

HOUSE RULES ARE AMENDED

"Insurgents" Gain Preliminary Victory by Defeating Motion to Readopt Old Code

CHAMP CLARK LEADS

Fitzgerald Substitute Finally in Place of General Revision

POWER TAKEN FROM SPEAKER

Special Calendar Makes it Possible to Get Bills Before House.

MORE FREEDOM FOR MINORITY

Opportunity to Get Record Making Votes on Propositions that Were Formerly Settled in Committee of the Whole.

WASHINGTON, March 15.—After one of the stormiest sessions in its history, the house of representatives today, regardless of party alignment, adopted 211 to 172, a resolution by Mr. Fitzgerald (Dem.) of New York, whereby the rules were amended in several important particulars. The resolution was a substitute for one offered by Mr. Clark of Missouri.

Its adoption was accomplished only after the "insurgents" with the aid of the democrats, with one or two exceptions, had won a decided preliminary victory by voting down a resolution by Mr. Dazell of Pennsylvania, making the unamended rules of the Sixtieth congress applicable to those of the present congress.

The call of the roll on the resolution was followed with intense interest.

Such was the fever heat that Mr. Clark of Missouri got into a spirited colloquy with Mr. Dazell, who had mounted the rostrum to read the resolution of the minority leader. Mr. Clark wanted him ordered away from the desk, to which proceeding Mr. Dazell objected, saying he had a right to know what the measure contained. This incident led to a controversy with the speaker which lasted long enough for Mr. Dazell to get the information he desired, and he slipped from the platform and returned.

Shortly afterward, when Mr. Fitzgerald's resolution was up, Mr. Fitzgerald was drawn into a colloquy with Mr. Clark, who desired him to yield for a question. Much bitterness was displayed by the two men.

Mr. Fitzgerald at first refused to yield, but later did so, but Mr. Clark declined the proffered amendment, remarking that the New York member would live to regret his action, which called forth the retort from Mr. Fitzgerald that he was not to be "accused" by any threats.

Changes Made in Rules. The amendment makes three important changes: 1. It establishes a calendar for unanimous consent, the effect of which is to enable a member to have a proposition brought before the house without having to go to the speaker for recognition. This change, they say, will be a relief to the speaker.

When consideration of a bill is concluded and the previous question is ordered, the rules heretofore have provided for a motion to commit with or without instructions. It has been the practice to recognize a member of the majority party to make this motion and thus prevent the minority party from offering such instructions as it may desire.

The new rule provides for a motion to commit with or without instructions, and thus enables it to go a record vote on propositions which would otherwise be settled in committee of the whole house, where no record vote is possible.

It protects the calendar Wednesday by requiring a two-thirds instead of a majority vote to set it aside.

It is also claimed that the amendment will have the effect of preventing favoritism by the action of the committee on rules in special cases.

Feature of Clark Resolution. A prominent feature of the Clark resolution was an amendment providing for a committee of fifteen members to revise, amend and codify the rules and much of the opposition to it was because of this fact. As adopted the Fitzgerald amendment makes no change in the present method of the selection of the committee on rules, which is made by the speaker, nor is there any change in the method of selecting committees.

Speaker Cannon is inclined to regard the amendment as a slight improvement on the present rules, in that instead of throwing the responsibility for recognition on him, it sets aside certain days for the consideration of measures under unanimous consent, but, he says, under the new rules members will have to wait for those days.

In a conversation soon after the action of the house he commented freely upon the fact that Mr. Bryan had interfered in the interest of the changes submitted by Mr. Clark and spoke of the adoption of the Fitzgerald substitute as a triumph over the Bryan forces, saying that the conservative democrats who really want legislation had practically stood for the old rules with the amendments offered by Mr. Fitzgerald.

"It was," he said, "a protest by the conservatives against populism and all kindred things."

Text of Fitzgerald Amendment. The Fitzgerald amendment is as follows: Amend paragraph 6 of rule xi by adding thereto the following:

"The committee on rules shall not report any rule of order which shall provide that business under paragraph 4 of rule xxvi shall be set aside by a vote of less than two-thirds of the members present; nor shall it report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of rule xvi."

2. Amend rule xiii by adding the following paragraph to be numbered 3 as follows: "After a bill, which has been favorably reported shall have been upon the house or the union calendar for three days any member may file with the clerk a request that he desires such bill placed upon a special calendar to be known as the calendar for unanimous consent and that it shall be in order to move to suspend the rules, the speaker shall, immediately after the approval of the journal, direct the clerk to call the bills upon the calendar for unanimous consent. Should objection be made to the consideration of any bill so called, it shall immediately be stricken from the calendar for unanimous consent and it shall not thereafter be placed thereon."

