

COMMISSION FILES ANSWER

Insists Amendment to Constitution is Legally Adopted. EAST WING OF STATE HOUSE UNSAFE

Architect Inspects Building and Reports it is Settling Rapidly and There is Danger of it Collapsing.

(From a Staff Correspondent.) LINCOLN, Jan. 25.—(Special.)—The answer in quo warranto proceedings instituted by the attorney general to test the constitutionality of the railway commission was filed in the supreme court this afternoon. Attorneys for the respondents are Judge M. B. Reese, C. J. Whedon and J. A. Williams. In general the answer sets forth the legality of the amendment and the successful result of the election by which the railway commission now hold their offices. The answer is largely of a formal nature, maintaining that the commission exists through the authority of the election of November, 1906; that the members have duly qualified by taking the oath as prescribed by the constitution. A denial is entered that the commissioners are wrongfully usurping the functions of said office. They assert they are entitled to the salary and emoluments, to be provided by law and are entitled to occupy the necessary office rooms in the state capitol or elsewhere that may be provided for their use and occupation. A detailed history is given of the passage of the resolution calling for the constitutional amendment and of the passage of the amendment itself, ending with the declaration that the amendment is and has been since the election in full force and effect. The answer states that the proposition was endorsed by the three leading parties of the state; that it was widely known and discussed during the campaign, and that this fact should be taken into consideration in addition to the usual legal questions of the amendment that were published.

State House Wing is Unsafe. The east wing of the state house has been officially declared unsafe and dangerous. Architect Berlinghoff, who recently made an examination of the building, reported to the Land Commission this morning that the east wing had settled six or eight inches within the last month and there is grave danger of a collapse of that section of the building.

The following is the detailed report of Mr. Berlinghoff:

As requested by you to carefully inspect the east wing of the capitol building and report to you my findings, I beg leave to state the following: I have measured the east wing. I received from Mr. Dobson the levels and elevations taken March 3, 1906. The elevations given in each case are the elevations at the window sill. On January 17, 1907, I requested Mr. Grant, the present city engineer, to take levels and give me the elevation at the water table. He refused to do so, but I ascertained whether or not the building had settled any more since March 3, 1906, and found that it had settled another two inches. The south wall of the east wing overhangs five and one-half inches at the top of the third floor.

In the commissary department, which is situated directly under the private office in the south side of the east wing, there is the best evidence that the building is still continuing to settle, as on my first visit to this room in the basement I found particles of brick arches had fallen out. This room was cleaned out and on my next visit, four days afterward, I again found small pieces of the arches on the floor. The mortar in the south wall is continually falling off and this is rapidly, which in itself is evidence of the continuous settling of the building. I am a frequent inspector of the walls and frequently heard the south wall has settled in all eight inches at the top of the east wing.

At the top of the building new and large cracks have formed in the masonry. The iron rods now in the building and which run from the south wall toward the north wall are on the second story floor level and will eventually be of no use on account of the continuous settlement of the south wall, which will overhang eight and more at the top.

I further notice that the ground adjoining the capitol building, causing surface water to run towards the same and thus drain down along the wall to the foundation, weakening them; further noticed in the angle of the south side, where the first settlement of the building occurred, a break in this pipe and would thus discharge the water somewhere in the ground, and if such in the future will overhang eight and more at the top.

With all of the above conditions existing, herewith state to you that this portion of the east wing is unsafe and in order to rectify and make it safe recommend the most practicable way would be to take down the outer wall from top to bottom, take up the foundation and reconstruct the same with concrete of proper sizes to the comparative loads coming upon the same. While this is being done the floor can be shored up and a temporary outer partition can be constructed in order to permit these offices being occupied while the work of reconstruction is going on.

The estimated cost of making the south portion of the east wing safe would be approximately \$200,000. Should you or the board desire further information I would be pleased to appear and answer any question.

GEORGE A. BERLINGHOFF.

