

ALL THE NEW LAWS.

BILLS ENACTED BY THE NEBRASKA LEGISLATURE.

Nine of the 180 Bills Were Vetoed and 124 Became Laws—Changes in Old Measures—Bills That Were Vetoed by the Governor—A Full and Complete Digest That Will Be Valuable for Reference and Should be Preserved.

New Laws for Nebraska.

The legislature passed at the late session 180 bills, nine of which were vetoed by the governor, and three were passed over the governor's veto, leaving 124 as the total number of bills to become laws. Of these 124 bills seventy originated in the house and fifty-four in the senate. Two years ago the legislature passed sixty-nine bills and four years ago seventy-seven.

The bills vetoed by the governor since adjournment were the judicial district apportionment, the act creating a board of immigration, the act amending the depository law, the Omaha charter bill, mutual fire insurance bill applying the law to cities and the bill striking from the statutes the prohibition of marriage between whites and blacks.

The following is a digest of the bills that have passed grouped under appropriate titles and under the chapter in which they will be incorporated and the chapters as divided in the consolidated statutes of 1893.

Appropriations.

House roll No. 612, by the committee on claims—An act making appropriations for the payment of miscellaneous claims owing by the state of Nebraska. Appropriating \$25,722. Emergency clause.

House roll No. 62, by Crow—An act making appropriations for current expenses of the state government for the two years ending March 31, 1894. Appropriation \$1,375,432. Emergency clause.

House roll No. 611, by committee on claim—An act making appropriation for the payment of miscellaneous claims of the business owing by the state of Nebraska. Appropriation \$8,834.63. Emergency clause.

House roll No. 681, by Crow—An act to provide for the construction of the hospitals for the insane, blind and deaf and dumb in the state, and to amend the act relating to normal schools, soldiers' homes and state institutions and department. Appropriation \$88,075. Emergency clause.

House roll No. 39, by Johnson—An act to appropriate \$24,810 to the treasury bureau belonging to the library fund of the state normal school, for the purchase of books of said library.

House roll No. 308, by Minger—An act for the proper defense in the federal court of the maximum rate case and appropriating funds to pay the expenses of the same, the constitutionality of the maximum rate case being questioned and the state having taken an appeal to the supreme court of the United States. This law appropriates \$1,080 for the current expenses of the maximum rate case, attorney's fees and necessary printing already incurred, \$1,080 for the continued prosecution of the case, and \$1,080 for the maximum rate case, making total appropriations for the case of \$21,600. Emergency clause.

House roll No. 492, by Hairegrove—An act to provide for the supplying of a card catalogue for the state library and appropriating \$8,000 out of the treasury fund for expense of the same. Emergency clause.

House roll No. 19, by Hairegrove—An act to appropriate \$3,000 for the purpose of furnishing additional books and vaults for the state library, plans for work to be made by state librarian and contract to be let by the board of public lands and buildings. Emergency clause.

House roll No. 43, by Fritz—An act for the relief of Dakota county, refunding said county \$2,230, being excess state taxes paid by Dakota county for the years 1887, 1888, 1889 and 1890.

House roll No. 25, by Rouse—An act for the relief of Henry Luebs, appropriating \$500 to said Luebs, to be expended by him on purchase of school land.

House roll No. 24, by Rouse—An act for the relief of William Wiese, refunding to him \$800 to be expended by him on an appraisal held by the supreme court as illegal.

House roll No. 77, by Crow of Douglas—An act to provide for the payment of officers, members and employees of the Twenty-fourth session of the legislature and appropriating \$85,000 for the same. Emergency clause.

House roll No. 32, by Robinson—Appropriating the matriculation and diploma fees collected from the students of the university of Nebraska for the purchase of books and authorizing the board of regents to draw the same. Emergency clause.

House roll No. 49, by Hairegrove—An act to appropriate certain moneys known as the "McNeill fund," received by the treasurer from the United States, to the use and benefit of the industrial school of the university of Nebraska. Emergency clause.

House roll No. 34, by Robinson—An act to appropriate the tuition fees of the college of law of the university of Nebraska for the use and support of the said college of law. Emergency clause.