3. Under rule xvi by adding at the end of paragraph 4, the following: "After the previous question shall have been ordered on the passage of a bill or joint resolution, one member shall be in order and the speaker shall give preference in recognition for such purpose to a member who is opposed to the bill or joint resolution."

4. Amend paragraph 4 of rule xxvi so

(Continued on Second Page.)

Bryan Will Not Refuse Toga if Offered to Him

Nebraska, in Interview in Chicago, Gives Idea He Would Succeed Burkett.

CHICAGO, March 15.—William J. Bryan, in an interview here today, impressed his auditors with the idea that he will be a receptive, if not an active, candidate for United States senate from Nebraska 1911 to succeed Elmer J. Burkett, republican.

"Nebraska has adopted the Oregon plan of regular elections," said Mr. Bryan. "I do not know yet whether I will be a candidate. A senatorship I aspired to even when a boy. If there seems to be a good chance to elect to the senate from Nebraska some other democrat it will please me better than to be a candidate myself. I have said repeatedly that I hoped I may never again be a candidate for office. I would not say that I would never, under any circumstances, accept the nomination, but no one is wise enough to look into the future and decide on conditions in advance. I think the democratic party is in better condition than at any time since 1882, and that it has an excellent chance to control congress in 1911."

Reply of Servia Threat of War

War Party in Austria-Hungary Enlivened and Mobilization May Result.

VIENNA, March 15.—The reply of Servia to the Austro-Hungarian note of March 8, referring the government to Servia's previous communication to the powers, had a tendency to heighten the fever of the war party in the dual monarchy. The Bourgeois showed weakness on the publication of Servia's answer and there are rumors that the Austro-Hungarian army possibly may be the issuance of orders for a partial mobilization. It is even said that the necessary proclamations already are in the hands of the printers.

Diplomats in Vienna, however, still believe that the government will resist the agitation of the war party and it is asserted that Emperor Francis Joseph personally has thrown himself into the breach with the intention of finding a peaceful way out.

BELGRADE, March 15.—Servia, in reply to the Austro-Hungarian note of March 8, refers the government of the dual monarchy to the powers dated March 11, Servia adds that, in its opinion, it would have been more in conformity with the interests of the two powers if the monarchy had submitted the treaty of commerce, which already has received the force of law in Servia, to the parliament of Vienna, and Buda Pest in order of ratification.

In the event that Austria-Hungary cannot, on account of insufficient time, or for reasons of a parliamentary character, pass this treaty by March 21, Servia is prepared to accept a new provisional agreement of the treaty until December 31.

BERLIN, March 15.—The situation between Austria-Hungary and Servia has been further sharpened by the last Servia note to the dual monarchy.

It is believed in official quarters that the prospects of a peaceful settlement of the conflict between the two countries have been reduced to a minimum and persons well informed on the progress of events declare that the patience of Austria-Hungary has been put to a renewed and heavy test.

Call Goes Out to "Mike" Clan

Forty Letters Issued Asking Maybray Victims to Appear Before Grand Jury.

ST. LOUIS, Mo., March 15.—Forty circular letters were sent here to men in various parts of the west today by Postoffice Inspector J. S. Swenson, asking the recipients to appear next week before the federal grand jury in Council Bluffs, Ia., and testify to alleged swindles perpetrated by J. C. Maybray and his associates, who were arrested recently in Little Rock, Ark. Swenson received a letter today from Frank H. Pilling of Tacoma, saying that he was swindled out of \$18,000 in a "fake" prize fight last August. When he complained to the authorities he was arrested and sentenced to a year's imprisonment for aiding and abetting the fraud. He has appealed from that judgment and meanwhile is anxious to testify against Maybray. The latter was indicted twice last week at Council Bluffs.

Two for Norris for Speaker.

Two of the three Nebraskans voted for Speaker Cannon, Norris and Kinkaid, Hinschaw voting for his colleague, Judge Norris for speaker, as did the speaker of Wisconsin. While Nebraska republicans maintained out of their caucus on Saturday night, both Kinkaid and Norris made it clear that unless some republican could be found to defeat Mr. Cannon they would be bound by the action of the caucus insofar as a choice of speaker went. For three months the so-called insurgents have been endeavoring to secure a united insurgent movement for another than Cannon for speaker. But after the closest kind of a canvass it was found that Madison of Kansas, Hays of California, Gardner of New Jersey, Lovering of Massachusetts, Norris of Nebraska and Kusterman of Ohio.

