MORTENSEN MAY WITHDRAW

Attorneys See No Way to Get Question of Eligibility Before Court.

MORE TROUBLE OVER TABITHA HOME

Gov. Mickey Commends Iowa Senate for Anti-Pass Law, but Thinks it Should Have Gone a Step Farther with Prohibition.

(From a Staff Correspondent.)

LINCOLN, March 9.—(Special.)—State Treasurer Peter Mortensen this morning held a conference with his attorneys, Strode & Clements, regarding Mr. Mortensen's eligibility to be governor of the state, but no official announcement will be made of the outcome of the conference for a few days.

The attorneys have been looking into the matter of bringing suit to have the question of Mortensen's eligibility passed upon by the supreme court, but they have come to the conclusion there is no way this can be done except by quo warranto proceedings, which could not be started until after the election. For this reason it is probable the state treasurer will within a few days announce his withdrawal from the race for the republican nomination, as Mr. Mortensen has said all along he would not be a candidate should there be any doubt of his eligibility to hold the office.

Mr. Mortensen, however, would make no statement for publication this afternoon as he desired to further consult with some of his friends before taking any action.

The decision of the supreme court in the Coney-Hyland case, which was to the effect that the court would not pass upon the eligibility of a candidate for office in mandamus proceedings, but instead would do this only in quo warranto, has taken away all hope of the treasurer getting into court before the election. Mr. Mortensen, it is believed, feels it would not be doing the party justice and would be too severe a handicap to continue in the race for the nomination with his eligibility in doubt, and because of this his withdrawal is expected within a few days.

Unusual Episode in Court.

Charles E. Means, who has figured considerably in the courts of late, this morning developed a big case of remorse and went into court and paid the costs of a suit which he had won and in which the costs had been taxed to the plaintiff. Means had been sued for a lumber bill and when the case was tried he produced a receipt for the amount charged against him. This morning he said he had secured the receipt by unfair means and as he had started on the right and narrow path he wanted to pay the costs of the suit, which amounted to $106.

More Trouble with Tabitha Home.

Tabitha home, which was taken over some months ago by a committee which first secured the removal of Rev. and Mrs. Heiner, the founders of the place and since its start its managers, is to again come under the limelight. So far it is asserted this committee has never been able to get a statement out of Rev. Mr. Heiner regarding his management of the home. Today Attorney General Brown, acting under the law, demanded a report from Mr. Heiner of the affairs of the home. Mr. Brown served Heiner with the following notice:

In accordance with and by virtue of section 164, chapter xvi, of the Compiled Statutes of Nebraska for the year 1905, I, Norris Brown, as attorney general of the state of Nebraska, require and demand a full report and statement of the affairs, doings and account of the transactions of your corporation under oath, as required by law, since commencing business, and this you will in no wise fail or neglect to do under the penalty of the law.

Conference on Grain Case.

Judge Sullivan of Columbus and Frank Howell of Omaha will come to Lincoln Monday or Tuesday at the invitation of Attorney General Brown for a conference in the matter of the grain suit now pending in the supreme court. Several of the grain dealers and companies have filed answers to the petition of the attorney general and the latter will now prepare a brief in reply.

Mr. Brown returned last night from Washington, where he went to argue his motion to advance the Burlington tax suit for a speedy hearing. The attorney general brought back with him numerous stories of experiences in which he and Attorney Stanley were the principals. This was the first trip east ever made by the head of the legal department.

"I found quite a country back there," said Mr. Brown. "In fact, I didn't know we had such a country. I enjoyed the trip immensely, but it made me fell awful bad to see those poor farmers back in Pennsylvania and Virginia trying to raise corn out of gravel and rocks. Every once in a while you could see some poor little old roots sticking out of the ground and the people on the train said they belonged to corn.

"Stanley and I both got scared at the big buildings and Stanley tried to carry off the Bible in the supreme court. We, with a lot of others just as green, had to take the oath when we were admitted to practice in the court and Stanley thought the Bible we put our hands on when we took the oath was a souvenir. They have too many tall buildings and too little blue sky for a man used to the prairie and the green grass."

Mickey Commends Iowa Senate.

The announcement that the Iowa senate had passed the anti-pass bill, which prohibits state officials from receiving railroad passes or courtesies from telephone, telegraph or express companies, met with the approval of Governor Mickey.