House roll No. 33, by Conway—An act to provide seed and feed for the destitute farmers, to provide for its distribution and appropriating \$300,000. Emergency clause.

House roll No. 44, by Hairegrove—An act providing for the completion of the library building at the state university and equipping the same. The bill appropriates \$75,000 and provides that the same shall be made through the board of regents. Emergency clause.

House roll No. 681, by Griffith—Providing for the payment of incidental expenses incurred by the Twenty-fourth session of the legislature and appropriating therefor the sum of \$40,000. The bill provides that all accounts for expenses shall have attached an affidavit certifying that the same are correct and that accounts shall be passed upon by a committee on accounts and expenditures, certified by such and verified by the presiding officer. Emergency clause.

Chapter 5—Attorneys.

Senate file No. 10, by Crane—To amend section 18, chapter 7, compiled statutes for 1887.

Section 1. Advice to officers: The county attorney shall without fee give opinions to the county commissioners and other civil officers when requested; provided further, that in all counties where the county board may employ a county clerk, such county clerk, as they may deem necessary, when requested by petition of ten freeholders, such attorney or attorneys to prosecute or defend such civil actions as the interests of the county may require, and shall receive such reasonable compensation as the board and such county may agree upon.

Senate file No. 42, by Watson—An act to provide for the admission to practice of attorneys and to repeal sections 1 and 2 of chapter 7 of the compiled statutes of 1887, being sections 277 and 278 of the consolidated statutes.

Section 1. No person shall be admitted to practice as an attorney-at-law or conduct any action unless he has been previously admitted to the bar by order of the supreme court, but this section shall not apply to persons admitted under pre-existing laws.

Sec. 2. The supreme court shall fix the times and places and shall take place such examinations, and may appoint a commission of three persons to assist in or conduct any such examination.

Good moral character, twenty-one years of age, regular student for two years with practicing attorney or graduate of a college of state university are requirements.

Chapter 8—Banks.

House roll No. 101, by Sutton of Douglas—An act amending the state banking law. The new law requires all state banks to be chartered under the seal of the state by the state banking board. Four public statements are required annually, instead of three, at least two directors to sign the

statement with the cashier. Two directors are required to be present when a bank is examined. Bank examiners' bonds are raised from \$10,000 to \$25,000. Instead of uniform fee for examination, fees are graded according to capital of banks. Banks must keep 15 per cent of deposits on hand and in cities of 20,000 population, 20 per cent. Incorporated banks are prohibited from buying or holding any part of their stock. All banks are required to set apart one-tenth of their net proceeds until they have a surplus of at least 20 per cent. No bank can hold any real estate, except bank building and fixtures, to exceed one-third of its capital unless taken to satisfy a debt and it must then be sold within five years. An examiner can close a bank and hold all property against execution or attachment pending the appointment of a receiver.

Notes by any bank or banker or partnership cannot be carried as an asset. Under penalty as provided stockholders' liabilities to any bank shall never exceed 50 per cent of its capital. No dividend can be made where any bad debt or loss is carried as an asset. Instead of in supreme court all receiverships hereafter will be settled by the district court where a suspended bank is located. The bill passes without the emergency clause and becomes operative August 1.

House roll No. 208, by Hinds—An act relating to shareholders in banks, compelling a list of the names and residences of all shareholders in the bank, the number of shares held by each and the amount of paid up capital, which shall be kept in the custody of the public and creditors. The list shall be kept where the business is transacted, where ready access may be had to it. Failure to keep such list is punishable by a fine not less than \$50 nor more than \$200.

Chapter 9—Corporations.

House roll No. 434, by Minger—An act permitting foreign corporations organized for the purpose of organizing and maintaining institutions of learning of the grade of a college or university to issue diplomas and degrees. The law provides that when such institutions shall have become possessors of property and funds to the value of \$100,000 or more and shall have an institution established as aforesaid, it may ask the judge of the district court in the district where located to appoint three commissioners, who shall make careful inventory of property and funds, and shall be in record in the book of income of the county clerk's office, and if more than above amount is found in the college possession it shall entitle them to all benefits of the act. Emergency clause.