Recer ion by Governor. A majority of the members of the legislature recalled themselves of the hospitality of Governor and Mrs. Sheldon tonight at the second weekly reception given by them. The crowd was larger than last Friday night and a most enjoyable evening was spent.

Major General Epperson detailed Commodore McKesson and Colonel Keifer to serve as the last relay of guests and the dignified bearing of the state's protectors and the very able manner in which they discharged their duties won them the everlasting friendship of the crowd and secured for them permanent positions at these weekly functions. Colonel Keifer, as special guide to the dining room.

Anti-Hobo Bill Expires. GRAND ISLAND, Neb., Jan. 25.—(Special.)—The "anti-hobo" bill introduced by Rep-

representative Scudder of this county has occasioned considerable comment. When the first reports were received people wondered what the bill was, there being no alarming increase in hobos in this section and city, but since the installation of a rock pile a decrease. However, it is generally recognized the bill has some merit, and when the fact that it is the subject of considerable joking is analyzed, it is found that it is rather in comparison with the real railroad legislation promised that the bill suffers.

FARMERS MEETING AT BEATRICE

Gage County Institute Holds Session and Awards Prizes. BEATRICE, Neb., Jan. 25.—(Special.)—The Gage County Farmers' institute opened yesterday morning at the court house for a two days' session. There were about 300 persons present, most of whom were farmers.

The first number on the program was a paper by H. D. Odell on potato growing. He not only went into the matter of varieties, but gave a description of the soil, cultivation and other things necessary to a profitable production of the tuber. He said that a large per cent of the potatoes used in Beatrice last season were shipped in at a cost of about \$9.00. He believes all of these could have been profitably grown at home.

A paper on grasses by F. C. Crocker of Filley was read and discussed at length by A. H. Kidd, J. L. Rhodes, W. L. Ozman and others. The discussion was confined to no particular variety, but included all of the grasses grown here.

The afternoon was devoted to the judging of seed corn by Prof. Zook of the state farm. His lecture was highly interesting and instructive. Feeding hogs and cattle was the subject of Prof. H. H. Smith of the state farm. He has the reputation of being the most scientific feeder west of the Mississippi river, having been the winner in the great exhibits with the products of the state farm.

Having the farm pay was discussed in all its bearings by Prof. E. W. Hunt. He emphasized the necessity of keeping up the fertility of the soil. No evening session was held on account of the commercial club banquet.

Prizes were awarded in the different classes of corn and potatoes as follows: White Corn—H. D. Odell, first; John Friedrich, second; Glen Wheeler, third; Yellow Corn—Blodgett Brothers, first; Blodgett's Yellow Dent; C. Hodge, second; Reed's Yellow Dent; A. D. Sage, third; with Blodgett's Yellow Dent.

Potatoes—A. E. Hetherington, first; with Early Six Weeks; C. S. Eisenbine, second; with Banner; H. D. Odell, third; with Early Yellow; John Friedrich, fourth; with Early Ohio.

DYING MAN FEARS PUBLICITY

Refuses to Give Daughters' Names. Not Wishing Them Notified.

GRAND ISLAND, Neb., Jan. 25.—(Special.)—Peter Baumann, a stranger, was run over and killed by a freight train while attempting to board the train and beat his way to Alliance. He was addicted to pure alcohol and had a bottle of the stuff in his pocket. He said he had two daughters living in Minneapolis, but refused to give their names, saying he did not care to have anyone know what had become of him, and it was no one's business who he was or where he came from. He lived some hours after the injury and was fully conscious. There was nothing about his clothing to identify him further.

SURVEY FOR AN INTERURBAN

Omaha Company Selects Route for Its Proposed Line to Plattsmouth. PLATTSMOUTH, Neb., Jan. 25.—(Special.)—A party of surveyors for the Omaha & Council Bluffs Street Railway company have been busy at work for several days surveying the different lines proposed for the interurban line from Omaha to Plattsmouth. It is understood the best route will be to cross the Platte river west of the Missouri Pacific and Burlington tracks. A short distance south of Oresopolis the track will cross the Missouri Pacific right-of-way and follow one of the cuts or valleys to this city.

