Telephones 618-694. Bee, January 15, 1901.

January Linen Sale . .

Our linens are known far and wide and nowhere in this country are such values given as we are giving during this sale.

HEAVY CRASH TOWELING—
16 2-3c Toweling now 12½c per yard.
12½c Toweling now 10c per yard.
7½c Toweling now 3½c per yard.
FINE TOWELS—
$1.50 fine Towels now $1.00 each.
75c fine Towels now 50c each.
40c fine Towels now 25c each.
25c fine Towels now 19c each.
TABLE DAMASKK—
$1.75 Damask now $1.10 per yard.
$1.50 Damask now $1.00 per yard.
$1.00 Damask now 75c per yard.
85c Damask now 69c per yard.
65c Damask now 50c per yard.
PATTERN DAMASK TABLE CLOTHS—
$3.00 Table Cloths now $2.00 each.
$4.50 Table Cloths now $3.00 each.
$2.25 Table Cloths now $1.69 each.
$1.75 Table Cloths now $1.29 each.
ODD NAPKINS—
Several odd one-half dozen Napkins will be placed on our counters at very low prices.

WE CLOSE SATURDAYS AT 6 P. M.

AGENTS FOR FOSTER KID GLOVES AND McCALL'S PATTERNS.

THOMPSON, BELDEN & Co.

THE ONLY EXCLUSIVE DRY GOODS HOUSE IN OMAHA.

Y. M. C. A. BUILDING, COR. 16TH AND DOUGLAS STS.

ators at the same time instead of electing one first and the other afterward and taking chances on electing no second one at all. In an open ballot the advantage lies also in holding a brake on the fusionists should they attempt to jump in. If the roll were called first for one senator and again for the second it is easily conceivable that the fusion members might jump in at the tail end and leave the republicans hanging in the air. The simultaneous ballot worked so well today that the alleged objections previously urged have been badly punctured.

After holding two sessions the joint rules committee appointed yesterday at the conference of republican members tonight reported that it was unable to agree on caucus conditions. By a vote of five to four the committee favored a double ballot, but there was a still wider division on the number that should be required to rule in the caucus, the various propositions ranging from forty-three to sixty. The result of the deliberations was reported to the caucus tonight and the committee retired, pending further consideration of plans by that body.

Committee is Discharged.

After hearing its report the republican caucus discharged the rules committee and adjourned without fixing a date for another meeting.

Messrs. Laflin and Mockett asked to be relieved from further service on the committee, but the other members expressed a desire for more time to present a final report. The caucus thought there was but little likelihood of the committee ever arriving at an agreement, and consequently relieved all of the members. No other business or matters were discussed at the caucus.

About 200 citizens of Lincoln met at the Capital hotel tonight and passed resolutions endorsing the candidacy of D. E. Thompson, a copy of which was presented to the latter by a committee headed by I. M. Raymond and W. D. Fitzgerald.

DETAILS OF THE FIRST VOTE

How the Members Expressed Their Friendship for Many Fellow-Citizens.

LINCOLN, Jan. 15.—(Special.)—Following is the detail of the senate's first vote for United States senators, cast today, the choice for the long term being named first:

Allen—Currie, D. E. Thompson.
Arends—Currie, Hinshaw.
Baldrige—Rosewater, Norval.
Berlet—S. P. Davison, Church Howe.
Campbell—Hitchcock, Allen.
Crounse—Currie, Harlan.
Cummins—Hitchcock, Allen.
Currie—Crounse, VanDuzen.
Edgar—Currie, D. E. Thompson.
Harlan—Currie, D. E. Thompson.
Hodges—W. H. Thompson, Allen.
Krumbach—W. H. Thompson, Allen.
Liddell—Hitchcock, Allen.
Lyman—W. H. Thompson, Allen.
Martin—Mercer, Tucker.
McCargar—VanDuzen, D. E. Thompson.
Meredith—Absent.
Miller—W. H. Thompson, Allen.
Newell—Currie, Hinshaw.
Oleson—Rosewater, Meiklejohn.
O'Neill—Rosewater, D. E. Thompson.
Owens—Currie, Hainer.
Paschal—W. H. Thompson, Allen.
Pitney—W. H. Thompson, Allen.
Ransom—Hitchcock, Allen.
Reuting—W. H. Thompson, Allen.
Stewart—Meiklejohn, Hinshaw.
Trompen—Currie, D. E. Thompson.
VanBoskirk—Meiklejohn, D. E. Thompson.
Weber—W. H. Thompson, Allen.
Woolstenholm—W. H. Thompson, Allen.
Young—Rosewater, Harlan.
Ziegler—Hitchcock, Allen.

Detailed Vote of the House.