Senate file No. 14, by Watson—An act to amend sections 1, 2, 3, 4, 5 and 6 of chapter 10 of the laws of 1891, relating to equipment of railway cars and engines with automatic couplers and brakes.

After January 1, 1893, it shall be unlawful for any railway to put in use any car or engine not equipped with automatic couplers.

It shall be unlawful for any corporation to run any train after January 1, 1893, that shall not have a sufficient number of cars with automatic brakes, so that the engineer can control the train without requiring brakemen to go between the cars.

Every corporation shall include in the annual report to the state railroad commission the number of engines and cars so equipped.

Any corporation violating this act shall be subject to a fine of not less than \$500 nor more than \$1,000 for each offense; provided that this section shall not apply to companies in receiving cars in interstate commerce.

Any corporation or person injured by such engine or train contrary to this act shall be considered as waiving his right to recover damages by continuing in the employ of said company.

No corporation shall be liable for any criminal prosecution or fine heretofore incurred, or violation of the sections hereby amended. Emergency clause.

Senate file No. 77, by Sloan—An act relating to certain contracts for the conditional sale, lease or hire of railroad and street railway rolling stock, and for the recording thereof.

Section 1. In any contract for the sale of railroad or street railway equipment it shall be lawful to agree that the title shall vest in the purchaser until the purchase price shall be fully paid, or that the seller shall retain a lien for unpaid money; that a conditional sale may be made at the termination of such contract; that rentals may be applied to the purchase money. Such instrument shall be filed for record in the office of secretary of state.

Chapter 10—Courts.

Senate file No. 7, by Crane—To amend section 1106, chapter 11, to legalize irregular records made under authority of said section and to repeal said section.

Section 1106, chapter 11, entitled "Courts," of the consolidated statutes of 1887, is amended to read: "The probate books shall consist of a probate record and fee book. The latter shall be kept as follows: Title of all probate proceedings, date of each paper issued or filed and of all orders, an exact account of moneys received and paid, names of persons receiving the same, provided that all records heretofore made in any one of the books heretofore provided for by said section, but not in the proper books shall be as legal as if made in the proper books.

Senate file No. 4, by Watson—An act to amend section 3 of an act entitled "An Act Authorizing the Appointment of Supreme Court Commissioners and Defining Their Duties," approved March 9, 1893, and to repeal said original section.

Section 1. That section 3 shall be amended by attaching the following: "Provided that upon the expiration of the term of said commissioners as heretofore provided the supreme court shall appoint three persons having the same qualifications as required of those first appointed as commissioners of the supreme court for a further period of three years from and after the expiration of the term first herein provided, whose duties and salaries shall be the same as those of the commissioners originally appointed."

Senate file No. 15, by Crane—To amend section 3036, chapter 39, consolidated statutes of 1891, to read: "provided, however, that in counties having over 125,000 inhabitants each ballot shall be appointed to serve one year from the time of his appointment (unless sooner removed by the court, such power of removal being hereby given) and shall receive for his services a salary of \$900 per year, to be paid monthly by the county."

Senate file No. 44, by Graham—To provide for the keeping of an incumbrance book. Each clerk of the district is required to keep for the business of his office a book to be called the incumbrance book, in which the sheriff shall enter a statement of each mortgage, judgment or execution on real estate. Emergency clause.

Chapter 12—Decedents.

Senate file No. 100, by Stuefer, to amend section 1800, chapter 12, compiled statutes of 1887, entitled "Decedents' Estates."

Section 1800. The county judge may grant authority to executors of estates and administrators of the estates of minors and spendthrifts to mortgage any real estate belonging to such estate where mortgages existing on such real estate are due or about to become due and there is no money belonging to the estate, which to pay or redeem such mortgage.

Senate file No. 79, by Sloan, an act to legalize and make valid all orders and decrees of any court under an act entitled "An Act to amend sections 30 and 116 of chapter 3, compiled statutes of 1887, entitled 'Decedents' Estates,' which have been declared unconstitutional by the supreme court."

Chapter 15—Elections.