FIND NO LANDS TO BUY IN SOUTH

Nebraska Party Returns from Texas Without Investing Money. BLUE HILL, Neb., Jan. 25.—(Special.)—Mike Dittler, Frank Karr, Ed Hilton, Herman Schmidt, F. C. Krueger and F. Krueger returned Thursday from their trip through Oklahoma, Texas and Indian Territory. They had been on the purpose of looking at the land and buying if suitable. None of the party purchased any land.

Silver Jubilee for Veterans.

LINCOLN, Neb., Jan. 25.—(Special.)—Wednesday night was a "red letter" day for Reno Post No. 113, Grand Army of the Republic, and Reno Relief Corps No. 93 of this city. A joint installation of the officers of the two orders was held. This being the twenty-fifth year since the organization of the post, a program especially appropriate was carried out, followed by an elaborate banquet served by the corps, of which 200 people partook.

The following is a list of the officers installed. G. D. W. Kohler installing for the post, and Mrs. A. E. Cole for the corps. Reno Post: Post commander, B. F. Krier; senior vice commander, Joseph Kring; junior vice commander, J. F. Lamson; chaplain, H. A. Turton; surgeon, J. H. Malone; adjutant, E. C. Mullin; orderly of the day, G. D. W. Kohler; orderly of the guard, Jacob Wandling; quartermaster sergeant, John W. Benedict; senior marshal, John Wener.

Reno Corps: President, Mrs. V. J. Hull; senior vice president, Mrs. E. M. Mallett; junior vice president, Mrs. F. E. Reynolds; chaplain, Mrs. D. Mooney; secretary, Mrs. E. J. Duryee; treasurer, Mrs. A. E. Cole; conductor, Mrs. Dora Kohler; assistant conductor, Mrs. J. T. Roberts; guard, Mrs. Kingsley; assistant guard, Mrs. J. Jacobson; color bearers, Mrs. T. L. Warrington, Mrs. H. A. Turton, Mrs. Martha Lamina, Mrs. D. Grafton.

Berg-Swanson Co. 15th & DOUGLAS. IF YOU HAVEN'T PROFITED BY OUR GREAT 9th Semi-Annual Half Price Sale. Of Suits and Overcoats it is your own fault, for we are handing out the greatest clothes bargains ever seen in Omaha—broken lots, two or three of a pattern. AT EXACTLY ONE-HALF THE REGULAR SELLING PRICE. And we are going to keep at it until all the odds and ends are gone—won't be long either—the way hundreds of shrewd buyers are snapping up good things every day. WE ARE PARTICULARLY STRONG ON SMALL SIZES. Large sizes and stouts—lots of mediums too—but you had better not wait too long, for bargains like our's don't last for ever.

SPECIAL NOTICE. Boys' and Children's Suits and Overcoats HALF PRICE. This sale offers to economical parents an exceptional opportunity to dress their boy in one of our smart garments at a decided saving. We would rather take a loss now than carry over any broken lots. Our loss is your gain. \$10 Suits and O'coats for... \$5. \$8.50 Suits and O'coats for \$4.25. \$7.50 Suits and O'coats for \$3.75. \$6.00 Suits and O'coats for... \$3. \$5.00 Suits and O'coats for \$2.50. \$4.00 Suits and O'coats for... \$2. \$3.50 Suits and O'coats for \$1.75. \$3.00 Suits and O'coats for \$1.50. KNEE PANTS. If you haven't bought your boy a couple pair of those 50c, 75c and \$1.00 pants that we are selling during this sale, you had better get here early as today will surely finish them... 25c. 25% Discount ON ALL OUR Woolen Underwear INCLUDING UNION SUITS. SPECIAL! MEN'S 25c WOOL HOSE Heavy Weight. 2 Pr. for 25c. Just like getting one pair for nothing. Young Men's Suits and Overcoats HALF PRICE. So many kinds we can't describe them—only quote prices—but there are hundreds of small lots to choose from—every one exclusive and up-to-the-minute. \$20.00 Suits and Overcoats— for... \$10.00. \$18.00 Suits and Overcoats— for... \$9.00. \$15.00 Suits and Overcoats— for... \$7.50. \$12.00 Suits and Overcoats— for... \$6.00. \$10.00 Suits and Overcoats— for... \$5.00. \$7.50 Suits and Overcoats— for... \$3.75.

