

BANK GUARANTY LAWS SUSTAINED

Statutes of Nebraska, Kansas and Oklahoma Upheld by Supreme Court.

U. S. CIRCUIT COURTS REVERSED Oklahoma Court Upheld in Decisions at Washingt.

LATTER SAID LAW WAS VALID Circuit Court Denied Measures to be Constitutional.

POLICE POWER BASIS OF RULE Justice Holmes, Who Reads Decision, Declares States "Can Go From Restriction to Absolute Prohibition Except on Prescribed Conditions."

SUPREME COURT DECISIONS. Nebraska, Kansas and Oklahoma bank guaranty laws decided constitutional.

Alabama contract labor law held to be an instrument of coercion. Panama canal bill suit cannot be maintained in federal courts of New York.

Initial carrier of interstate commerce cannot be made liable for losses on other lines.

(From a Staff Correspondent.) WASHINGTON, Jan. 3.—(Special Telegram.)—Justice Holmes, in the supreme court today, rendered a decision in the so-called "bank guaranty cases" from Nebraska, Oklahoma and Kansas, which decided the constitutionality of the legislative acts of these states was questioned.

The laws are sustained by the United States supreme court. In his opinion in the case of Ashton C. Shallenberger, governor of Nebraska, against the First National bank of Holstein, Neb., on appeal from the circuit court of the United States for the district of Nebraska, Justice Holmes reverses the decision of the circuit court, which was against the state.

The Nebraska suit was a test case in which many banks of Nebraska were interested, hoping to prevent the banking board of Nebraska from carrying out and enforcing an act similar to the Oklahoma statute. It forbids banking except by a corporation formed under the act and provides for a guaranty fund. The circuit court held the statute unconstitutional and issued an injunction against its enforcement.

All Three Laws Upheld. The United States supreme court also today affirmed the judgment of the Oklahoma supreme court in the Noble State bank case upholding the constitutionality of the state bank guaranty law.

The Kansas law was tested in a suit brought by the American State bank of Asarita, the State Bank of Axtell, and other banks. A suit in equity was started to prevent the enforcement of the law providing for a guaranty fund. The circuit court held the Kansas law unconstitutional, but dismissed the bill of complaint on the ground that the appellants did not show the ground of complaint was that the law imposed certain conditions upon the sharing of benefits and burdens of contributors to the guaranty fund; that the appellants could or would not contribute, and that unless they did the effect of the law would be to deprive them of their business.

The Nebraska case was decided on identical grounds as the Oklahoma case, and similarly the Kansas law, though it contains certain minor differences, was also sustained.

Police Power Basis of Decision. "It may be said in a general way that the police power extends to all great public needs," Justice Holmes stated. "It will serve as a datum on this side that in our opinion the statute before us is well within the police power of the state."

The question that we have decided is not much helped by propounding the further one, whether the right to engage in banking is or can be made a franchise. But as the latter question has some bearing on the former, it will have to be considered in following cases. It is not here, we will dispose of it now. It is not answered by citing authorities for existence of a right at common law. There are many things a state may forbid. He might embargo until the statute cut down his liberty. We cannot say that the public interests to which we have adverted, and which are not sufficient to warrant the state taking the whole business of banking under its control. On the contrary, we are of the opinion that it may go on from regulation to prohibition, except upon such conditions as it may prescribe.

"In short when the Oklahoma legislature declares by implication that free banking is a public danger and that incorporation, inspection and the above described cooperation are necessary safeguards this court certainly cannot say that it is wrong. Some further details might be mentioned, but we deem them unnecessary here. Of course objections under the state constitution are not open here."

Justice Holmes said the main objection to the laws was that the assessment of the banks of the state in order to create funds to guarantee deposits in other banks within the state took private property of one bank for the private use of another without compensation. Justice Holmes admitted that there might be a taking of private property without return to pay debts of a rival failing in business, but he said there were more powerful considerations on the other side of the question.

"In the first place," he said, "it is established by cases that an ulterior public advantage may justify a comparatively insignificant taking of private property for what in its immediate purpose is a private use."

"It would seem that there may be other cases besides the everyday one of taxation in which the share of each party in the benefit of a scheme of mutual protection is sufficient compensation for the correlative burden that it is compelled to assume. At least if we have a case within the reasonable exercise of the police power as above explained no more need be said."