In the house the detailed vote was as follows, the short-term candidate being named first:

Anderson—Allen, W. H. Thompson.
Andrews—D. E. Thompson, Crounse.
Armstrong—Church Howe, Meiklejohn.
Beall—Sutherland, W. H. Thompson.
Becher—Allen, W. H. Thompson.
Beisner—Hinshaw, Meiklejohn.
Beekly—D. E. Thompson, Currie.
Beethe—E. A. Tucker, Meiklejohn.
Boulter—Allen, W. H. Thompson.
Boyd—Sutherland, W. H. Thompson.
Broderick—Hinshaw, Meiklejohn.
Brown (Cass and Otoe)—Hainer, Crounse.
Brown (Furnas)—D. E. Thompson, Meiklejohn.
Buresh—G. A. Murphy, Rosewater.
Cain—Tucker, Meiklejohn.
Calkins—Allen, W. H. Thompson.
Coffee—Allen, W. H. Thompson.
Cooksey—Allen, Hitchcock.
Coppoc—Allen, Bryan.
Corneer—Ed Owen, Rosewater.
Crissey—D. E. Thompson, Meiklejohn.
Crockett—Allen, Bryan.
Dahlsten—Allen, W. H. Thompson.
Diers—Allen, Hitchcock.
Edmondson—Allen, W. H. Thompson.
Evans—Hainer, Currie.
Fellers—D. W. Berge, Hitchcock.
Fowler—Hainer, Meiklejohn.
Friedrich—Currie, W. H. Newell.
Fuller—Allen, Hitchcock.
Gallogly—M. P. Kinkaid, Meiklejohn.
Gawne—M. P. Kinkaid, Meiklejohn.
Gishwiller—Allen, W. H. Thompson.
Grell—Allen, Hitchcock.
Hall—D. E. Thompson, Crounse.
Hamilton—Allen, Hitchcock.
Hanks—Berge, Hitchcock.
Harris—Thompson, Currie.
Hathorn—Currie, W. S. Morlan.
Hawxby—Berge, Dr. Kay.
Hibbert—George Murphy, Crounse.
Horton—Meiklejohn, Kinkaid.
Householder—Allen, W. H. Thompson.
Hoy—Allen, Hitchcock.
Humphrey—D. E. Thompson, Meiklejohn.
Hunt—W. H. Thompson, Hitchcock.
Hunter—W. H. Thompson, Allen.
Jamison—Allen, Hitchcock.
Johnson—I. G. Dunn, Hitchcock.
Jordon—Allen, W. H. Thompson.
Jouvenat—Kinkaid, John R. Hays.
Kavery—Hitchcock, Allen.
Laflin—D. E. Thompson, Currie.
Lane—D. E. Thompson, Currie.
Lichty—Berge, Hitchcock.
Loomis—Allen, Hitchcock.
Lowe—D. E. Thompson, Meiklejohn.
Marshall—Hinshaw, Currie.
McCarthy—Hinshaw, John R. Hays.
McCoy—Kinkaid, Rosewater.
Mead—Norval, Rosewater.
Mendenhall—Hinshaw, G. A. Murphy.
Miskell—D. E. Thompson, Hinshaw.
Mockett—D. E. Thompson, Meiklejohn.
Mullen—Dietrich, Rosewater.
Murray—Allen, Hitchcock.
Ollis—Allen, W. H. Thompson.
Olson—W. S. Morlan, Hinshaw.
Peisiger—Allen, W. H. Thompson.
Ream—Allen, W. H. Thompson.
Redman—Allen, Bryan.
Rohwer—Hinshaw, Crounse.
Sandall—N. V. Harlan, Currie.
Schlichtemeier—Allen, Hitchcock.
Scott—Church Howe, Currie.
Shellhorn—D. E. Thompson, Crounse.
Spencer—D. E. Thompson, Meiklejohn.
Sprecher—M. P. Harrington, Hitchcock.
Steinmeyer—Hinshaw, Murphy.
Stockwell—Allen, Hitchcock.
Swanson—Meiklejohn, Richards.
Tanner—Allen, W. H. Thompson.
Taylor—Sutherland, D. E. Thompson.
Tefft—D. E. Thompson, Rosewater.
Thomsen—Allen, W. H. Thompson.
Tweed—Hinshaw, Meiklejohn.
Uhl—Frank Martin, Rosewater.
Vandegrift—Allen, W. H. Thompson.
Walker—Allen, W. H. Thompson.
Waring—Allen, W. H. Thompson.
Warner—D. E. Thompson, Meiklejohn.
Watson—Allen, W. E. Thompson.
Wenzl—Church Howe, Currie.
Whitmore—Hainer, Meiklejohn.
Wilcox—Hinshaw, Rosewater.
Wilkinson—W. H. Newell, Currie.
Zimmerer—Allen, Hitchcock.
Zimmerman—Allen, Hitchcock.
Mr. Speaker—D. E. Thompson, Crounse.

PROTEST FROM CASS COUNTY

Voters Meet at Weeping Water to Chide Representatives for Supporting Thompson.

