SULLIVAN STILL ON BENCH

Old Supreme Justice Will Continue to Preside Until Present Term Ends.

GAMBLING AND SALOON CASES ARE UP

Insurance Commissioner Will Refuse License to Companies Which Fail to Pay the Two Per Cent Tax on Premiums.

(From a Staff Correspondent.)

LINCOLN, Jan. 5.—(Special.)—The supreme court convened this morning with Chief Justice Sullivan still in his old place, where he will remain until the adjournment of this sitting. Judge Fawcett, who was appointed by the court to take the place made vacant by the elevation of Commissioner Barnes, was on hand and was at once made presiding commissioner of his department. Judge Barnes did nothing this morning but watch the others and shake hands with friends. Among the cases argued today was that which involves the right of the legislature to contract for the Cobbey statutes, which suit was brought by a representative of the State Journal, which paper failed to secure the contract for the printing of the books.

Lysle Abbott and I. J. Dunn were busy on the Omaha gambling and saloon cases, as well as Smythe & Smith and Connell & Ives. The latter for the Omaha fire and police commissioners and the mayor demurred to the alternative writ of mandamus recently issued by the supreme court to compel the closing of over 200 saloons which were charged with violating the city ordinances of Omaha and the Slocumb law. This was the return day as fixed by the court. The demurrer attacked the validity of the court's decision in ordering the police board to proceed.

Sheriff John Power, against whom an alternative writ of mandamus had been issued by the court to compel him to enforce the law against gamblers, filed his return and it was something of an innovation. He disclaims any knowledge of any violations of the law and says: "If, however, this extraordinary writ has been issued by this court on its own motion then he asks that the court communicate to him what knowledge it has respecting the keeping of a gambling house or gambling houses in Omaha." Lysle Abbott obtained from the court this afternoon an amended writ setting out the violations of the law charged, and it is made returnable at the next sitting of the court, January 15.

In the case wherein a mandamus was granted by the lower court to compel the closing of gambling houses Connell & Ives filed a petition in error and asked that the decision of the lower court be reversed.

Meeting of Assessors.

The meeting of the county assessors of the state, called by Secretary Bennett of the Board of Equalization for January 26, is expected to be well attended and to result in much good for the state, in that plans for the uncovering of property and a uniform mode of procedure for the assessment of property will be discussed.

"The law contemplates assessment being based on the market value of property," said the secretary, "and that is the way it will be assessed. In times past it has not been out of the ordinary for assessors to get together and agree to assess at values much less than the market value. But in the future that practice will not be tolerated."

Will Hold Up Licenses.

Insurance Commissioner Pierce expects to follow the law in refusing licenses to insurance companies that do not pay the 2 per cent premium tax by February 1. It is generally believed, however, that the companies will bring mandamus proceedings against him to compel him to issue the license, and in this way the case will again get into the supreme court. In the meantime the case involving the validity of the 2 per cent reciprocal tax imposed on foreign insurance companies, came up for argument this afternoon. Attorney General Prout appeared for the state. He contends that the act is a valid exercise of the police power of the state legislature, while the counsel for the Insurance Company of North America of Pennsylvania seeks to avoid the payment of the tax, claiming that it is not constitutional. Another contention raised by the counsel for the company is that the law cannot apply to Pennsylvania corporations from the fact that there are no Nebraska concerns which have been permitted to operate in the Keystone state, and therefore no company from this state has been subjected to the reciprocal tax imposed by the laws of Pennsylvania. The reciprocal tax law brings about $50,000 a year into the state treasury.

Two Prisoners Escape.

William Gross and Alfred Cochran, prisoners at the county jail, made their escape this morning and have not yet been located. Workmen were busy around the cells, coming and going, and at an opportune moment the two men swung open the door of the big cage, walked quietly down from the second floor and out into the street. Then they struck for the tall timber. Jailer Kirk noticed the men when about 200 yards from the jail and gave chase, firing several shots at them, but to no purpose. Gross was serving a six months' term for robbing a second-hand store and Cochran had been bound over for stealing corn from Bishop Bonacum. He is a former convict.

