ENLISTING IN THE NAVY

Varied Relationships

Policy is Void When Disease Acts as Even a Contributory Cause-Business Classification

Accident Insurance.

of Other Ruling.

or indirectly, by disease or bodily infirmity. down by his team, the blow producing apodeath was caused by accident, if disease pletion of the sewers. 68 N. Y. Supp. 1839. bodily infirmity contributed thereto. 48 At. Rep. (Vt.) 639.

Attorney and Client.

for the reinstatement of a disbarred attorney will not be cansidered, such attorney for by the company; such subscription benot being before the court in person or by petition asking for reinstatement and giving statute of limitations in favor of the subhis reasons therefor. 65 Pac. Rep. (Mont.)

Banks and Banking.

A party who secured a loan from a national bank and given real estate security therefor cannot be heard to deny the right of the bank to enforce the provisions of the morigage because of the section of the United States statutes prohibiting the taking of real estate security for a loan negotiated by a national bank. 85 N. W. Rep. (Neb.) 543.

Banks and Banking.

The consignees of goods in bond, in consideration of a loan, delivered their note to a bank which recited the delivery of these goods to the bank and the establishment of a lien thereon in its favor. A receipt was also given, acknowledging the redelivery of the goods to the consignees, to be held In trust for the bank and sold for its account, the proceeds to be applied on the note. The goods were then taken from bond with the money borrowed from the bank without the delivery or redelivery specified in the contract. Held, that equity would carry out the terms of the contract and impose a lien on the goods, though there was no actual transfer of the goods. on the principle that "equity will treat as done what ought to be done." 19 N. E. Rep. (N. Y.) 922

Banks and Banking.

The contract of the shareholder of a national bank with the bank and its creditors regarding its debts is that, to an amount not exceeding the par value of his shares of stock, and not exceeding his equal and rateable proportion, he will pay, at such time and in such amounts as the comptroller of the currency shall demand, the debts and obligations of the bank. 106

Fed. Rep. 438. A complaint alleged that defendant, a sum, on a certain firm, for goods shipped to them by plaintiff, should be paid, and state commerce. 21 Sup. Ct. Rep. 423. that in consideration of such guaranty plaintiff shipped the goods to such firm. its part, and, since the national banking insured, 38 S. E. Rep. (N. C.) 256 act does not prohibit such a contract, the complaint stated a cause of action, and a demurrer thereto should be overruled. 38

S. E. Rep. (N. C.) 252 Bieyelists. danger, might absolve both pedestrian and ning 85 N. W. Rep. (Mich.) 454. bicycler from Jooking and listening. (29

Brewing Companies.

An agreement by a brewing company within a certain designated territory, contributory to defendant's place of business, 61 S. W. Rep. (Tex.) 526.

Building Trades.

Where a contract sued on provided that unless by permission in writing from the or by implication. 69 N. Y. Supp. 281.

Building Trades.

The contractor built the foundation for the must not bring on the trial in advance of | negligence. 2) So. Rep. (Ala.) 602.

TIPS ON ALL WALKS OF LIFE term, and made the foundations for the iron person ceases when he has made his comwenter column on the edge of an old cin- his public duty. The duty of a private building collapsed, resulting in the death ment. (48 At. Rep., N. J., 600.) Reperts of Judicial Decisions Affecting of plaintiff's intestate. The foundations were not inspected by the architect as they were constructed, and defendant was not aware of the existence of the cistern. Held, LEGAL LIMIT ON ACCIDENT INSURANCE that the evidence was not sufficient to justify a finding that defendant was guilty of negligence, as the builder was an independent contractor, and the architect was exercising an independent calling, and his failure to properly inspect the construction of a building cannot be attributed to defendant. 59 N. E. Rep. (N. Y.) 914.

Civil Engineers.