"Omaha banks will not be affected by the law," said W. H. E. Scholz, vice president of the Omaha National bank. "The

(Continued on Fourth Page.)

William E. Corey Resigns as Head of Steel Corporation

Retiring President Will Have No Successor—Takes Effect at Pleasure of Directors.

NEW YORK, Jan. 3.—William E. Corey, president of the United States Steel corporation, resigned today, and it is probable he will have no successor. His resignation was announced late this afternoon by Elbert H. Gary, chairman of the finance committee of the corporation, to take effect at the pleasure of the directors.

He carries with him the best wishes of all connected with the corporation, says the statement issued, and leaves with feelings of loyalty to and friendship for the corporation and all its interests, but nothing is said of his plans for the future.

The first president of the United States Steel corporation was Charles M. Schwab, who, following his resignation, became president of the Bethlehem Steel company. Mr. Corey has served seven years. Former Judge Gary's statement says in part: "After more than seven years of faithful service as president of the United States Steel corporation, Mr. William E. Corey has tendered his resignation to take effect at the pleasure of the board of directors. The resignation will be presented to the board for consideration and action in due time and the finance committee will then present its recommendations concerning the subject matter."

"It is the present opinion of the members of this committee that there should not be elected a successor as president in the immediate future, if at all. The experience and talents of Mr. Corey have been fitted him to take charge of the commercial and manufacturing departments and his attention has been largely confined to that service."

Call for Machine Guns. At one time the besting force called for machine guns, but these were not brought into actual use.

A member of the ministry, Home Secretary Winston Churchill, appeared when the fighting was at its highest.

The police say that while they were satisfied that one of the bodies recovered was that of Dutch Fritz they were not positive that the other was that of Peter the Painter.

At an interview Mr. Churchill expressed the opinion that the anarchists had set fire to the building themselves.

Leaders of the fight point of vantage were high, westward from the square, and many persons from the West End paid high prices for positions on roofs commanding a view of the scene.

Story of the Fight. The police, discovering their headquarters, surrounded the place and were met with a volley of shots, two detectives being wounded, one seriously.

One hundred shots had been fired when the house caught fire and the fire brigade was summoned.

The police, after locating the men and anticipating trouble, had ordered the houses in the immediate neighborhood vacated before daylight, and throwing a line of officers around the square, allowed no one to approach within a hundred yards of the scene of the expected battle.

The police lines had been drawn so tightly that it was believed the inmates of the house had no chance to escape. The police were satisfied that the place contained the two murderers wanted and they had also satisfied themselves that the assassins had fortified their home and were supported by a number of friends.

Piles of straw were lighted near the building and the flames soon communicated to the house. The fire brigade was then summoned and divided its energies between putting out the blaze and trying to flood out the outlaws by streams of water thrown through the windows.

Home Secretary Winston Churchill appeared early in the afternoon and surveyed the scene, crossing the firing zone at some risk.

A corps of nurses was brought to the vicinity and they treated the wounded, among whom were a few spectators who had been struck by spent bullets.

In the face of terrific odds, the trapped men continued a desperate resistance and every few minutes appeared at the windows and emitted their guns.

Soon after 2 o'clock the roof of the house fell in, carrying the anarchists down amid the flames. Just before the supports gave way, one of the desperados attempted a dash from the building, shooting in every direction. He met a volley from the soldiers and staggered back into the house, which was then a fiery furnace.

Men Continue to Shoot. In the face of terrific odds the trapped men continued a desperate resistance and every few minutes appeared at the windows and emitted their guns at anyone in sight.

As the afternoon progressed the battle waged more fiercely. Another company of Scots guards was ordered out and took up a position in front of the house at 1:30 o'clock. At that hour so furious was the battle and so determined the resistance of the criminals that machine guns were called for.

They were hurried to Sidney street under orders to bombard the east end fortress, should other measures to dislodge the defenders fail.

The flames, unquenched, swept up through the building, driving the occupants to the top story and bursting out of the windows. Hard pressed, the terrorists kept up the grim fight. At 2 o'clock the whole building was in flames and the desperados had been driven from within to the roof.

(Continued on Third Page.)

