

RESULT IS IN DOUBT

Senatorial Situation in Ohio far from Being Clear.

NO APPARENT BREAK IN OPPOSING LINES

Both Sides Express Confidence in the Ultimate Result.

SENATOR HANNA STILL LACKS TWO VOTES

Says He Will Have Required Number at Proper Time.

REPUBLICANS GIVE UP A JOINT CAUCUS

Factions Seem Fearful of Any Other Showing of Hands at This Time and Are Making a Still Hunt.

COLUMBUS, O., Jan. 4.—The political future of Senator Hanna is certainly tonight in a closely poised balance. While there are now reported to be only nine dissenters among the eighty republican members, one in the senate and eight in the house, yet the really doubtful list is limited to two or three. Some of the dissenting republicans are not likely ever to be reconciled to Senator Hanna. They have burned the bridges behind them and openly admit it.

Representatives Griffith of Union and Joyce of Guernsey, who voted with "the combine" on the organization of the house, stated today that they would vote for Senator Hanna. This gives Hanna in the senate a total of seventy-one, or two short of the necessary majority. Droste of Hamilton, who voted for Boxwell for speaker, announced at the time that he would support Jephtha Gerrard, a silver republican, for senator, so that the net gain for Hanna to date over the vote on the organization is only one. The Hanna men say they expect to get the votes of Scott of Fulton and Carroll of Carroll, who are expected to join Hanna and voted with "the combine" on the organization.

On the other hand, "the combine" managers say that Scott and Rutan will remain with them to a finish, and that they expect to get Snyder of Greene and Redkey of Highland, who voted for Boxwell for speaker. The doubtful members are being offered their choice of chairmanships and given the opportunity to make all other by votes for the warm. The power of the organization of the house is certainly being used to the greatest possible advantage with the support of the state administration. While Mr. Kurtz and his associates will make no statements, yet they are holding back the appointments on the committees and other patronage in anticipation of gaining several votes on the senatorial ballot.

DEMOCRATS ARE KICKING. In holding the line "the combine" is having trouble with some of the sixty-five democratic members. It is believed that Mayor McKisson will give way to Mr. Kurtz for the short term for senator, while Governor Bushnell has all along been regarded as the candidate for the long term. Representatives Wiley of Wayne, Powell of Morrow, Miles of Lucas and other radical free silver democrats are not satisfied with Kurtz and Bushnell, and if they are to vote for the republicans they will with pronounced silver records like that of Gerrard and others that are named. Some of the democratic members insist that the breach is so wide and so deep now between the republicans that John R. McLean or some other free silver democrat could be elected over Hanna.

Letters and telegrams today poured in on Governor Bushnell, the dissenting republican members and others protesting against the action of the republicans who were cooperating with the democrats. In reply, those about the headquarters in the Great Southern hotel revived the talk of the American Protective association, the workmen and others being opposed to Senator Hanna. It was charged that the senator had Mrs. Griffith annoyed by his emissaries and that the senator was with her two hours before her husband announced himself for Hanna. The announcement was made by a republican that they would hold a joint senatorial caucus tomorrow night, or at any time previous to the balloting for senator, will compel all to continue in this guerrilla warfare for another week, but with the result depending on the action of two or three doubtful members, neither side could show its hand without exposing the recruits or the deserters to terrific fire for at least a week. It was public by the republicans that there would be decisive results at the caucus tomorrow night, but there will be no caucus and the steering committee will try to have all members located before balloting begins.

BALLOTTING NEXT TUESDAY. The senate and the house will ballot separately next Tuesday for senator. The senate will stand nineteen to seventeen against Hanna by Senate Burke voting with the democrats. The house on Monday stood fifty-six to fifty-three. It is now fifty-five to fifty-four against Hanna. This would settle the contest if "the combine" in both houses can concentrate on any one candidate against Hanna and when the two houses meet on the following day, Wednesday, January 12, to caucus in joint assembly, the vote of the previous day as cast by each branch separately, there would be nothing to do except to announce the total result as seventy-four to seventy-one against Hanna.

But if Senator Hanna has not a majority a week hence it is doubtful whether any opponent will have it and the general prediction is for a deadlock. In the event that the balloting next Tuesday does not show a majority for anyone, the general assembly will proceed on the next day to balloting in joint assembly and continue to do so until there is an election. The balloting a week hence may not do any more than to compel the contestants to show their names on roll call and after that the same fight may be continued for an indefinite period.

