

THE VALENTINE DEMOCRAT

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THURSDAY, DECEMBER 21, 1905.

NEBRASKA LIQUOR LAWS

From the Compiled Statutes of the State of Nebraska for 1905.

BOND.

4226, Sec. 6. No person shall be licensed to sell malt, spirituous or vinous liquors, by any county board, or the authorities of any city or village, payable to the state of Nebraska, with at least two good and sufficient sureties, freeholders of the county in which the license is to be granted, to be approved by the board who may be authorized to issue the license, conditioned that he will not violate any of the provisions of this act; and that he will pay all damages, fines, and penalties and forfeitures which may be adjudged against him under the provisions of this act. The board taking such bond may examine any person offered as security upon any such bond, under oath, and require him to subscribe and swear to his statement in regard to his pecuniary ability to become such security. Any bond taken pursuant to this section may be sued upon for the use of any person or his legal representatives, who may be injured by reason of the selling or giving away any intoxicating liquor by the person licensed, or by his agent or servant.

SURETY.

4227, Sec. 7. No person who is holden as the principal or surety upon any bond given under the provisions of the preceding section, shall be permitted to become a surety upon any other bond of like character.

SELLING TO MINORS.

4228, Sec. 8. Every person licensed as herein provided, who shall give or sell any malt, spirituous and vinous liquors, or any intoxicating drinks to any minor, apprentice, or servant, under 21 years of age, shall forfeit and pay for each offense the sum of \$25.00.

MISREPRESENTING AGE.

4229, Sec. 9. Any minor, apprentice, or servant, who shall for the purpose of evading the provisions of the preceding section, falsely represent his age, shall be deemed guilty of a misdemeanor and fined for each and every offense not exceeding \$20.00, or imprisoned in the county jail not exceeding 30 days, or both, at the discretion of the court.

SELLING TO INDIAN, INSANE OR DRUNKARD.

4230, Sec. 10. Every person so licensed who shall sell any intoxicating liquors to any Indian, insane person, or idiot, or habitual drunkard, shall forfeit and pay for each offense the sum of \$50.

DISPOSING WITHOUT LICENSE.

4231, Sec. 11. All persons who shall sell, or give away, upon any pretext, malt, spirituous, or vinous liquors, or any intoxicating drinks, without having first complied with the provisions of this act, and obtained a license as herein set forth, shall for each offense be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$100 nor more than \$500, or be imprisoned not to exceed one month in the county jail, and shall be liable in all respects

to the public and to individuals, the same as he would have been had he given bonds and obtained license as herein provided; Provided, That any person or persons shall be allowed to sell wine made from grapes grown or raised by said person or persons, on land belonging to or occupied by said person or persons in the state of Nebraska, the same to be sold in quantities not less than one gallon, without procuring the license provided for in this chapter.

SAME—HEARING BEFORE MAGISTRATE.

4232, Sec. 12. The magistrate; before whom any complaint is made of a violation of the provisions of the preceding section, shall issue a warrant for the arrest of the offender, and if upon an examination the magistrate shall have reason to believe the party guilty, he shall recognize him to appear at the next term of the district court as in cases of felony.

DISPOSING OF ADULTERATED LIQUORS.

4233, Sec. 13. Every person so licensed, or any other person, who shall intentionally or otherwise, sell or give away, or direct, or permit any person or persons in his employ to sell or give away any malt, spirituous, or vinous liquors, which shall be adulterated with strychnine, strontia, sugar of lead, or any other substance, shall forfeit and pay the sum of \$100 for every such offense. An analysis made by a practical chemist shall be deemed competent testimony under the provisions of this section.

ELECTION DAYS—SUNDAY.

4234, Sec. 14. Every person who shall sell or give away any malt, spirituous, and vinous liquors on the day of any general or special election, or any time during the first day of the week, commonly called Sunday, shall forfeit and pay for every such offense, the sum of \$100.

CIVIL DAMAGES.