A contract provided that, in consideration An accident policy did not insure against of the payment of \$10 per day, a civil engideath occasioned wholly or partly, directly neer was to lay out a sewer system for a village and superintend and inspect, as The insured was found dead near his team, supervising engineer, the construction of a wheel having passed over his neck. The any sewers authorized to be constructed autopay showed that death resulted from within a year from the date of the letting apoplexy. Defendant claimed that the apo- of the contract. The contract specified no plexy preceded and caused the fall, while time for the duration of the employment. plaintiff claimed he was cast or thrown Held, that such contract should not be terminated at any time, as being a contract plexy. Held, that the court should have for indefinite hire, but, in the absence of granted defendant's request to charge that good ground for discharge, the engineer the plaintiff could not recover, even if the was entitled to employment until the com-

Corporations.

Where the subscription to the capital stock of a corporation does not fix the time The mere petition of attorneys and others for the payment of such subscription, nor provide that it is to be paid when called comes due and payable at once; and the scriber, as to the unpaid subscription, begins (20 So. Rep., Als., 611.)

Credit Men. Where defendant's assignor purchased goods from plaintiff and in settlement of a balance due thereon executed a note, which plaintiff accepted in payment and credited the account in the sum thereof, the latter cannot maintain replevin for such of the that they were fraudulently obtained, while retaining the money and the note. 59 N. E. Rep. (Ind.) 938.

Credit Men

Rep. (Va.) 182. Custom and tange.

A creditor may set up the statute of limi-

Where outs were sold and charged for by the bag, according to a trade usage and the understanding of both parties that a "bag of oats" meant sixty-four pounds or two bushels by weight, sixty-four pounds of oats were actually weighed and put into each bag delivered, the sale was a sale by the bushel, as required by Pub. St. c. 60, Sec. 21, and not a sale by the bag. 59 N. E. Rep. (Mass.) 806.

Distillers.

Where plaintiffs have the sole right to use a certain trademark, as applied to whisky of their production, another will be restrained from refilling plaintiff's barrels carrying such trademark, to paim off his product as that of the plaintiffs, 106 Fed.

Elevator Companies.

The fact that grain stored in an elevator is to be shipped out of the state does not national bank, by letter agreed that a draft | make a state statute requiring a license for drawn by plaintiff, not to exceed a certain conducting the business of such elevator in the state amount to a regulation of inter-

but that the draft had not been paid, and plaintiff's failure to file proofs of loss mitted or attempted in his presence, or who defendant refused to pay it. Held, that within the required time, where the ad- had committed a felony, or when a felony for Denver and when I started for Denver where a corporation has entered into a juster told plaintiff not to telegraph the has been committed and he has reasonable I got sidetracked but here I am at last contract not illegal, which the other party company, as he would make up proofs of the cause to believe such person committed it. has performed, it will not be heard to loss and send them to the company, such 69 N. Y. Supp. 266. claim ustra vires to avoid performance on statement constituting a waiver of proof by Where a police officer arrested a person

Fire Insurance.

Plaintiff, a farmer, obtained a policy of insurance upon "live stock," etc. insured against lightning anywhere in Kent, Allegan and Ottawa counties. Situ-Where plaintiff testified that defendant's ated in Allegan county, Michigan, on secflagman signaled for her to cross the rail- tion 5, in the township of Heath." Plaintiff. road tracks on which she was injured, an while absent from his home with his horses instruction that a bicycler must, under all on business, stopped overnight at the house "ordinary circumstances," be treated as subject to the same rules as a pedestrian, and that he must stop, look and burned and the horses destroyed with it listen, was erroneous, as the term, "ordi- Heid (1) that the insurance was not limited nary circumstances" might have been under- to the loss of stock upon the farm. (2) that stood to include the giving of signals to cross | the policy covered loss from both lightning

By a policy of a mutual benefit society the life of deceased was insured except not to sell beer to anyone except defendant from suicide. His body was found shot, with a borrowed pistol in his hand. was subject to fits of despondency and had is not within Rev. St. 1895, art. 5313, which | requested that if anything happened to him defines as trusts all combinations of capi- his body be sent home. The coroner's jury tal, skill or acts to create or carry out found that he committed suicide. Held, that restrictions in trade, or to prevent competi- | the trial court should have directed a vertion in the sale or purchase of commodities. dict for the defendant in an action on the certificate. 29 So Rep. (Miss.) 523.