FIERCE BATTLE WITH THE REDS

Six Men, Suspected of Murder, Held Hundred of London Police at Bay for Hours.

FIGHT IN HEART OF THE CITY Number of Persons Wounded by Men Barricaded in House.

BUILDING FINALLY TAKES FIRE Suspects Continue Rain of Bullets Under Burning Roof.

TROOPS AND FIREMEN AID POLICE After the Blaze Is Extinguished Six Charred Bodies Are Found on Upper Floors—Two Partly Identified.

LONDON, Jan. 3.—Holding at bay for hours hundreds of policemen, troops and guardsmen, a band of suspected anarchists almost in the heart of the city today maintained their defense until the house had collapsed and buried the criminals in the ruins.

Six bodies were found in the wreckage. Several of the firemen were injured and a number of persons were wounded by the bullets of the besieged.

The affair, one of the most remarkable criminal outbreaks London ever has known, took on the dimensions of a battle. It began early and continued until afternoon, when the civil authorities at last became masters of the situation.

Yast crowds gathered in the narrow streets leading to the scene of the activities, while word of the desperate character of the fighting ran throughout London, causing widespread excitement and alarm.

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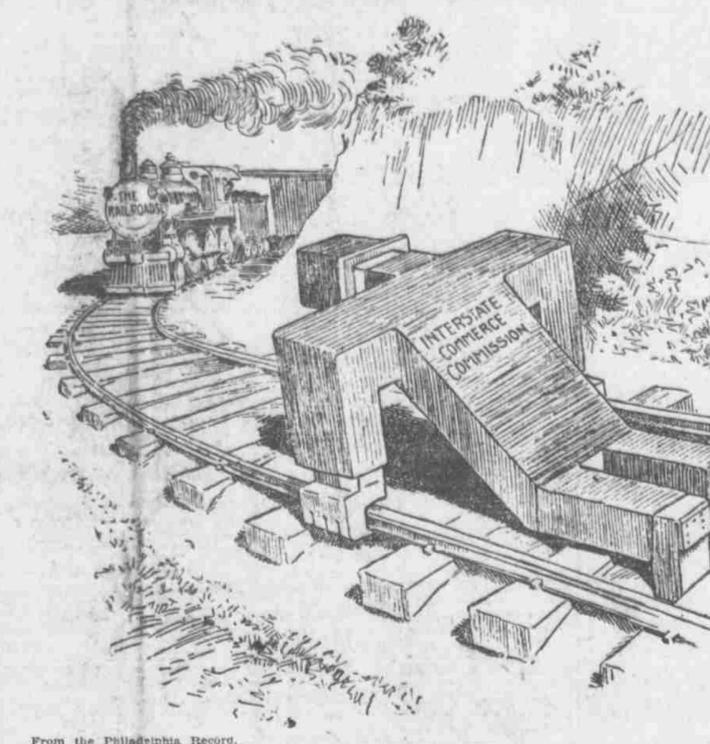
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(Continued on Third Page.)

An Irresistible Force and an Immovable Body



From the Philadelphia Record.

OVERLAND LIMITED HELD UP

Masked Bandits Rob Passengers and Trainmen of Money and Jewels.

KILL A PORTER, WOUND ANOTHER Shortly After the Westbound Train Had Passed Ogden the Two Men Stopped It with a Red Light.

OGDEN, Utah, Jan. 3.—Southern Pacific passenger train No. 1, the Overland Limited, westbound, was held up by two masked bandits at an early hour this morning at Reese, nine miles west of Ogden. A negro porter was shot and instantly killed. A. W. Taylor, another porter, was mortally wounded. The bandits did not attempt to enter the express car, but devoted their attention to the Pullmans where they made a rich haul from California bound passengers holding the train for more than an hour.

Robbers Probably in Ogden. The body of the dead porter and the wounded porter were brought here. No passenger escaped the robbers, and the trainmen also lost their money and jewelry.

Local detectives are of the opinion that the robbers made their way into Ogden during the night and are now hiding here. This theory is based on the fact that the robbers were seen in Ogden after Overland Limited No. 1 had been robbed. The robbers, according to the detailed accounts of the robbery, were rounded up by the four armed posse in the field or by the police of this city, who are making a house to house canvass of the rooming places and hotels in the railroad district.

