or accident indemnity by any assessment upon its members, or upon the natural premium plan, upon the stipulated premium plan, shall, for the purpose of this act be deemed a mutual benefit association. No corporation or association operating upon the assessment plan, or upon any plan other than the natural premium plan, or stipulated premium plan, as hereinafter provided in this act, promising benefit upon any other event than that of the death, or disability of the member resulting from accident, shall be permitted to do business in this state, and it shall be unlawful for any such association or corporation now or hereafter organized or authorized under this act, to provide for or promise cash surrender values, extended or paid up insurance, endowments, or any form of investment insurance. This act shall not relieve any corporation or assessment association now doing business in this state from fulfillment of any contract heretofore entered into with its members under its policies or certificates or membership, nor shall any member be relieved thereby from his or her part of said contract.

Section 85a, a new section, provides for the distribution of any surplus accumulations, for assessment and paid up insurance and for equitable cash surrender value of policies by any natural premium or stipulated premium life association.

Section 85b provides that the state shall receive from each company of their states or nations $2 for each certificate issued to an agent, and from companies of this state 50 cents.

Companies of other states or nations complying with this act shall pay to the state for a certificate of authority $25, and also an annual fee of $20, and each company organized in this state shall pay an incorporation fee of $20, and each company organized in this state shall pay an incorporation fee of $25, provided that the reciprocal law shall be applied to companies of other states and nations.

Section 87, chapter 43, statutes of 1897, is amended to read:

Sec. 87. When such insurance associations or companies not organized in this state, having assets of not less than $50,000 shall comply with the requirements of the laws of this state, and shall satisfy the auditor of public accounts that it is in a solvent condition and able to meet its obligations at maturity, he shall issue to such company a certificate stating that such company has complied with the laws of this state. Provided, That this section shall not apply to purely mutual accident associations or corporations. Provided further, that this act shall not apply to any fraternal beneficiary society or association doing business in this state.

Senate file 18, by Talbot of Lancaster, to authorize the organization of mutual bond companies to insure the fidelity of members of such companies holding places of trust and responsibility in, to or under any corporation, company, person or persons.

Any number of persons not less than ten, a majority of whom shall reside in this state, may organize such companies. Such companies, shall embody the word "mutual" in their name. Articles of incorporation shall be filed with the state auditor. Any officer or member of any mutual, fraternal, social, civic or military organization may become members. The members shall elect directors who shall elect officers from their own number, except that the secretary may be chosen elsewhere. If any member shall fail to pay his assessment, then the company may sue to recover. Suits against such company may also be brought by a member thereof if payment is withheld after a loss becomes due. Such company may issue bonds guaranteeing the fidelity of a member in any sum from $100 to $5,000. No assessment shall be made upon any member for liabilities incurred prior to his membership. A reserve fund of not less than 5 per cent of the amount collected in cash from assessments shall be set apart. When any company disorganizes the assets, after liabilities are paid, shall be divided pro rata among the members. Any company organized under the provisions of this act, shall pay an incorporation fee of $10, and a fee of $1 for filing annual reports, and 50 cents each for certificates of authority to agents; provided, that no occupation tax or tax on the assessments of any member shall be levied and collected.

Emergency clause. Approved March 28.

THAT BLOCK OF MARBLE.

In looking over the work of the legislature, says a correspondent, it is found that resolutions passed both houses donating the block of Tennessee marble that lies on the capitol grounds to the Grand Army of the Republic of the state to be utilized by that order in building a statue of Abraham Lincoln. These resolutions were put through in the closing hours of the session, when very few of the members were paying attention to business, and the persons who wrote the resolutions thought they had worked up a valid conveyance of the property. There is much doubt, however, that the passage of the resolutions amount to anything, as it would have taken a concurrent resolution to thus vote away property belonging to the state, and in that case the signature of the governor would have been necessary, the same as if it were a regular bill that had passed both houses. The practice has been to vote away the flags that were used over the buildings during the sessions, and to this there has never been any objection. The voting away of the Tennessee marble by simple resolution is another matter.

MUSTER OUT AT SAVANNAH.

Governor Povnter has received the following letter from Adjutant General H. C. Corbin:

"The secretary of war desires me to acknowledge the receipt of your letter of the 30th of March, in which you state that your are in receipt of an extensively signed petition from the officers and members of the Third Nebraska volunteers, now stationed at Havana, Cuba, asking your good offices to the end that they may be granted travel pay should they be mustered out away from home, and inquiring what the intention of the war deparment is relative to the regiment, and in reply to inform you that it is the intention of the department to return this regiment to the United States for muster out as soon as the necessary arrangements can be made for its transportation. The regiment will be landed at Savannah and mustered out at that point and the officers and men will be entitled to travel pay from savannah to the place of their enlistment."

CATTLE DID WELL.