WEEPING WATER, Neb., Jan. 15.—(Special.)—The representatives of Cass county in the legislature, desiring to know the sentiment of Cass county citizens in the senatorial contest, a petition was circulated yesterday among the business men and farmers and over one hundred citizens signed it. The petition denounces D. E. Thompson and requests our representatives not to vote for him for United States senator. The feeling against Thompson is so strong in this section that it practically means the political death knell of any who support him. At Elmwood and Nehawka the sentiment is almost the same, and many say openly they would rather the fusionists would be successful than that Thompson should be one of our United States senators.

FUSIONISTS AGREE ON CANDIDATES.

Will Vote for Allen for Short and Thompson for Long Term.

LINCOLN, Jan. 15.—(Special Telegram.)—The fusionists in joint caucus tonight agreed to cast the votes of the minority party for William V. Allen for the short term and W. H. Thompson for the long term for senator and will so vote tomorrow.

HOUSE GETS AFTER PORTER

Will Investigate the Purchase of Supplies by the Late Secretary of State.

LINCOLN, Jan. 15.—(Special.)—The house of representatives this morning ordered an investigation of the purchasing of legislative stationery and supplies by Former Secretary of State Porter. The stationery delivered to the two branches of the legislature cost the state upwards of $500, but on account of errors in the printing, due to negligence, the amount expended was a dead loss, it being impossible to use any of the material as intended by the purchaser.

The matter was brought before the house immediately after roll call this morning by Representative Uhl of Douglas county, who presented a motion authorizing the speaker to appoint a committee to conduct an investigation. It carried without an audible negative vote and Speaker Sears named Representatives Uhl, Low and Murray to constitute the committee.

On motion of Marshall of Otoe the limit of time allowed for filing deficiency claims with the auditor was changed from the fortieth day of the session to the fortieth day after January 1. In support of his request Mr. Marshall asserted that shortening the time would prevent an overflow of claims during the last few days of the session, besides facilitating the consideration of those that really possessed merit.

At 11 o'clock the house began the special order of business for that time—balloting for United States senators—which was not finished until 12:30, when recess was taken until 2 p. m.

Most of the afternoon session was devoted to the reading of new bills, but a few minutes before adjournment Taylor of Custer county moved that the supreme court be asked to furnish an interpretation of its recent opinion relative to the Board of Transportation act. The questions proposed were:

"What was the effect of the decision?

"Did the decision render the Board of Transportation defunct in toto?

"Did it revive the transportation act of 1885?"

The motion carried and the house adjourned to 10 o'clock tomorrow morning.

The following bills were read for the first time:

H. R. 117, by Fowler—A joint resolution proposing to amend section 1 of article xv of the Constitution of the State of Nebraska, relative to the manner of submitting and adopting amendments to the Constitution of the State of Nebraska.

H. R. 118, by Mead (by request)—A bill for an act to prohibit railroad companies from running trains with two or more locomotive engines, or running engines without a pilot, to define the number of cars in a train and the necessary help to manage such train, and to provide a penalty for the violation of this act.

H. R. 119, by Mead (by request)—A bill for an act to protect the rights of workingmen in belonging to labor associations and other lawful organizations in the state of Nebraska, and to provide penalties for the violation of this act.

H. R. 120, by Mead (by request)—A bill for an act to require all railroad companies in this state to provide their locomotive engines with dump ash pans, and to prohibit employes from going under locomotive engines to empty ash pans, and to provide for a penalty for the violation of this act.

H. R. 121, by Gawne—A bill for an act establishing one additional normal school, providing for its location and making an appropriation for the building of same.

H. R. 122, by Bouller—Concurrent resolution to establish bird day for the state of Nebraska.

H. R. 123, by Uhl (by request)—A bill for an act providing for boards of arbitration and defining the duties and powers thereof, and providing for their compensation.

H. R. 124, by Uhl (by request)—A bill for an act to promote the public health and to regulate the sanitary construction of house draining and plumbing, and to secure the registration of plumbers in all cities within the state of Nebraska having a population of more than 25,000 inhabitants, and to provide for a board for the examination of plumbers therein, defining their powers and duties, provide for their compensation, to provide for penalties for the violation of this act and to repeal all laws inconsistent with the provisions of this act.

H. R. 125, by Uhl—An act to amend chapter vi of the Code of Civil Procedure of 1899 and to regulate the procedure in actions for libel.

H. R. 126, by Lowe—A bill for an act to authorize any city of the second class or village of this state duly incorporated as required by law of a population of less than 5,000 inhabitants, to establish, maintain, operate, control and own a telephone system and exchange, and to fix rates of charges for the use of telephones on said exchange and messages over same, and to provide for the building and operation of the same and for the collection of such charges and for connecting such exchanges with toll lines.

H. R. 127, by Horton (by request)—An act to district the state into senatorial and representative districts and for the apportionment of senators and representatives and to fix the number of the same, and to repeal sections 1 and 2 of chapter v of the Compiled Statutes of Nebraska.