The Southern Pacific and allied Hartman roads will offer a heavy reward for the capture of the robbers.

Killing of Negro Waiter. The killing of William Davis, whose home is in Chicago, and the wounding of A. W. Taylor, both Pullman porters, were unprovoked. The negroes were in a drawing room of a Pullman when the robbers entered and they made no move to resist. One of the robbers asked his confederates: "What will we do with them?"

The reply was: "Kill them, they are only negroes," and instantly came the murderous response from the robbers. One of the porters lay dead and the other desperately wounded.

Turning to Brakeman Hancock, who had been holding the "sack," and was an unwilling witness to the tragedy, the murder said: "You didn't kill them, and the brakeman answered, 'I guess you did.'"

Porter Taylor credits his escape from death to his feigning death when he fell to the floor wounded in the arm.

There were twenty-seven passengers on the Overland and all but three were searched. The total loot is placed at \$1,200 by railroad officials. One passenger lost \$200. A woman who hebers entered the command to give up her valuables was struck a severe blow in the breast, the muzzle of one of the rifles being used as a prod. The other passengers were struck over the head by built ends of revolvers.

Indicted Packers Lose First Point in Attack on Bills

Judge Kohlsaat, in Circuit Court, Rules that Dismissal of Equity Suit is Not Illegal.

CHICAGO, Jan. 3.—J. Ogden Armour and other indicted packers lost their first attack against criminal prosecution for alleged violation of the Sherman anti-trust law. Judge C. C. Kohlsaat in the United States circuit court held that the government had a right to dismiss the suit in equity brought against the National Packing company.

Government Wins Point in Land Case

Supreme Court Holds Statute of Limitation Does Not Apply to Men Charged with Conspiracy.

WASHINGTON, Jan. 3.—The government today won a hard-fought contest when the supreme court of the United States held that James T. Barber and Sumner G. Moon, prominent citizens of Eau Claire, Wis., must answer further to the charges of conspiracy to defraud the government out of lumber land in Idaho. The lower court had dismissed the indictment against them, because of the statute of limitations.

Progressives Will Meet in Minneapolis

Conference Today Will Mark Beginning of Campaign for 1912 in North Star State.

MINNEAPOLIS, Jan. 3.—A convention of republicans has been called to meet here tomorrow and its promoters say it is the beginning of a campaign of progressive republicanism for 1912.

Acceptances have been received from Francis J. Heney, Senator Miles Ponder of Washington, Representative Norris of Nebraska, Representative Sydney Anderson of Minnesota and Senator M. R. Clapp.

Hugh T. Halbert of St. Paul, who will be the temporary chairman, said today: "This will be a convention of progressive republicans to enunciate a platform of principles and to form a state league to carry them out."

Panama Canal Label Suit is Thrown Out

Supreme Court Sustains Action of the Court of Appeals in Dismissing Suit Against New York World.

WASHINGTON, Jan. 3.—The supreme court of the United States today approved the action of the New York federal circuit court in quashing the so-called "Panama canal label" indictment brought by the United States government against the Press Publishing company of New York. This throws the entire case out of court.

South Dakota Supreme Court Upholds Dead Woman's Wish

SIoux FALLS, S. D., Jan. 3.—(Special.)—A decision of the state supreme court in the Tuttle divorce case, arising in Kingsbury county, probably is the closing chapter in an interesting romance. The parties to the suit reside in the vicinity of the little town of Osceola, Kingsbury county, and their domestic difficulties have kept the community in which they have lived in a state of expectancy during the last year. Their friends have wondered what would happen next.

Their marriage was the culmination of an acquaintance extending from the time they were children. The husband's mother desperately desired their marriage and, to further the wish, in her will left to her son the sum of \$2,000 on condition that he marry the girl. It was provided in the will that if he failed to fulfill this condition the girl should have the money. The marriage took place several years ago and the son received the \$2,000. Some months

breakers appeared on the matrimonial path of the Tuttle couple, and after the usual delays the wife applied for and was granted a divorce. The trial judge allowed her \$2,000 in permanent alimony. The payments were to cease should Mrs. Tuttle again marry before the expiration of the years allotted. Mr. Tuttle, in which to pay the permanent alimony.