Increase in Prison Population.

The report of Warden Beemer of the state penitentiary for December shows that on the last day of the month there were 272 convicts in the state prison, an increase of one over the last report. There were received into the prison twenty-one. There were discharged from the penitentiary thirteen; paroled, six and one was sent to the asylum. There were employed by contractors 175 men.

The prisoners paroled were James Giggs, Peter Carroll, Charles Boyd and George Craig of Douglas county, Joseph Keller, Cheyenne county and George Wiegrefe of Rock county. Those discharged by expiration of sentence were Frank Betts, Gilbert Johnson, Frank Sherman, Maud Parks of Douglas county, Joseph Geisel, Cuming county; Thomas Shirley, Frontier county; Otto Vogtman, Cass county; William Blower, Gage county; Harold Olsen, Wayne county; Charles Johnson, Colfax county; Ottis Heffelinger, Gage county; Albert Welsh, Seward county. Six prisoners were sent to the dungeon for fighting, insolence and refusing to work. J. J. Stewart, night cell house man has resigned.

Insurance Company Reports.

The New York Life Insurance company of New York is the first of all the companies to file its annual report with Insurance Commissioner Pierce. The total amount of business done in Nebraska during the year was $12,769,428 an increase over the preceding year of $1,093,940. The amount of money taken out of the state in premiums was $416,553.

State Treasurer Mortensen this morning received from Douglas county $11,520 in payment of the interest on bonds held by the state permanent school fund.

Basket Ball at University.

The second series of basket ball games of the year will be played at the university gymnasium Friday evening, January 8, when the Lincoln High school team will come up to take the laurels away from the university champions. There will be two games, one between the regular teams from each school and one between the faculty teams. The university has played but one game so far this year, that with Wesleyan some time ago. Then the regulars defeated their Methodist opponents, but the faculty was not so lucky. The professors claim, however, that this was merely because all of their good players were ruled out and assert that when they go against a team where they can play their regular team, they will take a few scalps.

RICH HERMIT LEAVES NO WILL

Relatives Appear Before County Judge to Look After Interests in Property.

PLATTSMOUTH, Neb., Jan. 5.—(Special.)—Since the death of Bart Harmer, the wealthy old bachelor in this county, his relatives have been looking after their interest in his estate. A. J. Harmer of Glenwood, Ia., W. T. Harmer of Briarton, I. T., and J. D. Harmer of this county, brothers of Bart, were in this city and interviewed County Judge J. E. Douglas. They learned that no will had been filed in the probate court here, although their brother died possessed of personal property valued at $100,000 and clear title to six farms in this and Otoe counties. They thought, however, that a will might be found among other old papers in a strong box in the bank in Avoca.

While the attending physician contends that Harmer's death was due to natural causes, it is said that there are some who believe the old gentleman was slugged by some one who entered his hut for the purpose of robbery. When found he had a number of bruises on his head, and it is claimed that the key to his old trunk, in which he kept valuable papers, cannot be found, although a thorough search has been made. The remains have been interred at Glenwood, Ia., where the deceased resided years ago and where a brother resides.

Horsethieves Sentenced.

DAKOTA CITY, Neb., Jan. 5.—(Special.)—Judge Guy T. Graves of Pender convened an adjourned term of district court for this county in this place yesterday. A number of equity cases and motions were disposed of. Clara E. White was granted a divorce from Herbert White on the grounds of drunkenness, abuse and nonsupport. The parties are residents of Homer. John McCool and Mike Kenney, the two young fellows who on the night of December 14 stole a team and harness from Christ Giester and a wagon from Robert Lapsley, and who three days later were captured at Oakland and have since been incarcerated in the county jail, today appeared before the court and pleaded guilty to the charge against them. McCool was sentenced to four years in the penitentiary and Kenney, who was but 17 years of age last April, was ordered committed to the reform school at Kearney until he becomes of age. Court adjourned this afternoon until the regular spring term in February.