House roll No. 550, by Davies—An act prescribing the manner in which two or more amendments to the constitution are to be submitted and providing for the printing and distribution of the ballots. The law requires a separate ballot for amendments to be prepared in official and sample ballots by the secretary of state, to be furnished to the county clerks by himself twenty days prior to the day when they shall be voted upon. The county clerks shall distribute them in their counties and election boards shall

House roll No. 66, by Burns of Dodge—An act providing amendments to the law relating to township organization, amending so that the number of members constituting a county board may be reduced from present representation and making minor amendments to sections in first part of the law now existing and changing the required voters to petition to the township organization back to the commissioner system.

Senate file No. 312, by Stewart—An act to provide for the investment of sinking fund and other surplus funds of counties and townships in grain for feed and seed for draught animals, and to amend sections 936 and 937, consolidated statutes, and to repeal the same and to repeal section 938, and to legalize acts of county boards heretofore taken in conformity to this act during 1893.

Section 1. It shall be lawful for the county treasurer, wherever such necessity exists, to withdraw from deposit all sinking or other surplus funds, and to invest the same in grain for seed and feed, to be issued upon farms.

Section 2. Such investment shall be made only on petition of 25 per cent of the legal voters.

Section 3. Upon presentation of each petition the county treasurer shall publish notice that he is ready to receive applications for feed and seed, whereupon the county board and treasurer shall purchase seed from time to time in the open market or by bids.

Section 4. All applications for feed and seed shall state the amount desired, number of acres, accompanied by a statement that the applicant is a resident of the county, and with notes and security to be approved by the treasurer, the notes to run not less than two years at the rate of 7 per cent, 1 per cent of which shall be paid to the treasurer. Funds needed for the redemption of bonds during the years 1893, or 1896 shall not be so used.

Section 936. That the county board of any county or the town board of any township shall have power to use funds of county or township in the purchase of seed grain for destitute farmers, caused by crop failure of 1893.

Section 937. That the county board shall sell seed and feed to persons engaged in agriculture at actual cost, and take the promissory note of the purchaser; provided that all acts of boards in conformity with this act committed during 1893 are declared valid and lawful. Emergency clause.

Senate file No. 187, by Hitchcock—An act to organize counties, townships, precincts and villages to issue bonds for the construction of a highway wagon bridge across any boundary river of the state.

Bonds shall not exceed 10 per cent of the assessed valuation of the county, two-thirds of all votes cast being required to carry the proposition. District judges shall appoint a board of five trustees who shall carry this act into effect, and the right of way and let contracts. Irrigation canals shall have preference in use of water in times of scarcity. Emergency clause.

Senate file No. 879, by Hitchcock—An act to organize counties, townships, precincts and villages to issue bonds for the construction of a highway wagon bridge across any boundary river of the state.

Bonds shall be issued by a three-fifths vote at either a special or general election, not exceeding 10 per cent of the assessed valuation, but any county or city that has heretofore made donations to any works of internal improvement may issue bonds not to exceed 15 per cent.

House roll No. 1, by Lamborn—An act to authorize county boards to issue bonds of such county to an amount not to exceed 5 per cent of assessed valuation, in no event to exceed \$60,000, for the purpose of purchasing and installing a water pump in any town or village, or for the purpose of recovering damages by continuing in the employ of said company.

House roll No. 530, by Horst—An act providing that when a surplus remains in any precinct bond fund the bonds are paid in full the county board is authorized upon the petition of a majority of the legal voters in the precinct to draw its warrant for the surplus and use the same to purchase seed for the destitute farmers in said precinct. Emergency clause.

House roll No. 534, by Ashby—An act authorizing county boards to use surplus moneys to purchase grain for seed and feed for the purchase of grain for seed and feed for grain to be furnished farmers at cost price and note and suitable security taken by county to secure the payment. Emergency clause.

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indorse, care for and return them the same as ballots voted for officials.

Senate file No. 231, by Cross—An act to amend section 1750, chapter 15, consolidated statutes, by inserting the following: "That candidates nominated under the provisions of this section shall be termed candidates 'by petition,' and their names upon the ballot shall be followed by the words, 'by petition,' and shall not be followed by any party designation by virtue of such nomination."

Chapter 18—Highways.