"The combine" tonight is charging that Senator Hanna is in such desperate straits as to be forced "to swap horses" while crossing the stream, owing to the republicans deciding to hold no caucus. They also charge that he has been an ex-senator since the legislature met yesterday. As Senator Hanna was appointed when Secretary Sherman went into the cabinet, article II, section 2, of the constitution is being quoted as follows: "If vacancies (in the senate) happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies."

While this talk about Ohio having only

BOOTH OUTLINES HIS PLANS

Salvation Army Leader Speaks of His Trip to America.

COMING TO HELP THE ORGANIZATION

Refers in Affectionate Terms to His Son Huntington and His Work—Says He Will Give No Controversy.

(Copyright, 1898, by Press Publishing Company.) LONDON, Jan. 4.—(New York World Cablegram—Special Telegram)—General Booth, who sails for New York Saturday, gave me tonight the following exclusive statement concerning the objects of his visit: "I am going where I shall receive a hearty welcome. They use me well in what we are pleased to call foreign countries, but there is no country foreign to the Salvation Army. God is our common father, all men our brothers, our home is every land, our country on every shore and in no country have I met a more cordial reception in the past than in the United States. The Salvation Army does not fight by depreciating other laborers or in competition with them. Paul thanked God for those who preached the gospel out of sheer contention with him. His people, that is, I suppose, those who separated from him, went into business on their own account. But we have no claim for superiority on this ground. We build not on any other man's foundation or on misfortune of any other workers. In the vineyard, we are helpful, all, who are helping suffering men and women everywhere. There is no man who labors for, advocates any true reform, whether natural or supernatural, commercial or social, municipal or political, who is hindered by the Salvation Army. We are friends of human progress in every shape, every human institution that has human progress at heart."

"I am going to the United States to assist in the formation of new plans and for the furtherance of the work which is at present in operation for helping the suffering, poor and outcast classes of society. I am also going to America to give my counsel and instruction with regard to the extension of these methods across the water, with such modifications as different conditions of society may call for. There are people there as well as here in the daily scenes of poverty, bound in the chains of vice, or shut up in the prison of crime, whom we believe it possible to relieve and rescue. There are people there crying for help. All these require for the furtherance of our principles is employment, and adequate amount of skill, system and capital in their behalf. In both countries people are crying out for work. The motive force of all its activities is love. We have sorrow over our sins. In the states one of my sons has separated himself from me and is working in his own way. I bear him no ill will, though I think he is wrong. He is still my son. As to controversy or dispute, I will have none of it. I am the friend of men whether they use me well or ill, better or worse than my Master, the enemy of none."

General Booth addresses a great farewell meeting at Albert hall London tomorrow night. The gathering will be representative of the army, not only in Great Britain, but on the continent, and the general will speak under the flag of the army and the stars and stripes draped together. Although the largest hall in Britain has been taken, the army has had 5,350 more applications for tickets than could be accommodated.

DISCOVERY OF GOLD IN LABRADOR. Say It is as Rich as that in the Klondike. HALIFAX, N. S., Jan. 4.—Representatives of a Canadian and American company, who visited Labrador for the purpose of erecting saw mills, report that that country contains deposits of gold of great richness, and is destined to become a great mining country. There exists strong evidence that gold to be obtained in quantities equalled only by the deposits of the Klondike. In fact, it is asserted that the deposits in Labrador are on the same range as those on the Klondike. Preliminary arrangements for a gold-seeking expedition, which is to start by vessel in the spring, have already been made.

FRENCH NOW CLAIM OWNERSHIP. Say that Clipperton Island Belongs to Them. PARIS, Jan. 4.—The Liberte asserts that Clipperton Island, over which the Mexican flag is reported to have been hoisted by a party of marines from the gunboat Democrite, after the stars and stripes had been hauled down in spite of the protests of the Americans there, really belongs to France, and adds: "Naturally the Americans have asked for the protection of their government, but it is France's duty to re-establish order in that island and exercise judicial authority between Americans and Mexicans and demonstrate our own rights, which have never been contested."

Heavy Catch of Herring. ST. JOHNS, N. F., Jan. 4.—Reports from the fishing fishery in Placentia bay show that over thirty sail of American vessels have left for Gloucester and twenty-six are now loading. Immense shoals of herring still continue there and the fishery promises to be the largest on record.