Clerks Charge Favoritism.

Eight railroad mail clerks were brought up in a police court today charged with insulting M. Simyan in the discharge of his duties. The hearing was a tumultuous one. M. Thibault, one of the leaders, made a stomp speech in his own behalf, in spite of the protests of the judge. He declared that a system of tyranny existed in the postal service and that promotion depended upon favoritism. He declared that men holding socialist or clerical views were kept down, and insisted that the real cause of the trouble was to be found in this injustice. All the accused were sentenced to imprisonment for six days. When the operation at the Central station learned of these convictions they indulged in a violent manifestation.

M. Lepine and a detachment of police entered the building and arrested four of the leaders. M. Lepine had a conference with Premier Clemenceau this afternoon.

A band of twenty striking postmen appeared at various branch offices this afternoon and urged their comrades to stop work and join the strike. They were not conspicuously successful.

(Continued on Third Page.)

State Will Not Ask Capital Penalty for Mrs. Banner

A jury was secured yesterday earlier than expected to try Mrs. Alta Banner on the charge of murdering her brother-in-law. The special venire of thirty men summoned for the case was not exhausted when the twelve noon was reached.

One reason for this was that no veniremen were asked if they were opposed to capital punishment. The men who were accepted include: Arthur Huntington, Lare James, J. E. Arrell, G. W. Nable, Albert Bradbury, J. F. Miller, Dennis Carroll, W. A. Wilson, John Britt.

The opening addresses will be given this morning and if the defense does not delay its opportunity, as sometimes is done, a plea of temporary insanity will be made. This was indicated by the questions of Attorney Matthew Geiring of Plattsmouth to the veniremen examined for the jury Monday morning.

Geiring wanted to find out from each juror if the fact that the defendant took the stand and seemed highly rational and intelligent would prejudice the jury against a claim that she was insane when she shot Banner, who is the wife of Frank Banner, shot and killed the latter's brother, Fred Banner, July 20, of last year.

The shooting occurred in front of Charles F. Perland's cigar store, 1214 North Twenty-fourth street. Young Banner was seated on a doorstep in front of the store, when Mrs. Banner approached, crossing the street from the east side, and opened fire. The bullet went through Banner's skull into the brain, from which wound he died at the South Omaha hospital, where he was hastily taken.

At that time Mrs. Banner insisted that her motive was one of retribution for a wrong done her daughter. The coroner's jury made no recommendation, but the county attorney held her for trial. She was bound over in Judge Callanan's court.

Mrs. Banner appeared in court, accompanied by her daughter, Attorney Henry Murphy of South Omaha sat in front of her and Geiring just ahead. On the other side of the table Deputy County Attorney Kilkick was with English. The case attracted the usual large number of auditors at a murder trial.

DEMOCRATS COME TO CANNON'S AID

Without Them the Insurgents Would Have Won a Complete Victory on the Rules.

NUMBER OF DEMOCRATS DODGE

Others, Under Lead of Fitzgerald, Vote with the Cannon Men.

NORRIS LEADS THE INSURGENTS

Allowed Only Three Minutes, but Makes a Strong Speech.

NEBRASKA DELEGATION SOLID

Iowa Vote is Split, White South Dakota and Wyoming Are Lined Up with the Friends of Speaker Cannon.

(From a Staff Correspondent.)

WASHINGTON, March 15.—(Special Telegram.)—Not since the days of the famous struggle between Crisp and Mills in the Fifty-second congress has there been such tumultuous scenes as were witnessed today on the convening of the first session of the Sixty-first congress. In the Crisp-Mills fight the question of the speakership was uppermost and the democrats, who could not agree upon the speaker, they being very largely in majority, had to take an adjournment in order to get together in caucus for the purpose of solving their differences. Crisp finally winning out in the fight.

Today's great battle, and it will undoubtedly become historic, was not so much over the question of the speakership as it was over the question of shearing the speaker somewhat of his power and patronage. In some particulars the fight was badly conducted on both sides, but it rested with the democrats, that is to say, a portion of them, to pull Mr. Cannon's chestnut out of the fire by joining with the Cannon republicans in some modification of the rules, which, while a long step forward, leaves with the speaker power to appoint all standing and select committees and transfers from the speaker to his lieutenants on the floor of the house the objection to the consideration of bills on the calendar.