Individual Duty of Citizens.

By the common law it was the duty of no change should be made in any of the every one against whose person or prop- 85 N. W. Rep. 466. materials called for in the specifications, erty a crime had been committed to prosecute the guilty one to conviction. He was, architects, it was error to instruct that in the discharge of his duty, often comthe architects had power to authorize a pelled to employ counsel, procure the in-change in such materials by verbal assent dictment to be drawn and laid before the grand jury, with the evidence in its sup-Defendant employed a competent archi- properly prosecuted before the jury of and became a through train, after its last tect to draw plans for a building, and the trials. The common-law rule is not obspecifications were approved by the build- served with us. The reason for its adoption ing department of the city, and provided does not obtain here. We have public that five iron columns should be placed prosecutors in every county. With us, through the center, on concrete founds- whatever be the English usage, the true tions, to support the building, and that rule is believed to be that the party may tion to support a special contract exemptsuch foundations should be laid on a firm institute a separate proceeding for dam- ing the carrier from liability for loss or bottom, and be inspected by the architect. ages as promptly as he chooses, only he damage by fire not caused by the carrier's

clumns of 12 instead of 18 inches concrete, plaint, and appeared before the grand jury as required by the specifications, and the and secured or failed to secure an indict-

The doctrine that an inventor is entitled to the beneficial uses of his invention, al though not desclosed by him in his patent. cannot be so extended as to embrace an independent invention of which he had no

conception, 106 Fed. Rep. 519. Landlerd and Tenant.

When the tenant is in exclusive possession and control of rented premises, the landlord is under no duty of examining the same with a view to ascertaining whether or not repairs are needed, unless requested so to do. 28 S. E. Rep. (Ga.)

Landlord and Tenant. Where a landlord and tenant having lease for one year, but three months of which has run, agreed that the tenant per month so long as he should remain therein, such agreement was valid and agreed on was less than the rate fixed in

the lease: 85 N. W. Rep. (Mich.) 464. Mental Incompetency. Where an action is brought on a book cap strolled through the hall softly humaccount and the books offered in evidence | ming: are shown to have been kept by plaintiff's When I was a lad I served a term. As office boy to atterney a firm.

Intestate the defendant may show that the mental condition of intestate made him incapable of keeping the books correctly. Is

S. E. Rep. (Va.) 183. Missionary Societies.

A payment of a bequest by an executor to a missionary society out of funds that have to run from the date of the subscription. been paid to him as an attorney by a client to be used in completing a purchase of land. but which the attorney misappropriates to cover up his defalcation as executor, does not make the society liable as a trustee ex day rival the record of Lieutenant Hobson. maleficio to such client for the amount received by it from such attorney, where the society has no such knowledge of the misappropriation and proceeds to expend the goods as remained unsold on the ground money in good faith before it has any notice thereof. 21 Sup. Ct. Rep. 395.

Place of Residence

county, did not, by accepting a contract in sleeve of his pealacket was a spread-early tations against another creditor of the another county, renting a furnished house embroidered in red white and gold with a debtor's estate, though the debtor himself therein and occupying the same with his couple of pens crossed beneath it, while his has not relied on such defense. 38 S. E. family during the period covered by the trousers resembled a pair of twin megaperformance of such contract, acquire a phones. He was required to leap to the county first referred to, or that he or his cant. Chief Boatswain J. J. Crandali and performed should be temporary only and subdued in respect to their higher rank S. E. Rep. (Ga.) 206.

Police Officers.