"The fact that the bill was passed without a dissenting vote speaks well for the Iowa senate," said Governor Mickey, "but why didn't the bill go further and prohibit everybody from riding on passes? I should think a law which would put everybody on the same level would be the better law. I believe the Nebraska legislature will do better than the Iowa senate. Wait until the Nebraska legislature passes a law cutting down freight and passenger rates and then making everybody that rides pay fare. Then something will have been accomplished."

In view of his statement today it is believed Governor Mickey will make a recommendation to the next legislature for a 2-cent rate on railroads, as well as a recommendation for an anti-pass bill which will prohibit everybody, including state officials and politicians, from riding on passes.

Cash Coming Into Treasury.

State Treasurer Mortensen today took in $80,000 without having made any effort at collections. The money was sent in by the various county treasurers. Mr. Mortensen then, with the consent of the State Board of Educational Lands and Funds, bought $41,000 of Massachusetts state bonds, which will net the state 3.21 per cent.

Asks Rehearing in Woodman Case.

Attorney General Brown will shortly file a motion in the supreme court for a rehearing in the case wherein the State Board of Equalization is seeking to compel the assessment of the reserve fund of the Woodmen of the World and of the Woodmen Circle by the county clerk of Douglas county. In its opinion, handed down two weeks ago in this case, the supreme court held it would not pass upon the legality of assessing the reserve fund, but it held mandamus which was brought by the state was not the proper procedure, as the state should have appealed from the decision of the county board to the district court.

YORK COUNTY DRUGGISTS FINED

All Except Those in Three Towns Are Convicted.

YORK, Neb., March 9.—(Special.)—The grand jury brought in indictments against nearly all the druggists in York county. No indictments were found against the druggists at Bradshaw Gresham and Benedict. Against druggists in Thayer, Lushton, Waco and all the druggists in York excepting one firm indictments were found. District Judge Good lectured the defendants and told them that the evidence was such that there would be no trouble in proving one or more guilty on each indictment and fined each druggist $250, and where the drug firm had two or more partners the fine was $250 each. Charles Green was again indicted for running a hole in the wall and S. Williams of Bradshaw was indicted for selling liquor without a license. The fines will amount to about $2,600 and the expense of the jury will be about $1,000, making a nice balance that will go to the credit of the school fund.

Judge Good bound each over to the district court, admonishing them that although they had paid their fines, if found guilty between now and the next term of court he would make the fines much heavier.

Farmers' Elevator Organization.

LOUP CITY, Neb., March 9.—(Special Telegram.)—At a large and enthusiastic meeting of farmers at Society hall in this city this afternoon an organization of a farmers' elevator company was effected, to be known as the Sherman County Grain, Coal, Lumber & Live Stock association, and with the following official directory: President, Charles M. Snyder; vice president, Chris Zwink; secretary, R. D. Hendrickson; treasurer, W. H. Hughes; board of directors, James McBeth, A. W. Mason, J. N. Fisher, John Zink, J. B. Ford. Ex-Senator J. T. Brady of Albion, secretary of the State Association of Farmers' Organizations, was present and gave valuable information along the line of farmers' elevators. A constitution and bylaws were adopted and books opened for subscription to stock, which was placed at $10 per share.

Hand Mashed in Elevator.

BEATRICE, Neb., March 9.—(Special Telegram.)—Today W. S. Carter of Polk county, while inspecting the Dempster plant in company with his wife, lost part of his hand by getting the member caught in the release spring of the elevator. He was removed to Heperlein's hospital and it may be found necessary to amputate the member. Fred Schiremacher, employed in the wood department of the factory, accidentally let a file fall to the floor, the end of which passed through his foot, inflicting a painful wound.

LAMP EXPLOSION MAY BE FATAL

A. M. Jeffreys, Clay Center Restaurant Man, is the Victim.

CLAY CENTER, Neb., March 9.—(Special Telegram.)—A. M. Jeffreys, a restaurant keeper, was burned here this afternoon and now lies in a very critical condition. He was filling a gasoline pressure lamp with air and it exploded, the gasoline igniting from a stove. Finding his clothes on fire he ran out of the building. All his clothes were burned off. The restaurant building caught fire, but was quickly extinguished. No insurance. Jeffreys is 30 years old and married. He has been running a restaurant here for the last three months.