Champ Clark Loses Temper. It was left for a democrat, Fitzgerald of New York, to present in concrete form such amendments to the rules as he has been endeavoring to bring about for nearly ten years. This was in opposition to Champ Clark's resolution creating a committee of fifteen members, on which Norris and Hitchcock of Nebraska were named, to revise the rules and report back immediately after the beginning of the regular session next December. Mr. Clark, who had been unanimously selected as minority leader, lost control of himself in sharp passages between Fitzgerald, also democrat, and himself, and he did not cover himself with the glory that came to Fitzgerald, who played into the hands of the Cannon forces, winning a victory that seemed well nigh hopeless when the fight began. It can be stated here and now that if the democrats had stood as solidly for a change of rules as the insurgents did, Speaker Cannon and his cohorts would not tonight be exulting, for they had it in their power to shear the speaker of his strength.

Joan Hill, a former great democrat from Ohio, not pertinaciously noted for scholastic training, but for his political acumen, used to say that "the democrats were greatly afeared to get their names in a roll call." That seemed to be the feature of today's great combat. There were more democrats missing than republicans on the first vote, and there were still more democrats who changed on a second roll call, but the insurgents stood solidly for their convictions and instead of twenty-four, the number necessary to unite with the democrats to modify the rules of the house and place in the hands of a committee the appointment of committees, there were thirty-one republicans who stood solidly for a modification, and Nebraska republicans were a unit in this regard.

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M. Lepine and a detachment of police entered the building and arrested four of the leaders. M. Lepine had a conference with Premier Clemenceau this afternoon.

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GENERAL STRIKE IN PARIS

Telegraphers in Postal Department Decide to Quit Work.

DISORDER DURING THE DAY

Railroad Mail Clerks Charge that Socialists are Infringing on the Service Are Discriminated Against.

PARIS, March 15.—A general strike was declared tonight by 70,000 telegraphers employed in the bureaus of the postal department. The services already are considerably disorganized and there is considerable excitement around the general and branch postoffices. Detachments of police and municipal guards surround these buildings and a regiment of infantry is camped in the court yard of the general postoffice. Mail wagons are being driven through the streets under military escort. The employees lay most of their woe to the door of M. Simyan, under secretary of posts and telegraphs, claiming that he has systematically prevented them from obtaining the increases of salaries to which they were entitled. If M. Simyan were removed from office the situation would be much improved. M. Patand, secretary of the clerical union, recently protesting to call a complete strike of the electricians of Paris.

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Taft's Special Tariff Measure May Be Delayed

Document Will Probably Be Withheld Until House Committees Are Appointed.

WASHINGTON, March 15.—Doubt was expressed at the White House today as to whether President Taft's tariff measure would be sent to congress tomorrow even if ready.

MINORITY LEADER IS IGNORED

Clark Will Not Be Asked to Select Democratic Members of Committee.

DEMOCRATS OBJECT TO PLAN

Caucus Forbids Members from Accepting Appointments Not Approved by Leader—Prominent Democrats Absent.

WASHINGTON, March 15.—Only five committees of the house will be named by Speaker Cannon for the present. These will be ways and means, rules, printing, mileage and accounts. The other committees will be announced about the time the special session is ready to adjourn.

In making up the committees, it is stated on good authority, the speaker will consult with "every member of the house who desires to discuss assignments with him." This means that minority leader Clark will not enjoy the privilege accorded his predecessor, John Sharp Williams, of selecting the minority members. It was stated today that Mr. Cannon, after a trial of six years, had expressed the idea the plan was not the best and that henceforth he will not shift any of the responsibility for committee assignments to the minority leader.

The attitude taken by the democrats at a caucus held this evening, after the house adjourned, is in sharp conflict with the new policy of Speaker Cannon. A resolution was adopted to prevent members of the minority accepting committee appointments without the approval of Minority Leader Clark. The resolution read:

Resolved, That it is the sense of the democratic caucus that no democrat should accept appointment on any committee without the previous approval of the present democratic leader.

This was adopted by a vote of 135 to 104 member voting "present." Previous to the vote, however, a number of members had left the caucus, including Representatives Fitzgerald of New York, Moon of Tennessee, Edwards, Brantley and Livingston, Georgia.

First Session of Caucus. The caucus of democratic members of the house on rules, the speakership and the tariff began shortly after 10 o'clock this morning. There were a number of absentees, probably due to floods interfering with travel in the southwest.

Representative Champ Clark of Missouri was chosen as democratic candidate for speaker on nomination of Representative Lloyd of Missouri. Representative Bartlett of Georgia, Dixon of Indiana, Ruck of Colorado and Wilson of Pennsylvania secured the support of the caucus.

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TROUBLE OVER GUARANTY BILL

Governor Shallenberger Has Several Amendments to Suggest to the Senate Committee.