Another shipment of Newfoundland dogs for the Klondike will be made by the steamer Porcia. Hungarian Fight Duels. BUDAPEST, Jan. 4.—Two duels with swords were fought here today, arising out of insults exchanged during the recent de-

MAN AND WOMAN MURDERED

Double Killing Occurs in a Farm House Near Fairbury.

GEORGE BAKER AND HIS WIFE SHOT DEAD

Crime Committed During the Early Morning Hours—Brother of Dead Man Suspected to Be Murderer.

FAIRBURY, Neb., Jan. 4.—(Special Telegram)—George Baker and his wife, living on a farm two miles west of this city, were both killed about 6 o'clock this morning by shots fired through the window of their bedroom, and indications point to William Baker, the dead man's brother, as the murderer. Bloodhounds have been put on the trail, and if the guilty man should be caught the probability is there will be a lynching.

The shooting occurred while Baker and his wife were dressing. Each victim was shot in the face, death resulting instantly. Two panes of glass were blown out of the window, and the faces of Baker and his wife were filled with shot. Quail shot was used and the charges were unusually heavy. Baker's hired man was at the barn and heard the shots, but paid no attention to them until another man came running from the house and told him Baker was shot. The two ran at once to the house, and looking through the window, saw the bodies lying on the floor. They were so frightened that they did not make the facts known here till some time afterward.

The heavy charges in the gun mangled the bodies of the victims fearfully. Mr. Baker was hit full in the right side of the face and neck and his skull was fractured. Mrs. Baker received a charge in the face, neck and shoulders and her skull was also fractured. Apparently the shooting was done with a double-barreled shotgun and both barrels were fired simultaneously. Foot-tracks were discovered leading from the window to the road, and two empty shells were lying on the ground not far away. A posse at once took the matter in hand and hopes to apprehend the person who committed the brutal crime.

William Baker, the supposed murderer, has been working on a farm east of the city for some time. He left there about 11 o'clock last night and has not been seen since. The two brothers have not been on good terms for years.

TRAIN ROBBERS AT WORK AGAIN. Kansas City Gang Jumps the Pittsburg & Gulf Road.

KANSAS CITY, Jan. 4.—After about three months of inactivity, Kansas City's train robbers scored another brilliant achievement tonight. This time the Kansas City, Pittsburg & Gulf road is the sufferer. The company's Port Arthur express, which left the depot here at 6:49 tonight, was robbed before it had passed beyond the city limits.

Two men, whom no one but the express messenger seems to have seen, climbed into the express car as the train left the depot. They overpowered the messenger, bound and gagged him, and rifled the car before the train came to a stop. When the train slowed up at a railroad crossing known as Air Line Junction, near the southeastern limits of the city, they climbed out of the car and disappeared. Nothing was known of the robbery until a negro train porter entered the car and found the helpless express messenger.

After the train had been stopped and others of the crew had come forward and released the express messenger it was found that the robbers had rifled the safe, taking from it everything of value. They had made no effort to disturb the through safe, which is protected by a time lock. From Air Line Junction a telegraphic report of the robbery was sent to the city and the train proceeded south.

The Wells Fargo company controls the express business on the Pittsburg & Gulf road. At the express company's office here C. R. Teas, the local manager, stated that there was not much of value in the local safe and that \$200 or \$500 would probably cover the company's loss. In police circles, however, the impressive prevails that the robbers secured several thousand dollars in money and jewelry.

The report received at the express company's office states that the robbers entered the express car as the train was pulling out of the yards, having forced the rear door with a jimmy. E. M. Hyde of Kansas City was the express messenger. Upon turning from his work he looked into the barrel of a six-shooter. The messenger offered no resistance, though he was well armed, and after the robbers had bound him, one of the two stood guard over him while the other rifled the safe. The robbers are described as smooth young men, and the fact that both were extremely nervous while in the express car is taken as evidence that they are new recruits to the Kansas City force of train robbers.

LETTERS WHEAT REPORTED SOLD. Alleged that It is Bought to Be Exported.

CHICAGO, Jan. 4.—Joseph Leiter is said to have closed contracts for the greater part, if not all, of his \$75,000,000 bushels of cash wheat. Negotiations have been under way for several days and are about closed. The buyers are J. Dreyfus & Co. of New York, the French exporters, and Gil & Fisher of Baltimore. Dreyfus' man is here looking over the wheat; and samples have been forwarded to the New York headquarters. Nothing is known about the terms, but they are believed to be satisfactory to Leiter. Gil & Fisher, the Baltimore exporters, are among the largest cash grain handlers in the world, and stand at the head as a corn house.