4235, Sec. 15. The person so licensed shall pay all damages that the community or individual may sustain in consequence of such traffic, he shall support all paupers, widows, and orphans, and the expenses of all civil and criminal prosecutions growing out of, or justly attributed to, his traffic in intoxicating drinks; said damages and expenses to be recovered in any court of competent jurisdiction by any civil action on the bond named and required in section 6 of this act, a copy of which, properly authenticated shall be taken in evidence in any court of justice in this state; and it shall be the duty of the proper clerk to deliver, on demand, such copy to any person who may claim to be injured by such traffic.

SUIT BY MARRIED WOMAN.

4236, Sec. 16. It shall be lawful for any married woman or any other person at her request, to institute and maintain, in her own name, a suit on any such bond for all damages sustained by herself and children on account of such traffic, and the money when collected shall be paid over for the use of herself and children.

MAINTENANCE OF INTEMPERATE PAUPERS.

4237, Sec. 17. When any per-

son shall become a county or city charge by reason of intemperance, a suit may be instituted by the proper authorities on the bond of any person licensed under this act, who may have been in the habit of selling or giving intoxicating liquors to the person so becoming a public charge; Provided, That the person against whom a judgment may be rendered under the provisions hereof, may recover by a similar action a proportionate part of said judgment from any and all persons engaged in said traffic, who have sold or given liquor to such person becoming a public charge, or to any person committing an offense.

TRIAL—EVIDENCE.

4238, Sec. 18. On the trial of any suit under the provisions hereof, the cause or foundation of which shall be the acts done or injuries inflicted by a person under the influence of liquor, it shall only be necessary to sustain the action to prove that the defendants or defendants sold or gave liquor to the person so intoxicated, or under the influence of liquor, whose acts or injuries are complained of, on that day or about that time when said acts were committed or said injuries received; and in action for damages brought by a married woman, or other person whose support legally devolves upon a person disqualified by intemperance from earning the same, it shall be necessary to prove that the defendant has given or sold intoxicating drinks to such person during the period of such disqualification.

SUITS—JURISDICTION.

4239, Sec. 19. All suits for damages and expenses arising under this act may be commenced and prosecuted before a justice of the peace, where the damages claimed do not exceed the jurisdiction of said justice, although the penalty in the bond may exceed that amount, and the judgment shall be for the damages proved.

PENALTY—COMPLAINTS FOR UNLAWFUL SALE.

4240, Sec. 20. Hereafter it shall be unlawful for any person to keep for the purpose of sale without license any malt, spirituous or vinous liquors in the state of Nebraska, and any person or persons who shall be found in possession of any intoxicating liquors in this state, with the intention of disposing of the same without license in violation of this chapter, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined or imprisoned as provided in section eleven of this chapter; Provided, That this shall not apply to physicians or druggists holding permits for the sale of liquors for medicinal, mechanical, chemical or sacramental purposes, or persons having liquors for home consumption. If any credible, resident freeholder of any county, in this state shall, before any police judge, county judge, or justice of the peace, make complaint and information in writing and on oath that he has reason to believe and does believe that any intoxicating liquor, describing it as particularly as may be, in said complaint in said county, in any place described as nearly as may be in said complaint, owned or kept by any person named or described in said information as particularly as may be, and is intended to be, or is being, by the person named or described in said complaint, sold without license in violation of this chapter, said magistrate shall, upon filing said complaint and believing there is probable cause therefor, issue his warrant for the search of the premises described in said complaint, and the arrest of the person therein named or described as the case may be, naming and describing the liquors, person and premises as in the complaint, which warrant shall be directed to the sheriff, city, or village marshal or constable, as the complainant may request, and said warrant shall further command the officer that if after a thorough and dili-