HASTINGS STARTS TO BOOST. Sloan of "Twenty Thousand by Nineteen-Ten" is Adopted. HARD WORK NEEDED TO REACH GOAL. Big Enterprises Which Are Now Under Way or in Prospect Lead Encouragement to the New Movement. HASTINGS, Neb., Jan. 25.—(Special.)—A movement will be launched here next week for a greater Hastings. "Twenty thousand people by 1910," will be the campaign cry and if the plans of the men back of the scheme are carried out Hastings will move with full steam ahead for the next three years. The opening ceremony will be conducted next Tuesday night by the Hastings Commercial club. This organization has been enjoying a (Rip Van Winkle) sleep ever since its first spasms of real activity and will hardly be recognized when it meets to mix the elixir for the new life of the town. The population of the town is now about 12,000. The city directory allows even a few hundred more, but by any process of figuring it can be demonstrated that there are at least an even dozen thousands of people under the Queen City's protecting wing.

Call for a Mass Meeting. Mayor Miles, who is president of the Commercial club, has issued the following proclamation as a starter. "The Hastings Commercial club, and any of our citizens in sympathy with this movement, on Tuesday night, January 23, at 8 p. m. in the city hall a Commercial club and citizens' banquet on Washington's birthday might be a good method for launching our enterprise." Big Brewery to Lead Off. The movement is started at an opportune time, for just now several enterprises of more than ordinary magnitude are being promoted here. One is for the building of a brewery, for which a company has been formed with a capital of \$135,000. The investment is all by local men, and it is planned to have the plant in operation by some time in the forthcoming summer. Ezra Langevin is president of the brewing association and he, with H. C. Hansen, George Tyler, Emil Polnack and G. J. Evans will constitute the board of directors. The brewery will be equipped with the latest improved ice manufacturing machinery, the capacity of which will be fifty tons per day. Another project on which actual work may soon be started is the Omaha & Nebraska Central Interurban railroad. J. C. Baker of this city is promoting the enterprise. He says he has the backing neces-

ary to assure the building of the road. Mr. Baker and other officials of the road are now making estimates of the cost of building six miles of local lines in Hastings, to be ready for operation by chauntauque week in July. Other Railroad Possibilities. There has been considerable talk lately of a possible extension of the Northwestern railroad from this city to Denver. Hastings is now the western terminus of the Northwestern's south Nebraska branch. Judge John M. Ragan of this city, who is attorney for the road, is now on a trip east to confer with Northwestern officials in Chicago and New York in regard to the building of the proposed extension. A party of St. Joseph & Grand Island surveyors recently staked out a direct line from here to Kearney. It is believed here that the cut-off will be built soon. It will eliminate about thirty miles of travel between western points on the Union Pacific and the Kansas City and Gulf territory. The Hastings Chauntauque association has decided to erect a permanent auditorium building to cost about \$5,000, and perhaps more. Plans for the structure have been drawn and a contract for the work will soon be awarded. A large office and store building is now under process of construction. The new \$200,000 building of the Young Men's Christian association is nearing completion and several other buildings are being planned for erection this year. Fireman Falls from Engine. YUTAN, Jan. 25.—(Special.)—An unusual accident occurred here. The Great Northern freight train, which was due here at 5:30 in the morning, was late and did not arrive until about 7:30 in the evening. After leaving town the fireman, A. H. Zelman, went to shake the grates on the engine. The shaker slipped and he was thrown from the engine. The train went about a mile and a half before the engineer missed his fireman. The train was stopped at once and a search of about an hour was made without finding the missing fireman. The trainmen at last telephoned into Yutan for the depot agent to get section men and help in the search. After the section men had gone about three-quarters of a mile