H. R. 128, by Anderson—A bill for an act directing the manner in which the cash derived from the industrial departments of the Institute for the Deaf and Dumb and the Institute for the Blind and from other sources may be disbursed by the superintendents of the said institutes, and directing the state treasurer to create funds which shall be known as "the cash fund for the Institute for the Deaf and Dumb" and "the cash fund for the Institute for the Blind."

H. R. 129, by Anderson—A bill for an act providing for the change of name of the Institute for the Deaf and Dumb, and also of the Institute for the Blind, and repealing all acts and parts of acts in conflict herewith.

H. R. 130, by Wenzl—An act for the relief of Frederick Ulrich.

H. R. 131, by Humphrey (by request—A bill for an act to amend section 226 of chapter xxiii, entitled "Decedents," and to repeal said section.

H. R. 132, by Mullen—A bill for an act to provide for the appointment of inspectors of manufacturing, mechanical, mercantile, educational and other public establishments and defining their duties, powers and compensation, and providing for a penalty for the violation of this act.

H. R. 133, by Hamilton—A bill for an act to amend section 17 of chapter lv, entitled "Medicine," of the Compiled Statutes of the state of Nebraska, 1899, and to repeal said section 17 as it now exists.

H. R. 134, by Mullen—A bill for an act to amend sections 245aa, 245bb and 245cc of the Criminal Code of the state of Nebraska, and to repeal said sections 245aa, 245bb and 245cc as now existing.

H. R. 135, by Ollis—A bill for an act to amend and repeal section 28, chapter iv, article i, as now in existence in the Compiled Statutes of 1899, entitled "Liens upon Live Stock."

H. R. 136, by Ream—A bill for an act to amend sections 85, 86 and 86a of the Criminal Code of the Compiled Statutes of Nebraska of 1899 relating to game.

H. R. 137, by McCoy—A bill for an act for the equipment of certain classes of private buildings, hotels, lodging and apartment houses, flats, public halls, theaters, asylums, schools, factories, etc., with fire escapes under the supervision of the commissioner of labor, his deputy or any factory inspector working under his direction, providing for a system of fees, prescribing penalties and repealing sections 15, 16, 17, 18, 19 and 20 of chapter xxx, and all parts of section 158, chapter xiii; section 44, chapter xiiia, article 1; section 48, chapter xiiia, article xi; section 13, chapter xiv, article i of the Compiled Statutes of Nebraska of 1899 relating to fire escapes.

H. R. 138, by Evans—A bill for an act to protect fish, game, song and insectivorous birds within the state of Nebraska, to create a game and fish commission for the state of Nebraska and defining its powers and duties, and to repeal an act entitled "An act creating a board of fish commissioners for the propagation and distribution of fish in the public waters of Nebraska," approved February 24, 1879; also sections 85, 86, 86a, 86b, 86c, 86d, 86f, 86h, 86j, 87, 87a, 87b, 87c and 233 of the Criminal Code as the same appear in the Compiled Statutes of Nebraska, edition of 1899, and all acts and parts of acts in conflict therewith.

H. R. 139, by Corneer—A bill for an act to provide for the humane shoeing of horses, prescribing the qualifications of a horseshoer, regulating the practice of horseshoeing in cities having a population of 5,000 inhabitants or over in this state, and to provide a penalty for its violation and to secure its enforcement.

H. R. 140, by Buresh—A bill for an act entitled "An act to amend section 4392 of the Compiled Statutes of Nebraska for the year 1897, being section 109 of article i, chapter lxxvii of the said statutes, entitled "Revenue," and to repeal said section as now existing, and also to repeal sections 2278, 2279 and 2280 of said statutes.

H. R. 141, by Loomis—A bill for an act to amend section 17 of the Criminal Code of the state of Nebraska, and to repeal said section 17 as now existing.

SENATE UNSEATS HODGES

Johnson Given the Place After a Full Debate on Exhaustive Committee Reports.

LINCOLN, Jan. 15.—(Special.)—The senate held both forenoon and afternoon sessions today, the feature of the morning session being the vote taken for United States senator, which was taken at 11 o'clock, and at the afternoon session the reports of the majority and minority of the senate committee on privileges and elections in the Johnson-Hodges contest case and the discussion arising therefrom attracted a large crowd.

When the senate convened this morning, after roll call and prayer, Chairman Young of the committee on privileges and elections stated the majority report of the committee in the Hodges case was ready and he asked permission to present it, but at the request of Woolstenholm of Hull, who was one of the minority members of the committee, that the minority be given more time in which to have its report prepared, the committee reports were made a special order for this afternoon at 3 o'clock.

Allen of Furnas, chairman of a committee of three named to confer with a like committee from the house to arrange for tickets of admission to the floor of the house during the time the legislature is in joint session for the purpose of balloting for United States senators, submitted a report, which was adopted, providing that tickets be given senators, employes and press representatives.

A number of bills were introduced for both first and second reading.

The time having arrived to vote for United States senators, this order of business was announced, the result of the vote being found elsewhere.

At the afternoon session the huose appropriation bills were again read and recommended for passage.

Give the Seat to Johnson.