Wife Refuses to Pay Husband's Fine.

TECUMSEH, Neb., March 9.—(Special Telegram.)—George Howell, the man arrested in Lincoln by Sheriff Harry Miner yesterday and brought to Tecumseh on the charge of stealing a pair of horse-blankets from the rig of William Logsdon in Cook Sunday night, is still in jail. Ernest Morgan, who is doing time for the same offense, turned states evidence against Howell. Howell was brought into the county court, where he pleaded guilty and was fined $25 and costs; $50 in all. Howell has a wife who is worth several thousand dollars, while he is without property. A deputy sheriff took him to his spouse, for he believed she would advance the cash, but she refused. Others he thought would come to his assistance, but they did not and he was placed in jail.

Marshal at Bayard Beaten Up.

BAYARD, Neb., March 9.—(Special Telegram.)—James Keith, jr., Pat King, Tom King, John Keith and William Underwood rode into town tonight and created a street fight, beating Marshal Gaumer severely. The sheriff was called and warrants issued for their arrests.

News of Nebraska.

BEATRICE—Several cases of pneumonia are reported in the vicinity of Pickrell.

COOK—The doctors here say that the smallpox is not spreading any, but that there are many severe cases of pneumonia in this community.

BEATRICE—Mrs. O. M. McColery, a resident of West Beatrice, fell yesterday as she stepped off the back porch at her home and sustained a fracture of the right leg.

BEATRICE—The choir of Trinity Lutheran church, assisted by local talent, gave a concert last night, which proved to be one of the musical events of the season.

TABLE ROCK—C. S. Wood recently shipped 600 head of fat sheep to Kansas City, which brought him $5.20 per head. He has about 2,000 left, which he is feeding.

TABLE ROCK—At the license caucus, held late night, the following persons were nominated for village trustees: C. H. Carmichael, J. A. Duncan and C. O. Plummer.

YORK—Charles Reed, ex-chief of the York fire department, is here visiting friends, and is going on crutches by reason of a fall when answering a call of the Lincoln fire department.

NEBRASKA CITY—Walter Weissel, member of the firm of L. Weissel's Sons & Co., and Henry Cohn have purchased the Havens dry goods store in Fremont, Neb., and will take possession at once.

BEATRICE—Farmers living near Rockford, this county, have found coal along the creek banks eight miles east of Beatrice. The mineral burns readily, and the find will prove a valuable one no doubt if a shaft is sunk.

YORK—F. P. Van Wickle, owner of a line of elevators and a jobber and miller, is building an office that will soon be ready for occupancy. Mr. Van Wickle's business has so increased that it was necessary to build larger offices.

BEATRICE—A prohibition rally was held at Centenary Methodist church yesterday afternoon and last evening. Addresses were delivered by F. W. Emerson, Dr. McCleery and others, followed by discussions. The attendance was fairly good.

BEATRICE—The Lutheran kensington gave Mrs. Henry Schmutte a surprise yesterday in honor of her birthday anniversary. There were about twenty guests present, and Mrs. Schmutte received some nice presents as tokens of esteem.

YORK—R. T. Jackson has sold what is known as the Jackson corner on Seventh street and Lincoln avenue to C. C. Cobb, who will build a two-story and a half basement department store building. This is one of the best corners in the city.

COOK—Guy Brooks, who once resided here, but now in Red Oak, Ia., was kicked by a horse a few days ago, and is now lying very low, with small hopes of recovery. His mother, Mrs. H. Brooks, of this place, left yesterday for his bedside.

BEATRICE—The bar docket for the spring term of the Gage county district court, which convenes next Monday, March 12, contains 145 civil cases, nineteen of which are applications for divorce. There are but four criminal cases on the docket.

TABLE ROCK—Thieves recently stole a fat hog from the pens of C. H. Lane, near the depot. The animal, which weighed some 200 pounds or more, was carried a few hundred yards, where it was slaughtered. The perpetrators have escaped detection.

BEATRICE—Coffman Bros. of Adams three years ago purchased a farm near Beatrice for $12,700, and the other day they disposed of the same tract of land for $17,500. This shows that there has been good money in real estate investments in Gage county the past few years.