Senate file No. 238, by Lehr—To amend section 1807, consolidated statutes, relating to letting of contracts for erection and repair of bridges, by inserting this proviso: "Provided, that the county commissioners may adopt general plans and specifications for the building of such bridges, and may let a contract for the building of all bridges that may be required to be constructed during the term of one year from the letting of the contract; and provided that such bridges shall be let by individual contracts and shall be let for the building of such bridges as may be required at a specified sum per lineal foot."

Chapter 23—Interest.

House roll No. 81, by Robinson—An act to amend section 10, chapter 44, of the compiled statutes of 1893, relating to interest on warrants. The law fixes the maximum rate of interest on warrants issued by any subdivision less than a county or counties at 7 per cent, and state warrants shall draw but 5 per cent. Bonds issued by counties or smaller subdivisions cannot draw more than 7 per cent. Emergency clause.

Senate file No. 25, by Dale—To amend section 2030, consolidated statutes of 1891, entitled "Interest," to read as follows: "All warrants issued by the proper authorities of this state shall draw interest at the rate of 5 per cent per annum and all warrants issued by proper authorities of any county, city, town, school districts, or any municipal subdivision less than a county, shall draw interest at the rate of 7 per cent per annum, and no bonds issued by any county, city, town, school district or school district shall draw interest at a rate exceeding 7 per cent per annum."

Chapter 24—Irrigation.

House roll No. 334, by Meyers—An act for the organization and government of irrigation districts, to provide for the acquiring of exclusive right of way for such built, securing right of way for such constructing irrigating ditches, dividing certain portions of the state into irrigating districts, allowing a majority of freeholders owning lands in any district susceptible of our mode of irrigating to organize a district, authorizing such districts to vote bonds for construction of light water ways, providing for taxation to raise revenues for such districts, providing for election of officers to manage districts, dividing districts into divisions. District boards shall have right to enter upon any land for purposes of survey, shall estimate all costs, assessments made upon real property become a lien thereon, canals may be constructed in any way, and rights of railways, the latter to co-operate in securing feasible crossings; water commissioners where water is insufficient to meet all demands shall apportion the same equitably, rights of private parties must be recognized, appeals to courts upon acts of directors of districts. Emergency clause.

House roll No. 443, by Shickland—An act regulating appropriation of water for irrigation and power purposes, exemption of such works from taxation and providing for a board of irrigation.

The governor shall act as president of a board of irrigation, composed of the governor, an executive in accordance with the rights of priority of appropriation. Appeals from the state board may be taken to the district court. Applications for water shall be filed with the state board, priority date from the filing of the application. Water of natural streams is declared to be public property, subject to appropriation as provided in this act. Passed with the emergency clause.

Chapter 24—Law.

Senate file No. 336, by Sloan—An act to amend section 2950, chapter 28, consolidated statutes, to provide that the secretary of state designate newspaper publishers to publish constitutional amendments for at least three months prior to election.

Senate file No. 287—An act to amend section 4, chapter 3, compiled statutes, by requiring that public notice that proposed amendments are to be voted upon shall be given as provided in section 4 of chapter 17 of the constitution, instead of as required by the law regulating general elections.

Chapter 35—Municipal Corporations.

House roll No. 174, by Hairegrove—An act to provide for the apportionment of fines and penalties among persons that in cities and villages whose corporations are in form, in whole or part more than one district, the moneys so derived shall be apportioned to the districts in proportion to the number of persons of school age. Emergency clause.

House roll No. 392, by Conway—An act to amend section 3 of an act entitled "An Act to amend section 2853, compiled statutes, by providing in detail for the organization of boards of health in cities of the second class, to prevent the introduction of contagious diseases and to quarantine the same. The mayor, city physician, president of the council and marshal are made the board of health, and are given full power to establish rules and regulations and enforce the same. Emergency clause.

House roll No. 110, by Conway—An act to amend the law relating to registration of voters, amending the old law by making registration apply only to cities of over 7,000 population, and such cities of over 7,000 population providing for the general election instead of five, and providing at times of revision for one day's sitting instead of three.