Fatal Resistance to Constables. CHICAGO, Jan. 4.—The crusade in Chicago against gambling resulted today in a tragedy. Henry Maehl, a saloonkeeper at Clark and Van Buren streets, died this afternoon as the result of injuries received while resisting constables who were making a raid on his slot machines.

Movements of Ocean Vessels Jan. 4. At New York—Arrived, Vendram from Rotterdam, Aurelia from Liverpool. Sailed—Anchorage for Glasgow, Normanna for Genoa, Sicily for Sietin, Georgia for Liverpool. At Liverpool—Arrived, Cephalonia from Boston. At Queenstown—Arrived, Majestic from New York. At Lizard—2:30 a. m.—Passed, St. Paul from New York for Southampton.

NEGOTIATING FOR CHINESE LOAN.

Celestials Playing It for Their Political Advantage.

BERLIN, Jan. 4.—The Cologne Gazette, on authority from the best informed quarters in Paris, announces today that since Thursday last important negotiations have been proceeding in London for a Chinese loan, the attention being in Paris and St. Petersburg to arrange a loan having failed. China thereupon offered to contract for £16,000,000 in London, at the same time asking the good offices of the British government. China, it appears, contemplates offering a security the land tax, under the control of Englishmen and that, furthermore, an Englishman shall succeed Sir Robert Hart as director of the Chinese imperial maritime customs. In addition Great Britain will receive a concession of territory, relative to which secrecy, according to the information of the Cologne Gazette, must be temporarily observed. The Cologne Gazette adds that it is understood Russia has renewed its offer to China, to conclude a loan in Germany on more favorable terms than obtainable in Paris or London.

LONDON, Jan. 4.—There is good reason to believe the British government is considering the question of assisting China to raise a loan. The Chinese proposals on the subject are urgently supported by the business men who are interested in China.

LONDON, Jan. 4.—The Evening News says it is reported in the city that the negotiations for a Chinese loan for £16,000,000, guaranteed by the British government are practically concluded.

STILL CAMPING AT GREYTOWN. Canal Commission Not Yet Ready for Trip to Toronto.

CAMP LEPE, Near Greytown, Nicaragua, Dec. 22.—(Correspondence of the Associated Press.)—The surveying expedition attached to the Nicaragua Canal commission is still in camp here. Everything is progressing favorably. The laborers hired at Port Limon, Costa Rica, landed at Camp Cheney, near the mouth of the San Juan river, yesterday. Two navy launches, belonging to Lieutenant Hanus' hydrographic party, were brought over the bar without accident. The bar here is not such a dreadful thing as it has been painted. Some newspapers have printed alarmist stories about the dangers of the expedition which have not been borne out by our experiences up to date. On the contrary, everything has run smoothly and the natural difficulties have not so far proved insurmountable.

Lieutenant Hanus has been placed in charge of the camp here, both naval and civilian. He and his party expect to start soon, but it is evident the commissioners value his services too highly to lose them before the camp is broken up and the various parties are started up the country. Mr. Hanus' party will be the last to start.

There is plenty of rain and although practically no snow, they are holed in the company's buildings. The rest of the rest of the company's property, are easily out of repair. It is plain that material of all sorts deteriorates rapidly in this climate and consequently work on any extended scale will be very expensive.

EXAMPLE OF WARFARE IN AFRICA. Natives Are Difficult People with Whom to Deal.

PARIS, Jan. 4.—A letter from an officer of the French expedition, which, according to the authentic and true news, has moved at Raff, in the Nile basin, September 17, and was proceeding to occupy Humberk, in the territory of Bahr el Ghazal, published in a newspaper of Toulouse, says the French force consists of twenty-three white and 200 Senegalese riflemen. Describing the hardships endured, the writer says: "The native carriers gave much trouble. The motive force of all its activities is love. We have sorrow over our sins. In the states one of my sons has separated himself from me and is working in his own way. I bear him no ill will, though I think he is wrong. He is still my son. As to controversy or dispute, I will have none of it. I am the friend of men whether they use me well or ill, better or worse than my Master, the enemy of none."