Chairman Young submitted the majority report of the senate committee on privileges and elections in the Johnson-Hodges case and recommended its adoption. The report follows:

We, your committee on privileges and elections, having under consideration the contest case of John M. Johnson against B. Hodges from the Twenty-eighth Senatorial district, beg leave to submit the following as a majority report of said committee:

We find that on the face of the returns of the votes cast on senator in said district that B. Hodges received a majority over John M. Johnson of 2 votes; and that in the vote cast and counted for Hodges there were four votes cast and counted for him that were illegal and should not have been counted. We further find that there was one vote in Republican City, in said district, that was cast for Johnson and was not counted, and that said vote was a legal vote and that it should have been counted for Johnson.

We therefore find that after casting out the four illegal votes cast for Hodges and counting the Republican City ballot for Johnson which was thrown out, that it leaves Johnson with a gain of one vote and Hodges with a loss of four votes, electing Johnson by a majority of 3 votes over his opponent, B. Hodges.

Your committee makes the following specific findings in reference to said votes cast and counted for B. Hodges that should not have been counted for him, and in reference to the Republican City ballot cast for Johnson and which was not counted for him in the returns, viz.:

We find that Patrick Cobb voted for Hodges in Phelps county; that his vote was counted for him, that said Cobb moved from Phelps county to Kearney county with no definite intention of returning, and that while in Kearney county he was married to a young lady of Kearney county, and set up housekeeping in said county and did not return to Phelps county until three weeks before election, and that he had not lived in Phelps county for forty days next previous to election, and that he had no right to vote therein.

We find that a certain ballot in Harlan county was cast and counted for B. Hodges, which ballot had marked on the back thereof the name of H. H. Parsons, in addition to the name of the judges, and that said Parsons was not an officer of said election board, but only an elector at said election, and that said ballot was illegal and should not have been counted.

We further find that a certain ballot in Harlan county was cast and counted for B. Hodges, which ballot had marked thereon the following identifying words, "Mat Becker," in addition to the names of the judges, and that the said Mat Becker was not an officer of the election board, but merely an elector at said election, and that said ballot was illegal and should not have been counted.

We further find that in a certain precinct in Harlan county an elector by the name of Schlauntz voted for the said Hodges and that said ballot was counted for him, and that said ballot was not made out in the voting book, but was made out by the said Schlauntz in his buggy out in the street and was there received by one of the judges of election and carried by him and deposited in the ballot box, and that said ballot was illegal and should not have been counted.

We further find that in Republican City, in Harlan county, a vote was cast for John M. Johnson and thrown out and not counted by the judges of said election board for the reason that on the face of the ballot after the name of one of the constables voted for thereon was written by the voter the words "city official." We find that these words, within the meaning of the law, are not such marks of identification as will avoid the ballot, and that said ballot should not have been thrown out, but should have been counted for the said John M. Johnson.

We, your committee, would therefore find in favor of the contestant, John M. Johnson, and would recommend that he be seated as the duly elected senator from the Twenty-eighth Senatorial district, and that the present incumbent, B. Hodges, be ousted therefrom. Respectfully submitted,

W. W. YOUNG,
Chairman;
FRANCIS MARTIN,
N. V. HARLAN.

Minority Makes a Report.

Senator Campbell, representing the minority, presented the following report, which he moved as a substitute for the majority report:

We, the minority of your committee on privileges and elections, beg leave to submit the following report on the aforesaid contest:

We find that the official count and returns of the votes cast and counted in the last election in senatorial district No. 28 gave the said B. Hodges, contestee, two majority; that he holds the certificate of election and has occupied his seat as a member of this body since its organization; that by reason of the aforesaid he is prima facie entitled to the seat; that the burden of overcoming this presumption is on the contestant, which can or should be done only on good and competent legal evidence.

That there is no fraud shown or attempted to be shown on the part of either the contestant or the contestee; that the election and entire conduct thereof on the part of the officers and candidates was honestly and fairly conducted; that one of the charges made on the part of the contestant is that marked ballots were cast and counted for the contestee.

We insist that the best and only legal evidence as to who was elected is what the ballot really contains is the ballot itself.

In this case the ballots were not considered or at any time examined by your committee, hence there is no legal proof or evidence that any of the said ballots were so marked or designated and no legal evidence as to who was in fact voted for by any specific ballot. Further, we insist that if the ballots are to be considered then they should and must all be so far as challenged, opened and examined; that oral evidence of the contents of a ballot, which can be produced, is incompetent and must be rejected; that before the report of your committee or that submitted by the majority, can under any rules of law or justice be adopted the aforesaid ballots should be examined and counted; that the majority report of the committee is based solely on what witnesses swore was what they knew or in fact believed the ballot would show if produced, which oral testimony was conflicting and unsatisfactory.

Replies of Voters.