MANY CHANGES ARE SUGGESTED

Argument of the Savings Bank People Has Had Some Effect.

SUFFRAGE BILL GIVEN A LIFT

Senate Votes to Indefinitely Postpone Prohibitory Amendment.

WOULD BUY WAYNE NORMAL

Omaha Delegation as Yet Has Been Unable to Name Its Members on the House Stifling Committee.

(From a Staff Correspondent.)

LINCOLN, March 15.—(Special.)—Governor Shallenberger has added to the roll of the committee on banking and currency by submitting a number of recommendations with respect to the bank guaranty measure the legislature is seeking to enact. The principal change suggested is that banks which come under the provision of the guaranty law shall have full opportunity to advertise their relation to the state to the end that the public may be informed their deposits are guaranteed. As the bill was drafted, the advertising feature was minimized, due largely to a desire to have the guaranty for safety only and not for the purpose of gain for the state bankers.

The governor asks that a certificate showing the bank has complied with the provisions of the law be furnished each bank by the banking board, which may be hung up in the banking rooms as a token of authority and, further, his amendment provides that the banks may use the fact their deposits are guaranteed on their letterheads and blanks. A penalty for misrepresentation in this respect is suggested.

The prospect of the enactment of the law has already caused a boom in bank charters in the state and the knowledge that the privilege of advertising will not be curtailed may mean a considerable cheering effect upon the national bankers of Nebraska. The joint committee originally drafted contained a carefully drawn provision on the advertising feature with a view that only a bare statement of the guaranty feature should be permitted on a bank's letterheads, and that it should not be widely advertised as a lure from the state bankers.

A number of other amendments were suggested by the governor. He suggests that the board of directors of a bank be not less than three or more than fifteen members selected from the stockholders, and that the board select a president, secretary and a cashier from the stockholders whose terms shall be one year, the latter to be fully bonded. Directors shall have two regular meetings a year and the holding of the banks shall be thorough. After each meeting a certificate of the condition of the bank shall be forwarded to the State Banking board.

The executive suggests that the provision of the bill providing that the bank when declaring semi-annual dividends set off 10 per cent of the net profits to surplus until this shall reach 30 per cent of the capital stock, be changed that the bank shall set apart one-fifth of the net profits until the surplus shall reach in amount 50 per cent of the capital stock.

Directors, the governor thinks, should be given authority to assess stockholders to restore the credit of the bank if for any reason this may be desirable.

He is also in favor of striking out from the bill the provision that a stockholder in a bank must qualify for twice the amount of his stock in property outside of the bank, subject to execution.

The banking committee has one of the biggest loads of grief now of any body in the legislature, for the bankers of the state have just become alive to the many provisions of the measure affecting them. The showing of the savings banks at the public hearing Friday night was of so great importance that it may be necessary yet to provide a different system of assessment for them if they are to be under the guaranty fund plan. Some of their representatives objected to being obliged to pay the same high assessments for the guaranty as the state banks doing a commercial business. Their claims are being urged with some show of success.

Chairman Volpp of the senate banking committee has a huge pocketful of amendments that have been suggested, but scarcely a day arrives without proposed modifications. The committee is meeting nightly, with the hope of reporting the bill back at the earliest possible date.

The measure is becoming complicated in form. As originally printed, the house committee submitted one set of amendments, and the house committee of the whole submitted another set, quite voluminous. The senate standing committee is preparing a new set of amendments, and the senate committee of the whole may be expected to duplicate the work.

And Judge I. L. Albert was to be paid \$500 to draw up a bank guaranty measure. He gave up long ago.

State Board Attacked. The senate, after long consideration and over the protest of the republican members, decided to recommend for passage S. B. 23, by Fuller of forward, proving the state board may neither raise or lower total assessments of the state as returned by the county board, but may equalize only. Senator King endeavored to show the senate that as property must be assessed at cash value, the state board must be given authority to raise assessments that are manifestly unfair. But the senate held the courts would not set aside the findings of the county boards as to cash values, unless for fraud, and voted the Fuller bill should pass.

Suffrage Bill on General File. The senate today placed H. R. 120, by Jerry Howard, a joint resolution for a constitutional amendment for woman suffrage, on general file in spite of an adverse report of the standing committee on constitutional amendments.

Following was a vote on a motion not to concur in the committee report, which was for postponement: Yeas—Banning, Hodgson, Brown, Cain, Cox, Gannell, Hatfield, Ketchum, King, and 107. Nays—Miller, Olick, Randall, Raymond, Thompson, Warren, Wilson, 18. Nays—Hartso, Bease, Buck, Diers, Full-