Mrs. Tuttle was not satisfied with the action of the lower court and her attorney appealed the case to the state supreme court, which now has found that the proposition of Mr. Tuttle was worth \$2,000, and has awarded to the ex-wife the sum of \$500, all the cost to be paid by Tuttle.

The supreme court in allowing the greater sum found that the lower court was not justified in allowing Mrs. Tuttle only \$2,000.

PIONEER FARMER DROPS DEAD

Otto Wettorf Falls in Apoplectic Stroke Near City National.

HIS CHILDREN ARE ALL DEAD Lived on the West Dodge Street Road for the Last Forty-One Years— Came Here from Home in Germany.

While he was on his way with his wife to visit the C. C. George real estate company Otto Wettorf, one of the oldest farmers of this county, dropped dead in front of the City National bank building about 11 o'clock Tuesday morning. Mr. Wettorf was 74 years old and had suffered an apoplectic stroke a year ago. Physicians who were summoned say death was probably due to a second stroke and old age.

Mr. Wettorf and his wife were just about to enter the door of the bank building when the aged man fell before his wife's horrified gaze. He was carried into the Wolf jewelry store in the bank building just off the entrance. Death apparently had occurred before he was lifted from the sidewalk.

While Dr. F. S. Whitman, assisted by Drs. Boler and Ford, examined the man and made certain he was dead, those in charge of the store pasted newspapers over the door pane and windows to shut out the gaze of the rapidly gathering crowd of morbidly curious persons. The coroner was notified and in a few minutes the body was taken to his undertaking parlors.

Mr. Wettorf had lived on a farm five and one-half miles west of the city on the Dodge street road for about forty-one years. He and his wife came here from Holstein, Germany. Their children are all dead, and through the sudden taking off of Mr. Wettorf, the widow is now left without a single near relative. Besides his wife, only a half brother, William Lewon, of 23 North Twenty-fourth street, South Omaha, survives Mr. Wettorf.

Mr. Wettorf had sold his farm to the C. C. George company about a year ago. He and his wife were in the habit of driving to the city occasionally, on which trips Mr. Wettorf attended to minor business at the George & Co. office. It was on such a trip that the aged man came to his death.

SCOTCH MIST ENVELOPES THE ATLANTIC SEABOARD

Fourteen Trans-Atlantic and Coastwise Steamers Are Tied Up Off New York.

NEW YORK, Jan. 3.—The heavy fog or "Scotch mist" that has been enveloping the Atlantic seaboard for the last two or four hours showed no signs of lifting early today and marine traffic in and out of the port of New York was at a complete standstill.

Fourteen trans-Atlantic and coastwise transport trolleys crashed together early today on the incline in Sixty-seventh street and Third avenue, Brooklyn.

Sixteen persons were injured, two probably fatally, when two crowded Brooklyn transport trolleys crashed together early today on the incline in Sixty-seventh street and Third avenue, Brooklyn.

The senate named this committee on committees: Ollis, Morehead, Talcott, Horton, Bodinson, Kolb, Skiles.

The committee on employes is: Banning, Reagan, Talcott, Placek, Tibbitts, Lee, Pickens.

The committee on rules: Ollis, Tibbitts, Albert, Tanner. They reported the rule of 1909 for adoption. The committee on employes is expanded to eleven members and the report carried.

Tanner, Jensen and Banning were named to notify the governor of the senate's organization and readiness to receive any communication from him.

The executive committee of the republican caucus, Representatives Mockett, Taylor of Merrick and Gustafson, will act as the steering committee for the minority in the house.

Representative Neir of Hamilton wants it understood that he is still dry and not lined up with the wets, though he refused to vote for Quackenbush. He was one of the republicans who declined to let county option make him vote for a democrat.

Causes of House Democratic. Five of the nine democrats in the lower house who have been holding out came back on the reservation this morning and the caucus proceeded to name a slate. They stated that they had no real interest in the election of Quackenbush and agreed to become "regulars" in exchange for a promise that the initiative and referendum bill be placed on the basis of the calendar and pushed through with all possible dispatch.