The carrying of arms in a quiet, peaceable and ordinary manner, but concealed on prentices stood at present arms at the door or about the person, is not either a breach of the peace or wrong in itself. Neither does it or itself tend to a breach of the peace, but it becomes a misdemeanor only because it is prohibited by statute. The statute does not declare it to be a breach of the peace, nor does the statute authorize asked Engineer Casey. an arrest without warrant for its infraction. 29 Sc. Rep. (Fla.) 535.

Police Officers.

Under a statute which declares every cashier of a national bank who embezzles the money of the association guilty of misdemeanor, a chief of police may not arrest such an embezzling cashler without a warrant, under a law providing that a peace An action on a policy was not barred by officer may arrest a person for a crime com-

for a felony without a warrant and without reasonable cause, he was liable in damages for false imprisonment, though the person arrested was afterwards found guilty of a misdemeanor in carrying concealed weapons at the time of the arrest, the subsequent conviction for another offense being no cure of illegality of the arrest on an un-

founded charge. 59 N. E. Rep. (N. Y.) 899. Public Contractors.

A New York statute provides that there shall not be used on any municipal work within the state any stone which it is necessary to dress or carve for such use unless the same shall be prepared for use within the boundaries of the state, and that tracks, which, in the absence of apparent and fire the immediate result of the light- there shall be inserted in all contracts hereafter awarded by municipal authorities. requiring the use of dressed or carved stone, a clause to the effect that such stone shall be prepared for use as required by this act. Held, that the statute was unconstitutional, as depriving municipalities and those contracting therewith of the right to freely contract 59 N. E. Rep. 77s.

Railroad Companies.

the rate for transportation of passengers upon railroads, it is compettent for the railroad commissioner, in fixing such rates. o include in the computation the amount ration of the interstate fares earned by that portion of the road lying within this state. A passenger train made regular stops

at all the stations for a distance of fiftyone miles, the last stop being about ten miles from its destination, and in the last ten miles it passed four stations without stopping. Held, that whether or not it lost its character as an accommodation train stop, before reaching its destination, was 59 N. E. Rep. (III.) 950.

Railroad Companies.

Reduced rates given for the transportstion of freight is a sufficient considera-

Novel Effects of Muffled Glass and Electricity.

Buey Place These Days.

Engineer Carey's Recruiting Station is a

MANY YOUNG MEN WANT TO GO TO SEA

Interesting Scenes in the McCague Block, Where Would-Be Tars Congregate to Present Their Applications.

A dozen of more young men paced uneasily up and down the corridor on the fifth floor of the McCague block yesterday affecting the frastle roll and trying to keep step to something classical by Chopin which filtered through the silken portieres from an adjoining studio. Some of the more might occupy the building at a fixed sum enthusiastic about-to-be mariners jauntilly struck a gait befitting an Atlantic pitch while the more bashful contented them binding on the parties, though the rent seives with a Pacific swell. They were wall ing to be examined to Surgeon R. P. Cran-dall of the paval recruiting detail, which is playing a week's engagement in Omaha One young man with a natty checkered

I polished up the handle so carefully That now I am a ruler in the queen's navy It was weary waiting as the surgeon devoted more than an hour to each applicant and the candidates spent the time casting sheep's glances at the roung women who passed in and out of the studio. It was a case of "Sing ho, the merry maid and the jolly tar." Perhaps they boped to some who kissed 417 girls in one day-

Amid Great Pomp.

Inside the recruiting office the details of enrollment were being carried on with great pomp and circumstance and amid an unusual display of gold braid and wide. flowing trousers. In all that brilliant as A man having a wife and children, with sembly Yeoman H. H. Ashby, clerk, prewhom he permanently resides in a given sented the most striking figure. On one domicile in the latter county, when he did halyards every few minutes to take the not intend to abandon his domicile in the name, address and age of some new applifamily rhould permanently reside elsewhere. Chief Master-at-Arms Charles Carlisle were out did intend that his and their stay in also resplendent in rating badges and navy the county wherein the contract was to be blue, but their regalia of office was more terminate upon the completion thereof. 38 Lieutenant D W. Blamer, Surgeon Crandal and Examining Engineer C. H. Casey, the three highest officers of all, appeared in citizens' clothes, while the two hospital ap-

in brown ducking overalls. He is a Persistent Chap. A very dark young men in a canvas

blouse and a spotted vest was conducted to the desk of Yeoman Ashby. "Do you want to enlist in the navy?