FREMONT—E. R. Cuddeback sold his farm of 105 acres, about four miles south of this city in Saunders county, this week for $12,000, the highest price paid for farm land in this vicinity. The buildings, however, are exceptionally good. Mr. Cuddeback will move to Fremont and run an automobile store and garage.

PAPILLION—A petition was presented to the county commissioners at their meeting yesterday to straighten Papillion creek from Gilmore to its mouth. The commissioners have decided to act on the petition and will view the location next week. The petition is signed by Barton, Gates, Trumbal and twenty other land owners along the route of the proposed change.

NEBRASKA CITY—The Mattes Brewing company will be reorganized in a few days, and the damage done to the buildings by the recent fire will be repaired and the brewery will then be put in operation. John Mattes, Jr., president of the brewing company, has sold his interest to Theodore Webering and a number of gentlemen, who will reorganize the company.

NELIGH—Phoebe Bliss was this morning granted a verdict of $2,000 damages from Perse Beck, Tom Perrin and the Metropolitan Mutual Bond and Surety company of Omaha, for injuries received in a runaway accident which was alleged to have resulted from the drunken condition of Jo Prevo. The plaintiff asked for $5,000. The case has attracted wide attention.

NEBRASKA CITY—Next month $85,000 of Otoe county bonds will become due, and the county commissioners have made arrangements to pay off $35,000 of the bonds and issue $50,000 refunding bonds for the remainder. The state will purchase the refunding bonds, which will draw 4 per cent, and this county has the privilege of redeeming a portion of the bonds each year.

BEATRICE—Roy Pickham, a boy about 13 years of age, who has been making his home with Mr. and Mrs. W. E. Williams, disappeared yesterday, and no trace of him can be found. The lad ran away from home some time ago, and was found at Blue Springs and brought back to this city. The officers have been notified to make every effort possible to locate the lad. His home is in New York.

AINSWORTH—The Ainsworth Cornet band is incorporated, with the following officers: W. M. Eler, director; P. A. Baldwin, president; Herald Williams, vice president; George Ackerman, secretary; Dennis Mutz, treasurer. The band consists of the best citizens here, such as lawyers, doctors and the heads of many of the business houses, and embraces thirty members. Last night they gave a concert at the Auditorium, which netted the company nearly $60. They have been asked to give a band concert in the near future in the Long Pine Auditorium.

NORFOLK—W. A. Benson, the young man charged with stealing near Gregory, S. D., one of the new towns on the ceded portion of the Rosebud reservation, after having dodged the sheriff, came to town at Gregory and was arrested. Before Justice Wilson he pleaded guilty to the charge against him and was sentenced to thirty days in the county jail. He is said to have told of other thefts in the neighborhood which implicated other parties in the vicinity and the authorities of that section now believe that they are on the road to checking a large amount of thieving that has been going on in that territory.

INSURANCE MEN AT ALBANY

Legislative Committee Listens to Arguments of Officials and Actuaries.

FIRST SPEECH IS BY PAUL MORTON

Head of Equitable Society Objects to Proposed Restrictions as to Investments for Life Companies.

ALBANY, N. Y., March 9.—For many hours today, until nearly midnight tonight, the joint special legislative insurance investigating committee listened to arguments of insurance presidents, actuaries and agents against some of the most far-reaching provisions of the bills amending the state insurance law, and embodying the recommendations of the committee, as the result of its investigation of the life insurance business in this state.

The hearing was a disappointment to those who had expected either a bitter onslaught on the bills or an occasion of sensational utterances. With few exceptions the speeches were of a technical character.

An interesting feature of the hearing was the presence of the three new presidents of the "big three" life companies of New York City—Paul Morton, head of the Equitable; Alexander E. Orr, president of the New York Life, and Charles A. Peabody, president of the Mutual Life. All three spoke briefly, President Morton filing a written communication, one of the principal subjects of which was the proposed restrictions upon the investments of life insurance companies. Former Lieutenant Governor Timothy L. Woodruff, president of the Provident Savings Life, marshaled the forces in opposition to the main provisions of the bills and introduced the speakers.