Posts Install.

GRAND ISLAND, Neb., Jan. 5.—(Special.)—The officers of Lyon post No. 11, Grand Army of the Republic, installed the following officers for the ensuing year, W. S. Askwith, commandant of the Soldiers' home, conducting the ceremony: John Matthews, past commander; E. L. Curtis, senior vice commander; A. Tharp, junior vice commander; George F. Ryan, adjutant; W. W. Watters, quartermaster; E. A. Barnes, surgeon; C. E. Brown, chaplain; Henry Rosswick, inside guard; William E. Preston, outside guard; John Bigelow, sergeant major; B. F. Thorne, quartermaster sergeant. The officers of Lyon corps No. 19, Women's Relief Corps, were installed by Mrs. Askwith. An oyster supper followed the installation.

Arrested on Robbery Charge.

PLATTSMOUTH, Neb., Jan. 5.—(Special.)—J. C. Miller and George Yates, with several aliases, were arrested on Sixteenth street in Omaha Saturday, brought to this city and are now in the county jail, charged with daylight robbery. They are charged with having broken into a room in the Perkins hotel in this city and carrying away personal property, clothing and jewelry to the value of $50, which belonged to a boarder by the name of Arthur Solly. Yates was wearing one of the shirts and Miller some of the jewelry belonging to Solly when arrested. They will be arraigned before Justice Archer Wednesday.

Capture Thief and Horses.

HOLDREGE, Neb., Jan. 5.—(Special Telegram.)—The sheriff of Buffalo county captured a man about eight miles west of here last night who was charged with stealing a team of horses from Wood River. The thief had the horses with him and had put up for the night when overtaken by the sheriff, who had been tracing him up a short distance behind. The sheriff left this morning with his prisoner, but left the team here for the owner, who is expected to come after them soon. The prisoner is about 30 years of age.

Thurston County Man in Trouble.

PLATTSMOUTH, Neb., Jan. 5.—(Special.)—W. H. Wiseman recently came to this county from Thurston county and was arrested by Constable Saxon and Deputy Sheriff Kelso of Pender. The officers stated that young Wiseman made a fraudulent deal in that county by giving a mortgage upon three horses which he did not own to Edward Lucart to secure a note of $200. They took the prisoner home with them.

Roosevelt Club at Falls City.

FALLS CITY, Neb., Jan. 5.—(Special.)—At a meeting held in the court house at Falls City on January 1 the republicans organized a Roosevelt club by electing W. E. Dorrington president, T. J. Whitaker secretary, V. G. Lyford vice president and George W. Holland treasurer. A large and enthusiastic crowd was present and the club starts off under the most favorable circumstances.

Sarpy Mortgages Decrease.

PAPILLION, Neb., Jan. 5.—(Special.)—Following is a list of mortgages filed and released in Sarpy county during the month of December, 1903: farm mortgages filed 4, amount $3,610; released 3, amount $14,000. Town mortgages filed 7, amount $4,000; released 7, amount $2,830. Chattel mortgages filed 30, amount $15,025.46; released 20, amount $7,791.45.

CITY COUNCIL PROCEEDINGS

Another Move in the Matter of Buying Engine House Supplies.

COUNCIL OVERRIDES ADVISORY BOARD

Orders One Advertisement Discontinued and a Similar One Inserted to Show Its Permanent Authority.

A resolution was passed by the city council last night instructing the Advisory board to discontinue the advertisement, now running in The Bee, for bids for the purchase of fire apparatus with which to supply the new engine houses. Later another resolution was passed instructing the city clerk to insert an advertisement in The Bee, asking for proposals for furnishing the same list of apparatus.

The reason given in the resolution instructing the Advisory board to discontinue the advertisement was that, "The board has no right to authorize such a publication." It was further stated that the city will not pay the cost of the advertisement, and the city clerk was instructed to present a copy of the resolution to The Bee. The list of apparatus for which the clerk is authorized to insert an advertisement includes one extra first size engine, one hook and ladder truck, one hook and ladder and five hose wagons, seven sets of harness, 5,000 feet of hose and some other supplies.