Yes, sir." 'Where are you from?'

"Well, I came in from Denver this morn ing, but my home is in Milwaukee." "We were in Denver last week. Why didn't you enlist while we were there? "I didn't get there in time. I tried enlist in Milwaukee, but when I went up t the office they told me you had gone, so took a train and followed you to Pueblo. didn't get to Pueblo until after you had left

"No, sir. Brakebeams are dangerous and

time? On the brakeheams

"How have you been traveling all thi

The applicant was told to stand in line out in the corridor and await his turn with the mail.

Way Freights Are Slow.

"There are lots of those fellows," kair Engineer Casey. "They follow us all over the country, and miss us usually because we only stay a week in a place. You see nections.

Since the recruiting office opened lasplied for enlistment. The naval station is much more popular, apparently, than the recruiting station for land troops

block away. Last evening Chief Boatswain Killin went o Minneapolis to secure quarters fo a station there, and the other members of the detail will follow him Saturday night. "Shipwrights and carpenters" mates are in great demand in the navy just at pres ent," said Engineer Casey, "as nearly al

the vessels in the service are short in the carpenters' gang. For this reason the gov-Under a Michigan act providing for fixing ernment will offer unusual inducements men handy with tools. Shipwrights go \$25 a month and ration, and carpenters first-class, get \$40, a month and

> The United States excel in champagne Cook's imperial Extra Dry takes the lead

Immense Ranch Sale.

ABSOLUTE SECURITY.

Cenuine

Carter's Little Liver Pills. Must Bear Signature of

See Fac-Simile Wrapper Below. Very small and as car to take as sugar. CARTER'S FOR HEADACHE.

FOR BILIOUSNESS. FOR TORPID LIVER. FOR CONSTIPATION. FOR SALLOW SKIR. FOR THE COMPLEXION M Com Purely Vogetable.

CURE SICK HEADACHE

FREE MEDICAL ADVISE, Write us all your symptoms. Removating the system is the only safe and sure method of curing all Chronic Diseases. Dr. Hay's Removator is the only perfect system removator. Free samples and book. Dr. B. J. Kay, Saratoga. N. Y.

\$1,500 in Prizes and a Bull Pup Are You Good at Adding?

Can You Add Correctly

Prizes for the Nearest Correct Sum of All the Figures.

NOTE-There is no figure higher than 9. There are no combinations of figures. Each figure is complete in itself.

CONDITIONS

Every subscriber, new or old, will be entitled to one guess with every fifteen cents paid on subscription account.

The more guesses you turn in the better your chances of winning.

You can guess as many times as you wish. The subscription price of the Daily (Morning or Evening) and Sunday Bee is 15 cents a week by carrier, or \$2.00 for three months by

No one connected with The Bee. directly or indirectly, will be allowed to enter this contest.

Monday some fifty young men have ap- Pay a 4 Weeks' Subscription and get 4 guesses.

A 3 Months' Subscription and get 13 guesses.

A Year's Subscription and get 52

We Guarantee That Everyone Sending Usthe Correct Sum WillGetaPrize

Guesses on

the Figures

THE PRIZES

NOTICE THE ARRANGEMENT OF THE PRIZES.