All agreed in the assertion that the adoption of the main proposed restrictions upon business investments, commissions and cost of new and renewal business, would work great damage to the companies and probably drive many foreign companies out of the state.

There was little reference to the more sensational disclosures of the insurance investigation and no opposition to the recommendations designed to stop and prevent corrupt practices, campaign contributions and the like.

First Public Hearing.

Today's hearing was the first public opportunity of the insurance companies to express themselves upon the provisions of the ten bills presented by the committee to the legislature as the result of its examination, and the great and small companies contributed powerful personnel upon the occasion.

President Morton of the Equitable Life Assurance society was the first speaker. He admitted that serious evils had crept into the insurance business, and assured the committee that he was in accord with its general purposes. He said, however, if these bills were enacted without changes it would seriously injure the insurance interests of the state.

Mr. Morton then took up the changes in the bills he would suggest. In brief, he believed that with certain qualifications insurance companies should be allowed the same latitude in the matter of investments as heretofore.

Mr. Morton recommended with reference to existing investments that life insurance companies be permitted to retain their present investments in collateral trust bonds and in railroad stocks and also their present investments in banks and trust companies, providing that in no case shall an insurance company hold over 20 per cent of the stock of a bank or trust company.

Objects to Standard Forms.

He objected to the proposed standard forms of policies. The large mutual companies should be permitted to issue non-participating policies. He accepted the proposed limitation upon new business, but he maintained that the companies should be permitted to make good annual losses by termination. The law should fix a minimum, not a maximum, contingency reserve percentage. There should be some limit upon expenses, but the proposed limitation would not allow for uncertainties and it was sure to "paralyze" the insurance business.

Alexander E. Orr, president of the New York Life, followed Mr. Morton.

Charles A. Peabody, president of the Mutual Life Insurance company; George P. Ide, president of the Home Life Insurance company, were also heard. J. G. Vanise, actuary of the Equitable, argued against the proposition to prohibit the deferred dividend plan.

The hearing was adjourned at about 11:30 p. m. until next Thursday at 2 p. m., when it will be resumed and continued Friday as long as may be necessary. There was some talk of an appearance by Thomas W. Lawson of Boston, but nothing has been heard from him officially.

Question in Parliament.

LONDON, March 9.—The earl of Onslow, conservative, gave notice in the House of Lords today of his intention to question the government as to where, in view of the disclosures made regarding certain American insurance companies, it proposes to compel foreign companies doing business in Great Britain to keep in this country a suitable proportion of their securities to cover the claims of British policy holders. The matter will come up in the house next week.

FOR ONE NEW STATE

(Continued from First Page.)

Mr. Beveridge's expense, and in which he joined. He said he knew nothing about the telegram. The telegrams were not read.

A communication from Secretary Hitchcock, recommending an extension of the time for the opening of the Shoshone Indian reservation in Wyoming from June 15 to August 15 was read.

Statehood Bill Is Resumed.

Consideration of the statehood bill was then resumed, and Mr. Foraker made the first speech under the ten-minute rule. He pointed out that Arizona was not asking an admission, and there had been an effort to force statehood on an unwilling territorial constituency.

Mr. Dubois followed in support of an amendment offered by him prohibiting polygamists and Mormons from voting in the proposed state of Arizona, as was originally provided by the Idaho test oath. He said he had seen a list of from fifty to 100 polygamists living in Arizona and that there also were many in New Mexico. There was, he said, no power in Utah to punish polygamy and Mormonism was so strong in his own state of Idaho that notwithstanding the leader of the sect in that state had testified that he was the husband of three wives, there was no possibility of bringing him to account because of the political power of his church.

"Wherever there is Mormonism there is polygamy," he said, and added that the only way to prevent polygamy was to strike at the organization that encourages it.

Brief speeches also were made by Messrs. Newlands, McCumber, Fulton, Smoot, Teller, Spooner, Nelson, Hopkins, Hepburn, Gallinger, Clarke (Wyo.), Dillingham, Carter and Burrows. The Utah senator introduced an amendment annexing to his state all that part of Arizona lying north of the Colorado river and spoke in support of it. He said the strip was unwatered and without value.

Burrows Submits Amendment.