The name of Waldenmair Michelson was submitted in a written communication by the mayor as the latest appointee to the position of city electrician. The matter was referred to the proper committee.

Another Lighting Proposition.

Another proposition was submitted by the Omaha Electric Light and Power company for furnishing street lights. The proposition states that thirty-two candle power electric lamps will be furnished and placed where the city desires them in any quantity for the sum of $25 per lamp per annum, during the next two years, or until December 31, 1905. The matter was referred to the lighting committee.

The Globe Light and Heat company served notice that the price of gasoline lamps would have to be advanced to $21 per annum, on account of the advance in the cost of materials. The notice refers to sixteen candle power lamps.

The committee on fire, water and police to which was referred the clipping submitted by Mayor Moores from a St. Paul paper, and which clipping was derogatory to the Nott fire engine, returned a somewhat lengthy report in which it was stated that it is not the intention of the council to force a Nott engine upon the city as "the mayor, in his frantic, unauthorized efforts, to secure a Metropolitan engine, seems to believe."

The appointment of George Cathroe as market house janitor by the mayor was received and placed on file.

The council will sit as a board of equalization on Tuesday, January 19, between the hours of 10 a. m. and 5 p. m.

The Federation of Improvement clubs was granted permission to use one of the committee rooms of the council as a meeting place.

Judgment in the sum of $46,040 was confessed in favor of the Omaha water company for hydrant rental from July 1 to December 31.

The salary of George E. Jewett as timekeeper and clerical assistant in the street cleaning department was fixed at $83.33 monthly.

The Aetna Life Insurance company submitted a schedule at which it was willing to accept accident risks on members of the fire department. The rates varied according to the positions held by the men.

Street Sign Company and Critics.

The ordinance to grant a franchise to the Omaha Street Sign company for marking the various streets of the city came up, but on motion of Back was continued, to come again at the meeting to be held one week from next Monday. Mr. Parrish appeared for the company to state that it was tired of being criticized and would be pleased to have the critics meet with the council to state their case, so that he could be afforded an opportunity to answer them.

The Omaha Belt Railway company demanded the return of $2,498.01 paid to the city as taxes under protest. The request was referred to the city attorney.

The license report for the month of December showed thirty-three licenses granted, and the amount received for them $436.

Mayor Moores vetoed the ordinance authorizing the payment of the Helen Hodgskins judgment amounting to $2,171.68, giving as his reason for so doing that the ordinance authorized the payment of the amount from the fund derived by the sale of bonds issued to pay off the city's floating indebtedness, whereas it should be paid from the judgment fund. The ordinance was passed over the veto. The Mattie I. Craig judgment for $50 was handled in the same manner.

The comptroller's report showed $739,856.59 cash on hand January 2.

A number of residents of Hall place presented a protest against several bill boards which are maintained in that locality by a local advertising concern, and requested their removal.

A petition to change the grade of Maple street from Thirty-fourth to Thirty-sixth streets was placed on file.

Pugilist Evangelist Dies.

NORFOLK, Neb., Jan. 5.—(Special.)—A story comes to Norfolk concerning one Rev. Mr. Roselle, formerly an evangelist in Nebraska, who died of heart failure at Loveland, Colo., on Christmas morning. He had at one time been a prize fighter and reformed. It seems that on Christmas eve there was trouble in the village and all of the citizens got up in arms against a blacksmith who had angered them by serious misdoings. The smith locked himself in a room and the crowd broke down the door. The big, muscular fellow rushed out at his pursuers and threw himself against the first man he met. This happened to be the pugilistic preacher, who drew back, swung with his left, placed a right upon the blacksmith's jaw and then put him out of business with a hook over the heart. That night he told his congregation that anyone needing protection was at liberty to call upon him.

HOTEL MEN ARE ORGANIZING

Five States Represented in Convention in Session at Sioux Falls.