from town they met a couple of farmer boys helping the fireman to walk to town. He was at once brought to the depot and Dr. Koerber was called and after a brief examination he reported no serious injuries more than sprains and bruises. Fireman Zelman was taken to Lincoln on a later freight the same evening. TEAM DRAGS OWNER TO DEATH. Clothing Torn from His Body as He is Drawn Over Rough Road. NORFOLK, Neb., Jan. 25.—(Special.)—Herman Schwanke, a farmer who had lived for years near Norfolk, was dragged to his death with his foot twined about the axle of his carriage. Schwanke was driving along the road with his wife. The horses stopped and he was about to get out and repair the harness. In stepping out, just as his foot rested upon the axle, he lost his balance and fell forward, his head on the ground and his foot caught in the wheel. This frightened the horses and they dashed away, dragging their driver. His leg was broken and he was dragged a mile and a half. His wife was thrown out and lay on the ground for some time before the team and buggy separated, the man's fur coat had been burned away, with other clothing, to the flesh, by the friction against the rough road. His face was badly bruised. ICE A FOOT THICK AND CLEAR. Magnificent Crop is Being Harvested While Cold Continues. FREMONT, Neb., Jan. 25.—(Special.)—There will be no ice shortage in Fremont next summer. The weather has already remained cold long enough for a good crop to form and the ice companies and firms who put up their own supply are busy harvesting it. It is now over twelve inches thick and exceptionally clear and solid. The mercury was below zero this morning and it still remains cold. Merriek County Fair Association. CLARKS, Neb., Jan. 25.—(Special.)—The Merriek County Agricultural and Fair association has just been organized here. It is proposed to hold a county fair annually at Clarks, beginning with the coming summer or fall. Officers for the ensuing year will be elected at a meeting to be held the second Tuesday of February. Meanwhile the temporary president and secretary are, respectively, Dana Little and G. D. Woods. The stock of the association is being liberally taken, some \$300 having been subscribed at the first meeting. As Merriek county has been without a county fair for several years, the present movement, which is in strong hands, is arousing much interest. Clarks is not the county seat, but is favorably situated for holding a successful annual fair. News of Nebraska. EUSTIS—Sixteen carloads of ice have been unloaded here the past week. PLATTSMOUTH—Several cases of loss of stock from cornstalk disease are reported. PLATTSMOUTH—T. E. Farnelle has sold to F. W. Schiefer forty acres of land for \$3,000. SEWARD—George D. Thomas has purchased the pop factory building from E. H. Myers for \$4,000. PLATTSMOUTH—Judge Archer united in marriage Joe Mrazek and Miss Edna H. Klein, both of this city. EUSTIS—The stock has been busy in Eustis and vicinity, having visited five homes during the week. SEWARD—Henry Gade has sold his 20-