gent search of said premises, he shall seize the said liquor with the vessels containing it and to keep the same securely until final action be had thereon; and immediately arrest the person named or described in said warrant, or the person in charge of the said liquors and bring him before said magistrate for examination, and the possession of any of said liquors shall be presumptive evidence of a violation of this chapter and subject the person to the fine prescribed in section eleven, unless after examination he shall satisfactorily account for and explain the possession thereof, and that it was not kept for an unlawful purpose. Where any liquors shall have been seized by virtue of any such warrant the same shall not be discharged or returned to any person claiming the same, by reason of any alleged insufficiency of the description in the complaint or warrant of the liquor or places, but the claimant shall be entitled to an early and speedy hearing on the merits of the cause; Provided, That in case the place described in said complaint and to be searched is the residence of the person named or described in said complaint, or any other person, then and in that case the warrant shall not issue unless the complaint shall state that within 30 days, immediately preceding the filing thereof, that liquor describing it has been sold therein in violation of this chapter.

TRIAL—DESTRUCTION OF LIQUORS.

4241, Sec. 21. If upon said examination the magistrate hearing the same shall be satisfied that the person named or described in the complaint, or found in possession of said liquors and premises described therein, had been selling liquor without license, in violation of this chapter, or had said liquors so seized in his or her possession with intent to dispose of the same in violation of this chapter, said magistrate shall hold said person so arrested for trial at the next term of the district court and shall order the liquors so seized destroyed by the officer having them in charge; Provided, That defendant may appeal from said order to the district court, in which case the liquors shall abide the result of the trial of the defendant in the district court, and if there convicted he shall be fined or imprisoned as in this chapter provided in the discretion of the court, and the court shall further order said liquors destroyed as if the appeal herein provided for had not been taken.

PUNISHMENT—COSTS—DISPOSAL OF LIQUORS.

4242, Sec. 22. In case the defendant is acquitted he shall be discharged and the liquors returned, but if found guilty, in addition to the payment of a fine he shall pay all costs of prosecution, including a reasonable attorney fee to the prosecuting attorney (in case the county attorney does not prosecute), to be determined by the court, and in no case less than \$25 which shall be taxed in the costs and recovered as other costs. If the defendant be discharged the costs shall be paid by the complaining witness unless the court shall sustain the finding that there was probable cause for the complaint. If no one is found in the possession of said premises where said liquors may be found, the officer taking the same shall post in a conspicuous place on said building or premises a copy of this warrant, and take possession of said liquors and the vessels containing the same, and hold them subject to the order of the magistrate and make return of his doings to the magistrate issuing the warrant. Whereupon it shall be the duty of the magistrate to fix a time for the hearing of the question of the purposes of which said liquors were kept, and issue a notice thereof to the officer, who shall post a copy thereof on the building or premises where the liquors were found; Provided, That the day so fixed shall not be less than five nor more than ten days from the date of the issuance of said

Continued on page eight.

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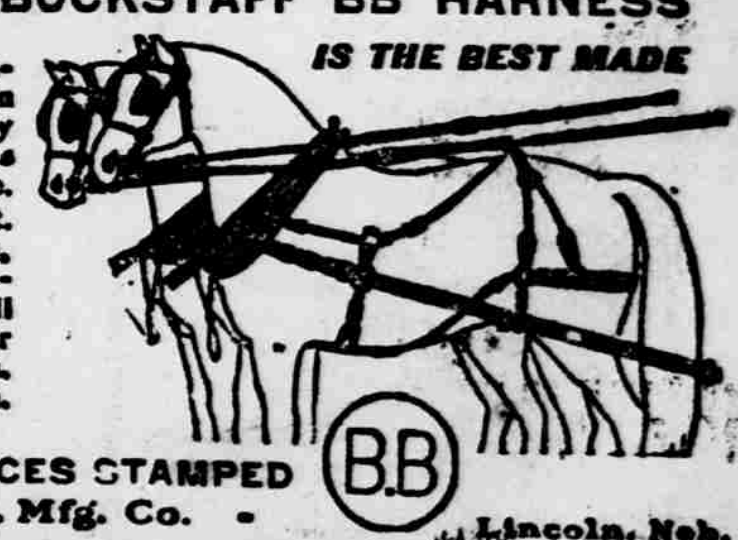
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