At no time did any voter swear how he voted; that he voted for Hodges or Johnson or against either, but each voter when examined on the respective sides of this contest refused to answer as to how they had voted. This applies with equal force to those who, it is claimed, cast illegal votes, not being residents, as well as to those who cast marked ballots. The only evidence offered as to how anyone voted was the opinion of a witness from his assumed or supposed party affiliations as a voter, or by those who had made a pretended poll of the township, not from asking each voter how he would or intended to vote or by a house to house poll, but simply the opinion of the person making the poll as to how the voter would vote.

No voter challenged by the notice of contest swore or admitted at any time that he voted for Hodges at the last election. Then, again, we insist that there was no competent proof introduced showing that each challenged voter was not a legal voter and entitled to cast his ballot and have it counted where the same was cast. There were about the same number as shown by the evidence of these challenged voters who, it was claimed, voted for the contestant and contestee herein. These were persons who had always voted in the respective precincts in which they voted this year, but had been away temporarily seeking work. Many, if not all, of these were challenged on election day and the question fairly presented as to their qualifications to the judges of election and each found entitled to vote. Neither of these challenged voters testified as to who they voted for. There is no evidence competent introduced to show that any one of these voted for the contestee Hodges; no one of these swore they did and no one knew or claimed to know how they or either of them voted, yet, with all due respect to the majority of this committee, they admit and state in their report that these votes, or a part of them, were illegal and were votes cast for the contestee Hodges, which finding and action we submit is not supported by the evidence and is contrary to the letter as well as to the spirit of our laws governing elections.

Another vote that was thrown out by the majority and taken from the votes claimed to belong to the contestee was that of one Schlauntz, who the proof showed was an old man, a cripple, very fat and clumsy, who came to the polling place in a buggy, as had been his custom in years past, rode up in front of the polling place, called out one of the republican judges of election at that polling place, answered the call, which judge took a ticket, and he with the populist clerk stepped out the door to where Schlauntz was, handed him the ticket and without letting anyone know how he voted, but in the presence of this judge and clerk marked this ticket as he desired to vote and after folding it handed it back to said judge of election, who took it back and deposited it in the box as by law provided. No one saw, knew or claimed to know who he voted for. He was not sworn in this contest nor examined. The only proof offered was that of a witness who swore that he classed him as a populist, but had not spoken to him on the question as to how he intended to vote since the prior election. No one had talked with him this year as to how he voted; no one swore he voted for the contestee, Hodges, yet this vote is found by a majority to have been illegal and a vote that had been cast and counted for Hodges, threw it out and thus reduced the majority of the contestee.

Question of Johnson's Vote.

Another vote challenged in the notice of contest is one cast by one who the contestant claims wrote his name across the back of the ticket. This ticket is not produced in evidence or examined by the committee, but as to whether or not it is marked as charged or that it was voted for Hodges, as claimed, is left entirely to oral testimony. The judge who had possession of the plain ticket swore in his opinion it was voted for Johnson, the clerk and another in their opinion it was voted for Hodges. All of this testimony is objected as incompetent and not the best evidence by the contestee, and your committee insist that such testimony is incompetent, yet without the examination of the ticket the majority of this committee find that said ballot was cast, was so marked and was a ballot cast and counted for Hodges; that it was illegal and they threw it out and thus illegally, as we claim, reducing Hodges' majority.

Again, the contestee insists that the contestant Johnson cannot be seated for the reason that he is disqualified from holding the said office by the constitution of the state of Nebraska, for the reason that he was at the time of his nomination and election, and long subsequent thereto, a holder of a lucrative office in the said county of his residence, to-wit: A member of the board of supervisors of said county, having been duly elected and qualified at the time of his nomination for the position of state senator of the said Twenty-eighth senatorial district, and held the same until after the last election; that it is admitted in the evidence that the said supervisor district embraced more than one township, and we insist that the same is a lucrative office under the laws of this state and does not come within any of the exceptions enumerated in the said constitution.

We therefore insist and most respectfully submit that the said contestant has not sustained the charges, or any of them upon which this contest is based, and that the contestee, B. Hodges, is entitled under the law to retain his seat.

We further insist the said report of the majority of this committee should not be received or acted upon until all the votes challenged and questioned are examined and counted.

FRANK CAMPBELL,
J. A. WOOLSTENHOLM,
Committee.

The motion brought out considerable discussion on both sides. The speakers faforing the adoption of the majority report were: Baldrige, Young, Allen and Harlan, while those opposing it were: Ransom, Campbell and Miller. After remarks from both sides a vote was called for, the question being whether the minority report should be substituted for the majority, and the motion was lost by a vote of 18 to 13, Meredith being absent and Hodges not voting. A vote was then taken on the adoption of the majority report, the report being adopted by the same vote, 18 to 13, thus resulting in seating the contestant, Mr. Johnson.