Everybody has an equal opportunity to win the largest prizes, regardless of where you live or wehn you send in your

The first prize goes to the first person sending us the nearest correct sum. The second prize to the second person—the 190th prize to the 190th person, etc. The total number of correct guesses received up to the time of going to press will be

published datly. To those sending us the nearest correct sum of the figures The Bee will give the following prizes: First Prize-Cash...... 50,00 second Prize-One Mandolin \$25.00 Fifth Prize-A "New Home" Sewing Machine \$55.00 13th-The Bull Pup. 14th to 24th Prizes-16 bottles Cramer's Kidney Cure

to 25th-19 pairs Orphea to 43rd-Recent Novels 44th Prize-Banje... 56th Prize-One Bicycle Prize-One-half dozen Pearl Handle Fruit Knives 144th Prize-A fine basket sent, rubber tired, end 180th Prize-One Watch 200th Prize-One Banjo 210th Prize-One Photo Album 215th Prize-One Toilet Case 25th Prize-One Cut Glass Water Bottle and 6 Tumblers Effith Prize—One Set Rogers' Best Spoons E 25 300th Prize-One Wheeler and Wilson Sewing 350th Prize-One Guitar \$15.00 Anth Prize-One set Rogers' Hest Spoons
With Prize-One Standard Dictionary
With Prize-Two Pounds Candy 850th Prize-A beautiful Walnut Case Organ 885.00 900th Prize—Two Pounds Candy
1000th Prize—Cash
1100th Prize—One Ton Cosi
1200th Prize—One Standard Dictionary
1333th Prize—The Monkey
1400th to 1425th Prizes—Candy

Intermediate Prizes—Art Pictures and Books \$10.00 Total \$1,500 and a Bull Pup.

There is no trick about the puzzle. It is absolutely a matter of skill and ingenuity.

This Contest Closes at 5 p. m., Wednesday, May 29.

The correct sum and list of prize winners will be published in The Sunday Bee, June 2

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USE THIS BLANK IN ALL CASES.



cated especially as the illuminating medium, its hard, white light was unwelcome and spectacles are selected avoided. Nowadays the manufacturers of Very little less important than the adelectric lamps, scences, drop lights, etc., vance made in the glass globes for meanhave discovered, or invented, means by descent burners is the delightful artistic which the glare of the incandescent lamp improvement in the upholstery, so to can be tempered to a wax light softness speak, of these same lights. Brunze and have set artistic wits to work to design nymphs, holding sprays of flowers, have

> beautiful rooms muffled glass is due this vast improvement ture for a hall is a polished iron lantern in the methods of lighting by electricity, of Flemish shape, its panels filled with This material is so treated in its manu- green or amber muffled glass, and the facture that, though clear enough to allow whole hangs from a gibbet arm or iton the escape of light sufficient for the wulls fixed to a plain iron shield that is made ing of a cambric needle, it nevertheless so fast to the wall. In burnished copper of clouds the incandescent burner's intense various colors they are now making handbrilliancy that the most sensitive eyes are some standard lamps for hallways. The not strained by it. Muffled glass is toned arm of such a metal frame usually supwith every color, can be bought in the ports a handsome old English or German most lovely opalescent times, in the soft lantern of glass and metal and the feet of

In muffled glass there are now special to fasten to the wall handsome carved ork qualities made for table lights, for draw- brackets, from which, by chains, copies of ing room lamps, hall lanterns, conservatory old flat-bottomed Venetian stair lanterns sconces, ball room chandellers and, lest hang. For the table elaborate floral pieces and most least, for student and nursery in glass and silver are made, the light lights. All these grades of glass are scien- shed through the flowers reflecting in tifically prepared and tested for the special exact color of the petals, that are copied uses to which they are to be devoted. Glass in crystal and fold over the electric burner. of different degrees of weight and thick- When the floral pieces are not adopted ness must be bought for rooms or different electric candies with floral shades of mustsizes, and for writers lamps the glass can fled glass take their place.

lamps and burners that will decorate and been relegated wisely to conservatories.

not, as was formerly the case, disfigure where the prettiest scences yet seen are clusters of huge fuchsias depending from the manufacture of what is called the wall. Just now the most approved fixgray green of ancient vitrilled glass, of it the tall frame are made fast to the floor will show the strange glint and sheen of Along stairways and at landings it is the fushion of the up-to-date house decora-