IS WAITING ON PRINCE HENRY. German Ambassador to China Playing

PEKIN, Jan. 4.—The ministers and the Tsi Lung yamen (Chinese foreign office) spent the whole of one night in discussing the deposition of the Chinese commandant of Tao Chou, province of Shan-Tung, who is accused of having used threatening language to a German missionary. The commandant has been ordered to give up the slaves to the missionaries, as previously cabled, the difficulty having been smoothed over. The general situation remains unchanged. Hostilities are feared. The German minister, Baron von Heyking, is understood to be temporizing until the arrival in China of Prince Henry of Prussia.

Turkey Contracts for Guns. CONSTANTINOPLE, Jan. 4.—An Imperial trade just received directs that the projected contracts for guns intended for the Turkish army shall be given to the Krupp, and that the contract for the proposed four new Turkish ironclads be given to the Armstrongs. It appears doubtful, however, whether either guns or ships will be ordered in the near future.

Explosion of Powder in Spain. MADRID, Jan. 4.—A disaster from Oveido, capital of the province of that name in the Asturias district, says that 200 kilograms, about 400 pounds, of powder exploded today at the San Majavia factory. Seven persons were killed outright and many badly injured. The building was completely destroyed.

To Consider the Encyclical. MONTREAL, Jan. 4.—Ten Catholic bishops from various parts of Canada, including the mitred abbot of the Trappists, have arrived here to consider the pope's encyclical on the matter of the school question, which will be published from the pulpits next Sunday.

Movements of British Ships. HONG KONG, Jan. 4.—The British cruiser Edgar has arrived here and the British cruiser Grafton has sailed northward. The bulk of the British fleet is reported to be at Chu Suan, near Ningpo.

Commands Land Forces. BERLIN, Jan. 4.—Captain Rosendahl, commander of the German 1st Prussian army, has been appointed commander of the German forces ashore at Kiau Chau bay.

THE BEE BULLETIN.

Weather Forecast for Nebraska—Fair; Southwesterly Wind.

1. Result in Doubt in Ohio.

2. Aftermath of London Fire.

3. Nebraska Supreme Court Convenes.

4. Editorial on Comment.

5. Speech in Pastorage Rates.

6. Lecture by Bishop Garrett.

7. General News of the Farther West.

8. City Council Proceedings.

9. Wishing Rite Among the Indians.

10. Police Board and Chiefs at Out.

11. Commercial and Financial News.

12. "Crooked Jenny."

Temperature at Omaha:

Table with 4 columns: Hour, Deg., Hour, Deg. Rows show temperatures for 5 a.m., 6 a.m., 7 a.m., 8 a.m., 9 a.m., 10 a.m., 11 a.m., 12 m.m.

CROPS IN FLORIDA ABE INJURED. Unusual Cold Spell Has a Blighting Effect.

JACKSONVILLE, Fla., Jan. 4.—The cold weather of January 1 and 2 did considerable temporary damage to vegetables, but none of a permanent character. Orange trees will be somewhat injured badly. Blooms on strawberries were killed. Early strawberries in the northern section were frozen off the vines and the plants themselves set back fully six weeks.

FOR THE COLORADO EXHIBIT. Mass Meetings to Be Held to Awaken Public Interest.

DENVER, Colo., Jan. 4.—(Special Telegram)—Secretary George M. Macke of the Colorado commission called upon Mayor Murray today and discussed the advisability of calling a mass meeting of the citizens of this county for the purpose of increasing the interest in the matter of a state exhibit at the Transmississippi Exposition. It is claimed by those who have charge of the Colorado exhibit that a mass meeting in Denver will have the effect of causing similar meetings in other counties in the state and will educate the people to the importance of the movement. The Mining Engineers' association has decided to have a mineral exhibit at the exposition. They have formulated plans to cooperate with the mineral counties of the state in forming an exhibit worthy of the leading industry of the state. Should the different counties refuse to combine in a mineral exhibit, the Mining Engineers' association will have an exhibit of its own.

GIVING JUSTICE TO A POLYGAMIST. Indeterminate Sentence to a Man with Seven Wives.

CHICAGO, Jan. 4.—David E. Bates, accused of having six wives more than the law allows, and who as a result of his arrest several months ago has had steady employment at the dime museum, was this afternoon convicted of bigamy in the first of the numerous cases against him. He was given a fine of \$1,999 and an indeterminate sentence in the penitentiary.

DEPRIVING CONTEMPT OF COURT. Bill to Be Introduced in New York Legislature.