Senate Democrats Organize. The senate democrats completed their organization shortly after 3 o'clock this morning. The three dry members refusing to come in until this hour. The principal delay was on selection of the committee on committees. Senators Ollis of Valley county finally succeeded, leaving Senator Tanner's name stricken from the list. The committee as agreed upon consists of five wets and two drys.

The slate follows:

DEMOCRATS GET SLATES THROUGH

Kuhl and Moorehead Named Speaker and President Pro Tem of House and Senate.

RICHMOND CAPTURES THE PLUM Douglas County Man Awarded Clerkship of House.

SMITH OF SEWARD WINS, TOO Is Elected Clerk of Senate as Result of Combine.

INSURGENTS ARE BACK IN CAMP Five of Nine Democrats Off Reservation in Lower House Return and Caucus Goes Ahead to Name Slate Which Goes Through.

(From a Staff Correspondent.) LINCOLN, Jan. 3.—(Special.)—The thirty-second Nebraska legislature convened at noon today, the formal organization commencing about two hours, when adjournment was taken until 10 a. m. Wednesday.

The democratic caucus slates were adopted in both houses, John Kuhl of Cedar being elected speaker of the house and J. H. Moorehead of Falls City president pro tem of the senate. The only friction occurred in the election of Elder James Hoff as chaplain in the senate. He was opposed because of his Mormon faith and Senator Tibbitts nominated Rev. J. B. Pries. The vote was 18 to 15, two senators being absent. Hoff winning by one vote.

Secretary of State Junkin called the house to order and Gerdes of Richardson was selected as temporary chairman, with H. C. Richmond temporary clerk. Rev. Jeremiah Mickel of Lincoln offered the prayer in the house, but owing to the contest for chaplain the prayer was dispensed with in the senate. Elder Hoff was formerly chaplain at the penitentiary and is the first Mormon to hold the position in the legislature.

The house members were all in their seats except three, Holdgren, Howard and Waite, and two senators were absent, Talcott being snowbound and Burham being sick at home.

Reagan of Douglas distinguished himself when the senate came to adopt the rules of 1909. Lieutenant Governor Hopewell suggested that the rule forbidding smoking during business sessions be enforced, but a motion was made to suspend H. Reagan spoke for the motion, saying: "We want to be broad-minded gentlemen and do nothing narrow or small. If we cut out smoking, somebody might want to cut out cleaving. I believe in leaving senators on their honor. But other senators, who looked at the matter from a physical standpoint, voted to enforce the rule and allow no smoking."

Representative Gerdes made a hit with his speech accepting the temporary chairmanship in the house. He dwelt upon the obligation of carrying out the preferential vote for senator and the necessity of redistricting the state. "Other seasons have left undone," Senator Morehead, president pro tem of the senate, merely thanked the senate for its confidence and promised to serve it to the best of his powers.

Chief Justice Reese of the supreme court administered the oath of office to the senators, greeting each personally as he came up to sign the roll.

In the house the republicans went through the form of a caucus by nominating their caucus men, Evans of Adams for speaker and Clyde Carter of Table Rock for clerk, for chief clerk, Kuhl, the wet democratic nominee for speaker, received 14 votes to 43 for Evans, three republicans, Nordgren of Hamilton, Howard of Garfield and Waite of Sherman, being absent. The vote on chief clerk was 54 for Richmond and 42 for Bismark. The house officers elected are:

Speaker—John Kuhl, Cedar county. Clerk—H. C. Richmond, Douglas county. Sergeant-at-Arms—J. W. Kelly, Furnas county.

Postmaster—J. P. Gaffney, Lancaster county. Assistant Postmaster—Richard Sampson, Seward.

Chaplain—Rev. Jeremiah Mickel, Lancaster county. President pro tem—J. H. Morehead of Richardson.

Secretary—W. H. Smith of Seward. Fiscal Assistant Secretary—Frank Perkins of Dodge.

Second Assistant Secretary—E. A. Walker of Polk.

Employes—W. F. Austin, Polk county; postmaster; T. F. Costello, Grand Island; sergeant-at-arms; Senator W. Hodges, West Point, assistant sergeant-at-arms; J. G. P. Hildebrand, Lincoln; clerk of the committee on employes; Rev. Mr. Hough, South Omaha, chaplain; H. C. Cox, Brewster, bookkeeper.

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