SIOUX FALLS, S. D., Jan. 5.—(Special Telegram.)—At the opening session of the convention tonight of hotel men of northwestern states in this city it was decided to organize an association to be composed of the hotel men of Nebraska, Iowa, Minnesota, South Dakota and North Dakota. Committees on constitution and bylaws and on officers were appointed, after which an adjournment was taken until 9 o'clock tomorrow morning, when the committees will report and the organization of the new association will be perfected.

Major W. H. Nelson of Ames, Ia., was elected temporary chairman of the convention and B. M. Johnston of Canton, S. D., secretary. The five states to be represented in the association all have delegates present tonight. The visiting hotel men were guests at a theater party tendered them by the hotel men and other citizens of Sioux Falls.

Laird's Troubles Multiply.

SIOUX FALLS, S. D., Jan. 5.—(Special Telegram.)—Ten seconds after a man named Ed Laird was released from the county jail here today, after serving eighty days for a state offense, he was arrested by Deputy United States Marshal Lamb on the charge of selling liquor to an Indian. As the result of his preliminary hearing before United States Commissioner Conway he was held for appearance before the next federal grand jury and in default of bonds is again occupying his old quarters in the county jail, where he will remain until the April term of the United States court.

Parochial School for Sioux Falls.

SIOUX FALLS, S. D., Jan. 5.—(Special.)—For the first time in the history of St. Michael's Catholic church in this city the church property is entirely free from indebtedness and Father Nolan has announced that efforts will be made to have a parochial school erected in this city, to which purpose he states he will contribute the sum of $1,000. Another member of the church, whose name is withheld, will contribute a like sum. Father Nolan will begin raising the money necessary for the erection of the school at once.

Want to Hear La Follette.

SIOUX FALLS, S. D., Jan. 5.—(Special Telegram.)—Governor La Follette of Wisconsin was invited today by telegraph to deliver an address on "Robbery by Railroads" during the convention of the Retail Merchants' association of South Dakota, to be held in Sioux Falls January 19, 20 and 21. The invitation was tendered by Secretary E. J. Mannix in behalf of the association. It is thought Governor La Follette will accept.

Old Packing Plant May Be Started.

SIOUX FALLS, S. D., Jan. 5.—(Special Telegram.)—A sheriff's certificate of sale of the mammoth plant of the Northwestern Packing company in this city to Charles T. Crocker, a capitalist of Fitchburg, Mass., has been filed in the office of the register of deeds. The plant has been in litigation many years. Crocker always has declared that when he secured undisputed possession of the plant he would "put it to practical use."

Recover Dead Girl's Skates.

FREMONT, Neb., Jan. 5.—(Special.)—Late yesterday afternoon the men who are dragging the Platte river for the body of Corrinne Jarmin, the girl who was drowned New Year's day, brought up the skates which the unfortunate girl was carrying at the time of her death. The search for the body is being made systematically. Two gangs are working under the direction of a foreman and receiving regular wages for their services. reward of $50 has also been offered for the recovery of the body. Mr. Jarmin has spent much of his time at the river working with the men since the death of his daughter.

FORECAST OF THE WEATHER

Promise of Snow or Rain in Southern Part of State on Wednesday.

WASHINGTON, Jan. 5.—Forecast:

For Nebraska—Fair in north, snow or rain in south portions Wednesday; Thursday, fair.

For Wyoming—Fair Wednesday and Thursday.

For Colorado—Snow and colder Wednesday; Thursday, fair.

For Missouri—Snow or rain Wednesday; Thursday, fair.

For Kansas—Fair Wednesday, except rain or snow in southeast portion; Thursday, fair.

For North and South Dakota—Fair and warmer Wednesday; Thursday, fair.

Local Record.