ALBANY, N. Y., Jan. 4.—Assemblyman Green of New York will introduce a bill in Albany, he says, to put a stop to "government by injunction." It provides that no person shall be punished for a contempt of court unless the act was committed in the immediate view of the court itself. It further provides that if contempt is charged, the accused shall be entitled to a trial by jury.

MINERS DIE FROM SUFFOCATION. Fatalities Follow a Fire in a Montana Mine.

BUTTE, Mont., Jan. 4.—Fire on the 700-foot level of the Never Sweat mine of the Anaconda company this afternoon resulted in the death by suffocation of Michael C. Fishery and John F. Sullivan, pipemen in the Anaconda mine proper, and the narrow escape of three others employed in the Never Sweat.

Presidential Election in Transvaal. JOHANNESBURG, Jan. 4.—The voting in the presidential election commenced yesterday. The candidates are Messrs. Kruger, Joubert and Schalkburger. The latter's candidacy appears to be intended to split Joubert's vote and secure the re-election of President Kruger. Joubert accuses Schalkburger of breaking his engagement not to run. He declares that if President Kruger is re-elected he (Joubert) will continue in office as commandant general, but if Schalkburger is elected he will forthwith resign that post.

Russia Charged with Trickery. LONDON, Jan. 4.—The Shanghai correspondent of the Daily Mail says: The Russians tricked China into consenting to an occupation of Port Arthur by representing that the British fleet was coming to capture it. They also asked the Chinese to prohibit the English from landing. This was refused, but the Englishmen going ashore at Port Arthur are shadowed by Russians.

DOUST THE GANG

Wait to Test the Validity of the Commission Law.

MOVE AGAINST THE HERDMAN CROWD

Present Fire and Police Board Said to Be Illegally Constituted.

ASKS COURT TO DECLARE PLACES VACANT

McCoy and Olmstead Apply for Peremptory Writ of Mandamus.

GOVERNOR ACTS WITHOUT AUTHORITY

His Appointments Under the Act of the Legislature an Unwarranted Assumption of Governmental Function.

The question of the legal right of the governor to name the members of the Fire and Police commission of the city of Omaha came before Judge Scott yesterday afternoon, but was not finally disposed of, the court hearing arguments and taking the matter under advisement prior to handing down an opinion.

Upon the convening of court yesterday afternoon Frank L. McCoy and Robert H. Olmstead, as relators, appeared before Judge Scott and asked for a peremptory writ of mandamus against Frank E. Moores, city mayor, and William W. Bingham, William F. Bechel, Louis Burnmaster, Charles O. Loebbeck, Myron D. Karr, Ernest Stuit, David T. Mount, Frank J. Burkley and George W. Mercer, members of the city council of the city of Omaha, requiring them to act under and in accordance with the provisions of the statutes of the state of Nebraska and appoint four members of the Fire and Police commission in and for the city of Omaha.

In the petition which the relators have on file they contend that there is a department in the city government known as the Fire and Police Commission, and as now constituted is composed of the respondent, Frank E. Moores, and four persons, D. D. Gregory, William C. Bullard, James H. Peabody and Robert E. Lee Herdman, pretending to act as members. It is further alleged that on or about March 19, 1897, Silas A. Holcomb, as governor of the state of Nebraska, assumed the power and pretended to appoint and commission the four persons last named as members of the Fire and Police Commission in and for this city, and thereupon the said persons so named, without any other authority or appointment, and claiming no other rights than as appointees of the governor, Silas A. Holcomb, entered into possession of the offices and records of the Board of Fire and Police Commissioners of the city of Omaha, and since that time have been in possession of the said office and the said records, contrary to law and without any legal right. It is alleged that the persons named have assumed the powers of de jure members of the board and without any claim of right continue to perform the duties of the offices which they allege to hold.

ONLY ONE HAS A RIGHT. The relators, Frank L. McCoy and Robert H. Olmstead, continue in their petition by alleging that a vacancy exists in the board and that none of the members, excepting Frank E. Moores, mayor, has a shadow of title to the offices which they pretend to hold, and in support of this contention they allege that by virtue of the laws and the constitution of the state the governor has no authority for appointing men to look after the government of the city of Omaha. They aver that this is a function that is within the power of the city council and that when Governor Holcomb made the appointment of the present members of the board he exceeded his authority and usurped a power that belonged solely to the members of the city council. They go still further as relators and say that the legislature of the state had no authority to pass a law authorizing the governor to make such appointments; that such appointments were in violation of the principles of self-government.