Johnstown dispatch: Notwithstanding the severe and tedious winter, cattle in this neighborhood are coming out in good shape where they have had careful treatment. In some cases, where they had to rustle for all their food and with nothing but a barbed wiro fence between them and fierce northern blasts, 35 degrees below zero, they have died as if shot. In one case 100 valuable young bulls, worth on the average $100 each, were corraled on the prairie without shelter and in one night twenty of them perished.

General loss is being experienced from premature calving, which some attribute to something in the food in the nature or ergot. The more rational explanation is that the stockmen have over-reached themselves forcing the calf crop. They have argued that in present conditions, where a calf at weaning time is worth as much as its mother, a year's time and an additional crop could be gained by breeding yearling heifers, instead of waiting until they were two years old, as was the former practice. The result it as stated.

Gates college at Neligh opened for the spring term with an attendance nearly the same as that of the winter term, an unusual occurrence.

MR. QUAY IS ACQUITTED

On Announcement of Verdict, He Is Reappointed.

DEMONSTRATION WHEN CASE ENDS

A Crowd of Enthusiastic Friends Make Attempt to Carry Ex-Senator Out of Court Room on Their Shoulders, but He Resists, Claiming He Was Too Old for That.

PHILADELPHIA, April 22.—Matthew Stanley Quay was declared by a jury of his peers to be not guilty of the charge of conspiring to use for his own unlawful gain and profit the funds of the state of Pennsylvania deposited in the Peoule's bank of this city. The verdict was announced by the foreman of the jury just as the hands of the court room time piece pointed to 11 o'clock.

There was an attempt at a demonstration, but this was sternly repressed by the court officers whose loud shouts of "Order!" "Silence!" was effective in silencing those jubilant spirits who wished to give vent to their satisfaction by cheering. The officers were unable, however, to keep back those who struggled to get to Senator Quay and congratulate him. Chairs were upset, tables were brushed aside and hats were smashed by the on-rushing crowd. Senator Quay, with a broad smile on his face, responded pleasantly to the greeting and congratulations of those who crowded around. A few of his political friends were there, and these men were loud and sincere in their expressions.

Although the court officers prevented the cheering in the court room, their jurisdiction did not extend to the corridors of the city hall and the first group of men who left the court room sent up a mighty shout, which was taken up and repeated by the crowds just outside the "dead line" drawn by the watchmen, beyond which only possessors of tickets were allowed to pass. As soon as Senator Quay could get away from those anxious to shake his hand and congratulate him, he made his way, accompanied by his counsel, to the elevator to descend to the street from the sixth floor of the Municipal building. Here the scenes in the court room were repeated. Everybody wanted to say something pleasant to him and crowds gathered near the elevator shaft on each floor to watch the car carrying the distinguished party as it descended to the street. The avenue surrounding the city hall is wide and smooth and the neighborhood is the stamping ground for the politicians of the town. A group of enthusiasts rushed forward and attempted to hoist him onto their shoulders, but the senator waved them back, saying: "Oh, no, oh, no, I'm too old a man for that."

Senator Quay walked with his friends one block down Broad street to the office of his counsel, where he made his escape from the surging crowd. It is understood that he will at once join his family in Washington and will probably go away for a long rest.

Previous to the announcement of the verdict the accused man sat in his accustomed seat in the court room and chatted with his counsel and a group of newspaper reporters. He was in good spirits, probably owing to the prevalent rumor that only one of the jurors was holding out against him.

When the jurymen had taken their seats in the box the senator turned and half faced them.

The stereotyped "How say you, gentlemen of the jury; do you find the prisoner at the bar guilty or not guilty?" brought promptly from the foreman's lips the words "Not guilty," and at this point Senator Quay's face flushed and he seemed momentarily as if about to be overcome by the feeling of emotion that was surging over him. This was only for an instant, however, and the great political leader was his imperturbable self again, as he smilingly responded to the congratulations that were being heaped upon him.

Senator Quay did not look at the jury at all, or in any way express his gratitude to it for its verdict in his favor. His friends, however, surrounded the jurors, patted them on the back and told them what heroes they were.

Senator Quay's only comment on the verdict was, "Well, I expected it."

HARRISBURG, Pa., April 22.—Shortly after noon Governor Stone appointed Matthew Stanley Quay as senator to serve until the next session of the legislature. The appointment is addressed to the president of the senate and it is stated in the letter to be made under authority of clause 2 of section 3 of article 1 of the constitution of the United States.

Sheriff Killed in Ambush.

KNOXVILLE, Tenn., April 22.—Sheriff J. S. Dawson of Cook county was killed last night from ambush in the mountains near the North Carolina line, not far from Walkerville, N. C. The marshals walked into the ambush about 2 o'clock this morning. The first shot was aimed at Chief Deputy J. D. Alton of this city. The bullet passed through his coat, striking Sheriff Dawson in the neck. The sheriff died almost instantly.

The scene of the ambush is in the mountains, twenty-five miles from the nearest telegraph office, and details are meager. It is said the moonshiners have gathered in considerable force and reinforcements will be sent to the deputies at once.

Schley to be in Omaha.