Mr. Burrows advocated the elimination of Arizona and New Mexico from the bill and presented an amendment to that end. He based his opposition on the ground that there were many polygamists in the two territories and spoke of polygamy as an "offense against the civilization of the age." He said the real offense was not in plural marriages, but in polygamous cohabitation practiced after marriage elsewhere. He quoted from letters to show that there were many Mormons living in polygamy in Arizona and New Mexico and said that notwithstanding the difficulty of getting testimony there had been some convictions for polygamy.

Mr. Dick spoke for the bill and Mr. Clark (Mont.) against it, and Mr. Beveridge closed the debate in advocacy of the measure.

When promptly at 4 o'clock the gavel fell at the end of Mr. Beveridge's final appeal for the bill, the vote was begun. The amendments suggested by the committee were first read and to them no objection was made until the proposition to increase from $100,000 to $150,000 the appropriation for defraying the expenses of preliminary elections to be held in the proposed state of Oklahoma. The amendment was lost by a vote of 31 to 40. The increase of the election appropriation for Arizona from $150,0000 to $175,000 also was disagreed to.

The first test vote came on these money proposals and the opponents of joint statehood scored a victory. The object of striking out the increase was to avoid the necessity of having the bill sent to a committee when returned to the house of representatives.

Under the rules of the house, any bill amended by the senate carrying increased expenditure must be referred to a committee and considered in committee of the whole. The opponents of joint statehood desired to afford an opportunity for a motion to concur in the amendments without such reference.

Vote on Foraker Amendment.

As soon as the committee amendments were disposed of, Mr. Foraker formally offered his amendment providing for a separate vote on joint statehood. The vote was immediately taken and the amendment carried by the decisive vote of 42 to 30, as follows:

Yeas—
Alger, Bacon, Blackburn, Bulkeley, Burrows, Carter, Clark (Mont.), Clark (Wyo.), Clary, Culberson, Daniel, Dryden, Dubois, Flint, Foraker, Foster, Frazier, Fulton, Gallinger, Gearin, Hansbrough, Heyburn, Latimer, McCreary, Mallery, Martin, Morgan, Newlands, Overman, Patterson, Perkins, Pettus, Rayner, Scott, Simmons, Spooner, Stone, Sutherland, Taliaferro, Teller, Tillman—42

Nays—
Allee, Allison, Ankeny, Beveridge, Brandegee, Burnham, Clapp, Clark (Ark.) Crane, Cullom, Dick, Dillingham, Dolliver, Dryden, Fulton, Gamble, Hale, Hemenway, Hopkins, Kean, Knox, LaFollette, Lodge, Long, McCumber, Millard, Nelson, Penrose, Piles, Proctor, Smoot, Sutherland, Warner, Wetmore—35.

The pairs were as follows: Aldrich with Berry, Elkins with Bailey, Burkett with McLaurin, Clark (Ark.) with Overman, Depew with McEnery, Frye with Gorman, Kittredge with Platt, Warren with Money.

Mr. Dubois' amendment relative to polygamy in the proposed state of Arizona was then offered. He asked for the ayes and noes, but a formal vote was prevented by the committee accepting the provision. It was, therefore, incorporated in the bill.

The next formal vote was taken on Mr. Burrows' motion to strike out all the part of the bill relating to Arizona and New Mexico. The roll call resulted in the loss of the motion by the narrow margin of 1 vote, 38 nays to 35 yeas. Mr. Burrows gave notice that he would renew the amendment when the bill was reported to the senate.

On motion of Mr. Teller the provision continuing Guthrie as the proposed capital of the state of Oklahoma until 1915 was stricken out by the vote of 39 to 31. The effect of the amendment is to fix the capital at that city only temporarily.

Bill Reported to Senate.

The proceedings up to this time had been in committee of the whole. When the bill was reported to the senate Mr. Burrows renewed his motion to strike out the part of the bill relating to Arizona and New Mexico and this time it prevailed by the vote of 37 to 35, as follows:

Yeas—
Alger, Bacon, Blackburn, Bulkeley, Burrows, Carter, Clark (Mont.), Clay, Culberson, Daniel, Dubois, Flint, Foraker, Foster, Frazier, Gallinger, Geary, Hansbrough, Heyburn, Latimer, McCreary, Mallery, Martin, Morgan, Newlands, Overman, Patterson, Perkins, Pettus, Rayner, Scott, Simmons, Spooner, Stone, Taliaferro, Teller, Tillman—37.