The prayer of the relators is to the effect that the peremptory writ issue at once and that the city council of the city of Omaha be commanded to declare vacant the offices which Gregory, Bullard, Peabody and Herdman pretend to hold and appoint four citizens of Omaha as members of the Fire and Police commission for the respective terms in accordance with the provisions of the laws of the state.

The relators demand that upon the adjudication of the questions involved the city council, upon the granting of the mandamus, at once meet and make the appointments. The court is asked to oust the parties whom it is alleged pretend to hold the offices of fire and police commissioners and declare the offices vacant instantaneously.

HAS LONG BEEN CONSIDERED. While the move to test the validity of the law under which Governor Holcomb appointed the present members of the board has been under consideration for some time, it was not until yesterday that it was positively decided to bring the action. The attorneys who have the matter in charge say that they have given the matter mature consideration and believe that their position is good. They say that they have not consulted with the members of the city council, and consequently do not know what action will be taken in the event that the court holds with them. However, they say that if the peremptory writ is granted and if the council does not act, they will at once go to the supreme court for a final adjudication of the matters in controversy. They say that they have looked up the law of not only this, but other states, and that the most of the authorities are squarely with them. The courts, they say, have universally held that the legis-

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Upon the convening of court yesterday afternoon Frank L. McCoy and Robert H. Olmstead, as relators, appeared before Judge Scott and asked for a peremptory writ of mandamus against Frank E. Moores, city mayor, and William W. Bingham, William F. Bechel, Louis Burnmaster, Charles O. Loebbeck, Myron D. Karr, Ernest Stuit, David T. Mount, Frank J. Burkley and George W. Mercer, members of the city council of the city of Omaha, requiring them to act under and in accordance with the provisions of the statutes of the state of Nebraska and appoint four members of the Fire and Police commission in and for the city of Omaha.

In the petition which the relators have on file they contend that there is a department in the city government known as the Fire and Police Commission, and as now constituted is composed of the respondent, Frank E. Moores, and four persons, D. D. Gregory, William C. Bullard, James H. Peabody and Robert E. Lee Herdman, pretending to act as members. It is further alleged that on or about March 19, 1897, Silas A. Holcomb, as governor of the state of Nebraska, assumed the power and pretended to appoint and commission the four persons last named as members of the Fire and Police Commission in and for this city, and thereupon the said persons so named, without any other authority or appointment, and claiming no other rights than as appointees of the governor, Silas A. Holcomb, entered into possession of the offices and records of the Board of Fire and Police Commissioners of the city of Omaha, and since that time have been in possession of the said office and the said records, contrary to law and without any legal right. It is alleged that the persons named have assumed the powers of de jure members of the board and without any claim of right continue to perform the duties of the offices which they allege to hold.

ONLY ONE HAS A RIGHT. The relators, Frank L. McCoy and Robert H. Olmstead, continue in their petition by alleging that a vacancy exists in the board and that none of the members, excepting Frank E. Moores, mayor, has a shadow of title to the offices which they pretend to hold, and in support of this contention they allege that by virtue of the laws and the constitution of the state the governor has no authority for appointing men to look after the government of the city of Omaha. They aver that this is a function that is within the power of the city council and that when Governor Holcomb made the appointment of the present members of the board he exceeded his authority and usurped a power that belonged solely to the members of the city council. They go still further as relators and say that the legislature of the state had no authority to pass a law authorizing the governor to make such appointments; that such appointments were in violation of the principles of self-government.

The prayer of the relators is to the effect that the peremptory writ issue at once and that the city council of the city of Omaha be commanded to declare vacant the offices which Gregory, Bullard, Peabody and Herdman pretend to hold and appoint four citizens of Omaha as members of the Fire and Police commission for the respective terms in accordance with the provisions of the laws of the state.

The relators demand that upon the adjudication of the questions involved the city council, upon the granting of the mandamus, at once meet and make the appointments. The court is asked to oust the parties whom it is alleged pretend to hold the offices of fire and police commissioners and declare the offices vacant instantaneously.

HAS LONG BEEN CONSIDERED. While the move to test the validity of the law under which Governor Holcomb appointed the present members of the board has been under consideration for some time, it was not until yesterday that it was positively decided to bring the action. The attorneys who have the matter in charge say that they have given the matter mature consideration and believe that their position is good. They say that they have not consulted with the members of the city council, and consequently do not know what action will be taken in the event that the court holds with them. However, they say that if the peremptory writ is granted and if the council does not act, they will at once go to