OMAHA, Neb., April 22.—Rear Admiral Schley, the hero of Santiago bay, will possibly be an Omaha visitor the early part of next month. The only contingency which may prevent the trip is his recent assignment to duty on a retiring board at Washington, the duties of which may require his continued presence there. If he comes it will be in the capacity of a private citizen, seeking rest from the whirl of events which have followed in quick succession since the day he sent the Spanish fleet to the bottom of the sea. He will be accompanied by Mrs. Schley.

Declines to Recall Men

PORTLAND, Ore., April 22.—A special to the Oregonian from Salem, Ore., says: Governor Geer, in reply to numerous requests that he make a demand for the return of the Oregon volunteers now in the Philippines, has issued a statement to the effect that he would consider such a proceeding a discredit to the state and unjust to the boys themselves, who were anxious to go to the Philippines and see active service. He declines to act on the suggestion.

BRUSH WITH REBELS.

Fighting Renewed to the North and Southwest of Manila.

MANILA, April 22.—A force of about 200 rebels yesterday afternoon attacked the outposts of the Washington regiment near Taguig, south of Pasig and Pateros.

Two companies immediately engaged the enemy and advanced into the open in skirmish order. The rebels were checked and routed after two hours' fighting, leaving twelve men killed on the field and several wounded.

The heat is intense. At noon the thermometer registered 95 degrees and the mercury was still rising. There were several prostrations from the heat among the troops, but only one man was founded.

Later the army tugs opened fire on the enemy along the river banks. The rebels are unusually active west of Malolos as far as Calumpit. They have have been busily at work on their trenches and several new trenches have been discovered within two miles of the railroad. Fires are burning east of the railroad and it would appear that the rebels are evacuating the foothill towns in anticipation of an attack upon the part of the American troops.

At 6 o'clock this morning three companies of the South Dakota regiment marched from Bocave and in conjunction with three companies of the Minnesota regiment from Guiguinto, north of Bocave, encountered a rebel force numbering fully 500 men, when two miles out. The enemy retired three miles in fairly good order, in spite of the fact that the rebels suffered heavy losses. The Americans, having exhausted their ammunition, were compelled to return to their camps.

NEW YORK, April 22.—A special to the Tribune from Washington says: Nearly 9,000 regulars of the 14,000 that the president has determined to order to General Otis during the coming summer have been practically selected and no difficulty is apprehended by the war department authorities in securing the remaining 5,000 by the time they are needed. The excellent outlook in Porto Rico and Cuba will, in all likelihood, permit the withdrawal of four more regiments from those islands before the summer is over and the 5,000 thus obtained will fill the requirements, either by being sent forward directly to Manila or by relieving domestic garrisons for service across the Pacific.

The lack of transportation facilities constitutes the greatest problem, but General Otis fortunately does not require more than 30,000 troops during the summer and by the time he does need the remaining 5,000 they will be ready for him and the ships will be available to transport them.

Buffalo Receives Bryan.

BUFFALO, N. Y., April 22.—Fully 3,000 people crowded Music hall tonight to listen to W. J. Bryan. Among those in the boxes were Mayor Conrad Diehl, Vicar General Connery of the diocese of Buffalo, and the chief city officials. Mr. Bryan appeared upon the stage at 8:25 o'clock, accompanied by a large company. He was enthusiastically received, the crowd rising and cheering for some time. Among those on the platform were Frank L. Bapet, chairman of the democratic general committee; Norman E. Mack, supreme court justice, Robert G. Titus and Oliver H. P. Belmont.

Justice Titus presided. He spoke against territorial expansion and urged the democratic party to plant itself squarely in opposition to "that heresy.

The chairman introduced Mr. Belmont, who was received with hearty applause.

Justice Titus paid a high tribute to Mr. Bryan, who was received with tremendous cheering.

Cannon Wants Speakership.

CHICAGO, April 22.—Congressman Joseph G. Cannon came to Chicago from Danville today to tell a few friends he was an avowed candidate for the speakership of the house of representatives and then took a train for Washington.

As a result of the growing rivalry between the supporters of Congressman Hopkins and Congressman Cannon for Mr. Reed's place, there is talk of a conference, probably in Chicago, of Illinois republican congressmen to decide which of the two they will support. They feel a divided delegation from Illinois might jeopardize chances of success, and hope to focus their energies in favor of one man.

Term of Supreme Court.

WASHINGTON, D. C., April 22.—The United States supreme court will adjourn for the present term on May 22. The call of the docket for cases will be suspended on Friday, the 28th inst., leaving one week for the argument of cases. On Monday, May 1, the court will meet for the announcement of opinions and the hearing of motions and then will take a two weeks' recess. The sessions of May 15 and 22 will be held for the promulgation of opinions only.

Quay Is Silent.

WASHINGTON, D. C., April 22.—Senator Quay of Pennsylvania is in the city, stopping at his house on K street. He was met at the station on his arrival today by a number of friends, who congratulated him on