Nays—
Allee, Allison, Ankeny, Beveridge, Brandegee, Burnham, Clapp, Clark (Ark.) Crane, Cullom, Dick, Dillingham, Dolliver, Dryden, Fulton, Gamble, Hale, Hemenway, Hopkins, Kean, Knox, LaFollette, Lodge, Long, McCumber, Millard, Nelson, Nixon, Penrose, Piles, Proctor, Smoot, Sutherland, Warner, Wetmore—35.

The changes from the first vote were: Scott, who voted aye, and Overman, who transferred his pair with Clark of Arkansas to Carmack and voted in the affirmative.

The bill as amended was then passed by unanimous vote.

Immediately afterward Mr. Tillman was recognized and on his motion the house railroad rate bill was made the unfinished business.

The senate then at 5:38 p. m. went into executive session and at 5:52 p. m. adjourned until Monday.

ANOTHER JUDGE IS NEEDED

With Assistant Sutton May Be Able to Clear Up Enormous Criminal Calendar.

In order to dispose of a large number of small cases on the criminal docket one of the other judges of the district court may be asked to assist Judge Sutton in the criminal branch of the court. County Attorney Slabaugh is several cases behind where he expected to be in the disposition of business during the term and in order to catch up the second judge may be resorted to. A number of the cases have occupied considerably more time than was expected and the O'Hearn trial, which will begin Monday, will take up ten days or more. There are several unimportant cases that could be tried during this time if another judge could be secured to hear them.

Building Permits.

The city has issued permits to M. C. Larsen for a $1,600 frame dwelling at Forty-third and Charles streets, and to A. L. Hoover for a $1,600 frame dwelling at 2815 Ohio street.

FORECAST OF THE WEATHER

Fair in Eastern Nebraska Today and Tomorrow—Snow in Western Portion.

WASHINGTON, March 9.—Forecast of the weather for Saturday and Sunday:

For Nebraska and South Dakota—Fair in east, snow in west portions Saturday and Sunday.

For Iowa—Fair Saturday and Sunday, followed by rain Sunday night or Monday.

For Missouri—Fair Saturday; Sunday, rain.

For Kansas—Rain and colder in west and south portions Saturday; Sunday, rain.

For Colorado—Fair in west, snow in east portion, colder in southeast portion Saturday; Sunday, showers in west, snow or rain in east portion.

For Wyoming—Snow Saturday and probably Sunday.

Local Record.

OFFICE OF THE WEATHER BUREAU, OMAHA, March 9.—Official record of temperature and precipitation, compared with the corresponding day of the last three years.

	1906.	1905.	1904.	1903.
Maximum temperature	38	51	71	60
Minimum temperature	34	28	40	37
Mean temperature	36	40	56	48
Precipitation	T	.00	.00	T

Temperature and precipitation departures from the normal at Omaha since March 1, and comparison with the last two years:

Normal temperature	33
Excess for the day	3
Total excess since March 1	38
Normal precipitation	.04 inch
Deficiency for the day	.04 inch
Total precipitation since March 1	.21 inch
Deficiency since March 1	.15 inch
Deficiency for cor. period 1905	.35 inch
Deficiency for cor. period 1904	.36 inch

Reports from Stations at 7 P. M.

Station and State of Weather.	Temp. 7 p.m.	Maximum.	Rainfall.
Bismarck, snowing	20	28	.02
Cheyenne, snowing	22	28	.02
Chicago, clear	38	44	.04
Davenport, partly cloudy	38	42	T
Denver, snowing	30	36	.20
Havre, cloudy	28	32	.09
Helena, snowing	22	28	.10
Huron, cloudy	28	34	.01
Kansas City, clear	40	46	.00
North Platte, cloudy	34	42	T
Omaha, clear	34	38	T
Rapid City, cloudy	26	30	T
St. Louis, clear	44	50	T
St. Paul, partly cloudy	30	34	T
Salt Lake City, cloudy	50	54	.00
Valentine, clear	28	32	T
Williston, snowing	22	26	T

T indicates trace of precipitation.

L. A. WELSH, Local Forecaster.