acre farm near Goehner for \$12,000. He only paid \$50 an acre for it. NEHAWA—There is almost an epidemic of pneumonia in this vicinity lately, there being about a dozen cases. MILFORD—Citizens of Milford gave a farewell reception at Hotel Atwood in honor of Hon. and Mrs. Joseph Swearingen. NEBRASKA CITY—Thomas W. Lock and Miss Iona B. Lock, unrelated, were married by Judge Wilson yesterday afternoon. BLUE HILLS—Many of the wealthy farmers are buying residence property in Blue Hill preparatory to moving to town to take the ice easy. EUSTIS—William Towne has purchased the pool and billiard hall of Henry Hodgeman. Mr. Hodgeman will engage in another line of business. NEBRASKA CITY—The quality of the ice which is forming in the river is very good, and a few more cold days will assure the season's crop. BLUE HILLS—T. D. Follmer & Son of Nelsoh have discontinued their real estate business in this city and disposed of the fixtures to Brown & Rose. COLUMBUS—Mrs. Mattie Paschen has filed a petition in district court for a divorce from Charles Paschen, alleging cruelty and unfaithfulness. SEWARD—The sheriff of Webster county, Nebraska, was at Seward this week and took charge of Frank Yetter, who has a charge preferred against him. BEEMER—Miss Emma Oswald of Beemer was married Sunday of this week to Jacob Birky of Seward, Neb., where the young couple expect to make their future home. BEATRICE—It is reported that the Union Pacific company will expend about \$50,000 at this point in the town in building an addition and remodeling its old round house. NEBRASKA CITY—John Harty, a farmer living near Paul, reports the theft of a bay mare from his premises Wednesday night. NEBRASKA CITY—A north bound Missouri Pacific freight was delayed several hours Wednesday night by the derailment of two freight cars. A broken flange was the cause. PLATTSMOUTH—Recently the janitor of the court house had a pair of new shoes stolen from the room he was occupying in the court house. Yesterday he received two \$1 bills with a letter saying the money was to pay for the shoes. No name was signed. PLATTSMOUTH—The Manley Co-Operative Grain association has elected L. H. Stander, president; J. C. Rauth, vice president; W. D. Essick, secretary; C. M. Anderson, treasurer. NEBRASKA CITY—The body of Mrs. Gedney Venter, formerly a well known resident of this city, was buried today in Wyuka cemetery. Mrs. Venter died in Lincoln yesterday. EUSTIS—Stockholders of the Farmers' State bank have voted to increase the capital stock from \$12,500 to \$15,000. The bank was established in 1889 and is enjoying an excellent patronage. BEATRICE—Ice is being shipped in here by the Union Pacific company and stored in its new ice house. Prospects are not bright for an ice crop in this section of the state this season. PLATTSMOUTH—The Missouri Pacific Railway made its last trip over the system this month. In the future pay checks will be sent to the local agents and by them turned over to employees. SEWARD—Members of the Pin de Sicle club will celebrate the tenth wedding anniversary of Mrs. W. E. Langworthy, the first girl to have been married, with a masquerade party next Monday. EUSTIS—Clayde Williams and Daisy Garvin, both of this place, were quietly married at Ewood, Neb. The young couple are immediately for a visit with Mr. Williams' parents at Irving, Kan. BEATRICE—Dr. O. L. Beeson yesterday received a telegram from Aurora, Neb., announcing the death of his uncle, Samuel Hinford, an old resident of that section of the state. He was 81 years of age. BEEMER—Earl Kirk, the son of T. C. Kirk, a wealthy farmer of this place, with his newly wedded wife, took their departure yesterday morning for Plainview, Neb., where Mr. Kirk recently purchased a farm. PLATTSMOUTH—J. P. Wolf of Cedar Creek shot and killed a bald eagle which measured a little more than seven feet from tip to tip of wings. Mr. Wolf has sent the bird to a taxidermist in Omaha to be mounted. BEEMER—Joseph Kucera, who had his hand crushed in a corn sheller last week, was taken to St. Joseph's hospital in Omaha Thursday, where his thumb, little

(Continued on Fifth Page.)

ALL RECORDS BROKEN. Our \$20.00 made-to-measure SUIT SALE has snowed us under with orders. Suits that sold up to \$35.00 now \$20.00. The profit is yours—it keeps our large force of tailors busy. Herzog Tailoring Co. D. H. BECK, Mgr. 1415 Douglas St. OMAHA, NEB.

A SUPERIOR DRESS SHIRT in appearance and fit the equal of the production of the custom shop. The Cluett SHIRT. Exceptionally good value at \$1.50 and more. CLUETT, PEABODY & CO., MAKERS OF AMBER DOLLARS.