OFFICE OF THE WEATHER BUREAU, OMAHA, Jan. 5.—Official record of temperature and precipitation compared with the corresponding day of the last three years:

	1904.	1903.	1902.	1901.
Maximum temperature	31	32	51	28
Minimum temperature	16	22	23	16
Mean temperature	24	27	37	22
Precipitation	00	T	00	00

Record of temperature and precipitation at Omaha for this day since March 1, 1903:

Normal temperature	19
Deficiency for the day	5
Total excess since March 1, 1903	53
Normal precipitation	.03 inch
Deficiency for the day	.03 inch
Total rainfall since March 1, 1903	32.32 inches
Excess since March 1, 1903	1.96 inches
Deficiency for cor. period, 1903	.71 inch
Deficiency for cor. period, 1902	6.25 inches

Report from Stations at 7 P. M.

CONDITION OF THE WEATHER.	Temperature at 7 p. m.	Maximum temperature	Precipitation
Omaha, partly cloudy	29	31	....
Valentine, clear	30	36	....
North Platte, snowing	30	34	.01
Cheyenne, clear	22	30	T
Salt Lake City, cloudy	28	50	.04
Rapid City, clear	26	36	....
Huron, clear	26	32	....
Williston, clear	4	12	....
Chicago, partly cloudy	22	24	....
St. Louis, clear	30	34	....
St. Paul, clear	14	18	....
Davenport, clear	26	30	....
Kansas City, clear	34	38	....
Havre, clear	26	30	....
Helena, clear	30	32	....
Bismarck, clear	4	10	....
Galveston, cloudy	52	54	....

"T" indicates trace of precipitation.

L. A. WELSH, Forecaster.

LINCOLN WATCHMAN BURNED

T. J. Crawford Suffers Terrible Death in Motor Factory.

LANTERN EXPLODES WHILE HE SLEEPS

Police Have Theory that He May Have Been Murdered, but Firemen Believe He Perished in the Flames.

(From a Staff Correspondent.)

LINCOLN, Jan. 5.—(Special Telegram.)—T. J. Crawford, night watchman for the Cushman Motor company, at Twenty-first and L streets, was found dead in the office of the company, which was on fire at 4 o'clock this morning. He lay on his face on the floor in the stifling smoke which filled the room, and when dragged into the open by Fireman Bjorkman and Frank Williams, a reporter, his clothing was ablaze and his arms, legs, face and portions of his body were badly burned.

Over the eye was a cut, from which the blood flowed over the man's face. This gave rise to the theory that Crawford had been murdered and the building fired to cover the crime. Coroner Graham stated this morning, however, that the wound on the man's forehead was caused by the fire and was not a cut. He does not believe murder was committed.

A lantern was found on the floor where the fire burned the fiercest and was supposed to have originated. This was some distance from the body, though it was near a chair in which Crawford plainly had been sitting.

Earlier in the night Crawford had the door of the office open and told Officer Stephney that the building was full of gas from the numerous gas engines used by the company.

The authorities believe Crawford went to sleep in his chair or was overcome by the gas in the room and in attempting to save himself kicked over his lantern and started the fire. Every window and door in the building was locked and the door had to be forced by Officer Stephney before Crawford could be reached. The room was so full of smoke and gas that it was with difficulty the men entered at all.

Crawford was 56 years old and leaves two daughters and a son, all grown, residing at Havelock, one of the former being Mrs. Stahl. He had lived in Lincoln many years, and is supposed to have had considerable money in cash hidden or deposited. During the last few weeks it was believed that he was becoming deranged, as one night he called the police to know if he could get assistance instantly if needed. He had told others that a crowd of miners had met him in the office and showed him more gold than was ever before in Nebraska. The management said no such meeting had been held.

The damage done by the fire was only nominal and was confined to the office.

At the inquest held this afternoon the jury returned a verdict that Crawford came to his death from suffocation by gas and smoke. It was the opinion of Coroner Graham an dthe jury that there was little question but that Crawford himself accidentally knocked over the lantern which set fire to the building.

Object to Teacher's Resignation.

FREMONT, Neb., Jan. 5.—(Special.)—At the regular meeting of the Fremont school board last evening the resignation of Miss Grace Greeves to accept a better paying position in the Park school, Lincoln, was accepted, after considerable discussion by the members. Hereafter a thirty days' notice will be required of teachers wishing to leave.