House roll No. 457, by Wait—An act amending the laws in regard to villages, allowing village boards to create a board of health of the members by whom the health of the members by whom the health of a physician, said board to have charge of all quarantine regulations, with jurisdiction extending three miles outside the village limits.

House roll No. 846, by Burch—An act to amend section 3 of an act entitled "An Act to amend section 2853, compiled statutes, by providing in detail for the organization of boards of health in cities of the second class, to prevent the introduction of contagious diseases and to quarantine the same. The mayor, city physician, president of the council and marshal are made the board of health, and are given full power to establish rules and regulations and enforce the same. Emergency clause.

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Chapter 30—Officers.

Senate file No. 340, by McKesson—To facilitate the suing of levies by public officers, and others and to authorize acceptance of guaranty corporations as sureties on bonds.

Section 1. That when bonds required or permitted to be given by laws of the state with one or more sureties, the execution of the same shall be sufficient when executed by a corporation with the laws of this or any other state, having a paid up capital of \$250,000 provided such corporation be approved by the head of department, court, judge, officer, or body authorized to approve the same.

No corporation organized under laws of any other state shall be accepted as surety until it shall have appointed the state auditor its lawful attorney, upon whom may be served lawful process, who shall accept service, and judgments against the corporation shall be binding.

Section 3. If such corporation fail to pay judgment it shall forfeit all rights to do business in this city.

Chapter 23—Public Health.

Senate file No. 23, by Caldwell—An act to regulate the practice of dentistry and to punish violators thereof, and to repeal articles 2 of chapter 53, compiled statutes.

It shall be unlawful for anyone to practice dentistry without a certificate from the state dental board of health and dentistry, which certificate shall be recorded with the county clerk.

Within sixty days after this act is approved the state board shall appoint three secretaries from a list recommended by the state dental society for a term of one, two, and three years, respectively.

Said secretaries shall assist and advise said board in the performance of duties prescribed in this act.

Said secretaries shall issue certificates, if in their opinion proof complies with provisions of this act, and when said proof shall have been on file for a term of six months after the passage of this act, applicants for a certificate within six months after the passage of this act, applicants

laws of 1889, passed and approved March 14, 1889, be amended as follows:

Section 1. That all cities having less than 25,000 and more than 10,000 inhabitants, as ascertained by the census of 1890, shall be governed by this act; provided, however, that nothing in this act shall be construed as to abolish the government of a city organized as cities of the first class under the act of 1889, but the same shall remain and be known as cities of the first class and be governed by the provisions of this act.

Section 2. That section 3 of said act be amended as follows: "Whenever any city of the second class shall have attained a population of more than 10,000 inhabitants, as ascertained and officially promulgated, or by authority of the mayor and city council of any city which is now governed by the provisions of the act hereby repealed, which census shall be taken within ninety days after the passage of the act, the mayor shall certify to such effect. The governor, who shall by proclamation so declare, and thereafter such city shall be governed by the provisions of this act. Every officer of such city shall within thirty days after the governor's proclamation is issued, qualify and give bonds as provided by this act. Emergency clause.

Senate file No. 100, by Holbrook—An act to create a board of park commissioners.

Section 1. In each city of more than 5,000 and less than 25,000 inhabitants, which has already or shall hereafter acquire land for a park, a board of three park commissioners shall be appointed by the judge or judges of the district court on the second Monday of January, 1893, or on the second Monday of January following the establishment of the first park in any city, for one, two, and three years, respectively. The commission shall adopt rules, improve and beautify grounds and employ helpers to the extent of funds provided. Members of the commission shall receive \$10 per month. For the purposes of paying expenses enumerated the city council shall make a levy not less than 1/2 mill and not exceeding 2 mills on the dollar valuation on all taxable property. All bills for expenses shall be audited by the commission, warrants on the fund to be drawn by the chairman and paid by the city treasurer.

Senate file No. 131, by Sloan—To amend subdivision 14 of section 2842, consolidated statutes of 1893, as follows: To make contracts with and authorize any person, company or association to erect and maintain gas or electric light works in said city, and give such person, company or associations the exclusive privilege of furnishing gas or electric lights to light the streets, lanes and alleys of said city for