The following resolution, which was presented by Ziegler of Cedar, was read and went over under the rules:

Whereas, In a late case the supreme court of this state has decided the railroad commission law of 1887 unconstitutional, and

Whereas, The late governor of this state in his farewell message to this legislature assumed that, because the supreme decision was rendered, there was no railroad commission law in force in this state, and

Whereas, In the opinion of eminent lawyers the said decision of the supreme court revives the law of 1885, which in that event is now the law of the state, and

Whereas, It is proper for this legislature to be advised for its enlightened action in the premises, therefore be it

Resolved, That the members of the supreme court be asked the following questions:

1. What was the effect of the decision of your honorable court in the case of the State of Nebraska against the Burlington & Missouri River Railroad Company, rendered on the 22nd day of November last past, declaring chapter lx, Sessions Laws of 1887, unconstitutional?

2. Did such decision render the railroad commission defunct in toto?

3. Did such decision revive the statutes of 1885, to-wit, chapter lxv, Sessions Laws 1885, article viii, chapter lxxii of Compiled Statutes of 1885?

You are most respectfully requested to answer the foregoing questions at your earliest possible convenience.

Resolved secondly, That a certified copy of these resolutions be transmitted to the judges of the supreme court.

Upon motion the senate adjourned until 10 o'clock tomorrow.

The following senate files were introduced today:

S. F. 103, by Currie—An act to amend chapter lxxv of the Compiled Statutes entitled "Reform schools."

S. F. 104, by McCargar—An act to require a stamp or label on every ball of binder twine sold, offered or exposed for sale within the state of Nebraska, and providing a penalty for the violation thereof.

S. F. 105, by Baldrige—An act to provide for the humane shoeing of horses, prescribing the qualifications of a horseshoer, regulating the practice of horseshoeing in cities having a population of 5,000 inhabitants or over in the state, and to provide a penalty for its violation and to secure its enforcement.

S. F. 106, by Baldrige—An act to amend section 223 of chapter xxiii, entitled "Decedents," and to repeal said section.

S. F. 107, by Baldrige—An act to provide for subjecting corporate stock to execution and attachment, and the manner of proceeding therein.

S. F. 108, by Martin—An act to regulate and fix the salary of the clerk and reporter of the supreme court, providing for the payment of the same, and providing for the disposition of all fees and costs collected by said officers, repealing all acts and parts of acts in conflict herewith.

S. F. 109, by Baldrige—A joint resolution to amend sections 2, 4, 5, 6 and 13 of article vi of the Constitution of the State of Nebraska, entitled "the judicial department," and providing for nine judges of the supreme court and for a division of their duties, their selection, terms of service and their salaries and to repeal said original sections.

DEATH RECORD

Peter Shultz Dies at San Diego.

News of the sudden death of Peter Shultz at San Diego, Cal., has been received in this city, where his parents, three sisters and two brothers live. The death of Mr. Shultz was entirely unexpected, and it comes as a severe shock to his relatives and many friends in Omaha. Mr. Shultz was reared in Omaha, where he attended the public schools, and made hundreds of friends in the days of his boyhood. He was one of the six boys who, some years ago, took a trip down the Missouri river in a flatboat with fatal result to one of the party.

Mr. Shultz, who was 28 years of age at the time of his death, went to San Diego, Cal., eight years ago. His body will reach Omaha this week and the funeral will be at the family home.

Ends Long Political Record.

INDIANAPOLIS, Jan. 15.—William P. Fishback, aged 72, died at his home here today. He was one of the best known lawyers in the middle west and had been prominent in the affairs of Indiana for half a century. He was formerly editor of the St. Louis Globe-Democrat. At the time of his death Mr. Fishback was master-in-chancery of the United States court.

G. O. Ickis of Creston.

CRESTON, Ia., Jan. 15.—(Special.)—G. O. Ickis, born in 1841 in Ohio and a resident of this county for fifty years, died this morning. He was one of the oldest pioneers.

County Superintendent Cooke.

BARTLETT, Neb., Jan. 15.—(Special.)—Neuralgia of the heart has caused the sudden death of L. J. Cooke, superintendent of the Wheeler county schools.

Great Pencil Maker Dead.

NUREMBURG, Jan. 15.—Johann Faber, founder of the Faber lead pencil factory, is dead.

Tennessee Bank Looted.

JAMESTOWN, Tenn., Jan. 15.—The People's bank of Livingston, Overton county, was entered by burglars and robbed of $5,000. No trace of the burglars has been discovered. Livingston is a remote town about fifteen miles from the nearest railroad point and further particulars are unobtainable at present.

TO CURE THE GRIP IN TWO DAYS
Laxative Bromo-Quinine Tablets.

AMUSEMENTS.

"The Rounders"—

A comic opera in three acts; libretto by Harry B. Smith, music by L. Englander. Presented at Boyd's theater for the first time Tuesday night by Thomas Q. Seabrooke and company.

THE CAST.

Maginnis Pasha, an Irish Turk.....Thomas Q. Seabrooke
The Duke de Paty du Clam, who has "tried everything and found nothing in it".....Will C. Mandeville
The Marquis de Baccaret, the moth for whom Thea is the flame.....Harry C. Stewart
Siegfried Gotterdammerung, leader of the German street band.....Jake Bernard
Priscilla, wife of the marquis, an American girl belonging to a worthy family of Quakers.....Jeanette Lowrie
Thea, a ballet dancer.....Bertha Walzinger
Stella Gilledge, up-to-date American girl.....Nellie Lynch
Madame Seraphine, Thea's "mother".....Mabel Blake
Jolivet, a young reporter.....Kate Gardner

It seems somewhat presumptuous for Mr. Seabrooke to call his latest comedy creation a comic opera. It is rather a farce-comedy with a preponderance of dialogue and just enough music to justify the presence of a chorus. And it were better that the latter designation be used, for as a comic opera "The Rounders" can hardly be considered in the red-ribbon class. Viewed in the light of farce-comedy, however, it is entitled to recognition in that it is amusing and entertaining.

The story of "The Rounders," as related through three acts of dialogue and song, is a leaf from the diary of Maginnis Pasha, an Irish Turk, who betakes himself to Paris, clad in the habiliments of a Turkish nobleman, but an Irishman through and through despite his disguise. He is in search of a popular ballet dancer whose picture has come into his possession, and whom he seeks as an addition to his collection of 100 wives.

Arriving at a summer resort near Paris, he finds a young French marquis, married to an American heiress with a pronounced religious instinct, who is likewise in love with the ballet dancer. The two learn of their mutual admiration and leave posthaste for Paris.

The second scene is that of the dancer's dressing room in a Paris theater. Without indulging in the formality of obtaining permission from the box office Maginnis and the marquis gain admission to the dressing room. The latter's wife, learning of her husband's mission to Paris, follows him to the theater and contrives to procure a costume identical with that of the ballet dancer. She proves herself a rollicking young woman, even though born in Philadelphia, and Maginnis falls in love with her. Determined to repay her husband in his own coin she accepts the attentions of the pasha until he becomes helplessly inebriated and then leaves him to the mercy of a love-lorn old woman who serves as the ballet dancer's wardrobe mistress. The marquis eventually discovers that his wife is quite as charming as he had dreamed none other could be but the ballet dancer, and a happy reconciliation follows.

With this somewhat slender thread as the origination Harry B. Smith has composed a fairly entertaining comedy. It is by no means up to his best efforts and there is not a great deal to commend in the book. Occasionally there is a briskness and brightness in the lines, but for the most part the dialogue is dull and the lyrics somewhat doleful. What little music there is in the piece is of the catchy order, but is not destined to be immortalized by the whistlers.

It is somewhat unfortunate that Mr. Seabrooke has not the advantage of a better vehicle, but with this handicap and that added by a small and not too brilliant chorus he makes the best of it and is droll and amusing. As a Celtic comedian Mr. Seabrooke has long since been recognized as occupying a stellar position and he well-sustains his former reputation, making of the queer combination, an Irish Turk, all that could possibly be gleaned from the part. The Duke de Paty du Clam of Mr. Will C. Mandeville was an excellent portrayal of the foreign nobleman in search of an heiress. He was dryly and entertainingly witty, sang well and was fortunate in having a number of taking songs and, best of all, did not overdo the part. Jake Bernard did much toward injecting life and humor into an otherwise dull first act as the leader of the German band. His comedy was of the infectious sort and his articulation and accent were superb. Miss Jeanette Lowrie was altogether charming as Priscilla. She was demure or dashing as the occasion required and enacted the role in a most satisfactory manner. She has an attractive voice and won the hearts of her audience to the extent that there was much disappointment because she had not more vocal opportunity. Bertha Walzinger was acceptable as the ballet dancer, and Misses Lynch and Blake were adequate to the roles they performed. The stage settings and scenery were none too complete, but what was lacking in this respect was made up to a certain extent by the handsome gowns of the women.

"The Rounders" will be repeated this afternoon and the engagement will close with tonight's performance.

The Lion's Share.

NEW YORK, Jan. 15.—The Mutual Life Insurance company of New York has made to its representatives throughout the United States and Canada a preliminary announcement as to its business on this continent during the year 1900. As usual, it leads all oter companies in assets, income earned, amount paid to policy holders, new premiums (including annuities), interest and rents received and in volume of paid for new business, excluding impaired and vicious risks, which it does not accept. Accumulated funds available for security are greatly in excess of those held by any other company. Bond and mortgage loan account, the most important in the assets of a life company, is larger than that of any other similar institution. The Mutual Life is still the pre-eminent company.

Mrs. Nation Out on Bail.

WICHITA, Jan. 15.—Today quarantine was declared off at the county jail and Mrs. Carrie Nation, charged with smashing saloon windows, was released on bail in the sum of $200. Her trial has been reset for next Monday.

Doubt Cannot Exist.

Investigation Will Only Strengthen the Proof we Give in Omaha.

There must be something stronger than imagination behind expressions of such representative citizens of Omaha as Mr. H. J. Spragg of 1424 South 16th street, upholsterer and cabinet maker by trade, who says: "I had kidney and back trouble for four years and during the latter part of that time su