

FOR THE LAW ABIDER

Sixty-Nine Acts Passed by the Late Lamented Legislature.

By the Action of the Governor Sixty-Eight Become Laws.

HE VETOED HIS OWN HOUSE RENT

Everything From a Maximum Rate Bill to an Act Governing Justices of the Peace—Only One Brief Message to Congress.

The legislature passed sixty-nine bills, forty-three originating in the house and twenty-six in the senate, as compared with seventy-seven bills passed by the previous legislature.

House roll No. 93, appropriating \$95,000 to provide for the payment of officers, members and employes of the twenty-third session of the legislature.

House Roll No. 183, by R. H. Oakley, of Lancaster, providing that all moneys which may be received by the state treasurer from the 31st day of March, 1893, to and including the 31st day of March, 1895, on account of matriculation and diploma fees collected from students of the university of Nebraska, and which by law constitute a special "library fund" for said university, be and the same are hereby appropriated for the purchase of books for the library of said university.

House roll No. 182, by Oakley, providing that the moneys which have been received by the state treasurer since the establishment of the college of law of the university of Nebraska, and all moneys which shall be received by the state treasurer to and including the thirty-first day of March, 1895, on account of tuition fees collected from the students in the said college of law, be and the same are hereby appropriated to and for the payment of expenses already incurred, and for such expenses as may be incurred to and including the thirty-first day of March, 1895, in connection with the support of the said college of law.

House roll, No. 431, by W. F. Porter of Merrick, provides that all moneys that are now or may hereafter be received by the state treasurer, or other state officer, in pursuance and by virtue of an act of congress of the United States, approved August 30, 1890, entitled "an act to apply a portion of the proceeds of the public lands to the more complete equipment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of congress, approved July 2, 1892," shall be immediately paid over by said treasurer to the authorities of the industrial college of the university of Nebraska without further warrant or authority than is contained herein, in accordance with an act of the legislature of Nebraska, approved March 19, 1891. Passed with the emergency clause.

House Roll No. 165, by Church Howe, providing that the sum of two thousand two hundred thirty-four dollars and thirty-two cents now in the treasury belonging to the library fund of the State Normal school, together with such other sums as may be paid into the treasury as matriculation fees belonging to said library fund prior to March 31, A. D. 1895, be and the same are hereby appropriated for the purchase of books for the use of the library of the state normal school, and providing further that the money should be expended by the board of education of the school. Passed with the emergency clause.

House Roll No. 371, by G. A. Felton of Nuckolls, provides that the sum of \$5,000 be and the same is hereby appropriated out of any funds in the treasury of this state not otherwise appropriated, and that the same be placed under the control and direction of the governor of this state, to be used by him or so much thereof as he may deem necessary in employing attorneys in prosecuting all criminal cases wherein the state has been defrauded by its officers, employes or those dealing with any state institutions, and necessary expenses connected therewith. The governor shall keep a just and correct account of the amount of money so expended by him and shall report the same to the next term of the legislature of this state, stating in what cases said money has been paid out, the amount paid and what for, and the nature of the crime charged. Passed with the emergency clause.

House roll, No. 278, by G. C. Linenfolter, of Cheyenne, appropriating out of any funds in the state treasury and not otherwise appropriated the sum of \$7,495.73 for the relief of Scotts Bluff county to reimburse said county for expenses incurred in the trial of one George S. Arnold upon the charge of murder at the adjourned July term, 1889, of the district court within and for said county. And the state auditor is hereby authorized to draw his warrant upon the state treasurer for the above amount in favor of said Scotts Bluff county.

House roll No. 55, by P. H. Barry, of Groesby, appropriating out of the general fund of the state of Nebraska the sum of \$2,457.73 to pay and reimburse Blaine county for the expenses incurred and the money expended on the trial of

Michael Yocum. Passed with the emergency clause.

House roll No. 85, by N. P. Nelson of Dodge, appropriating \$2,000 for the relief of George Maurer for disabilities contracted during the Indian outbreak of two years ago. Passed with the emergency clause.

House roll No. 58, by P. H. Barry of Greeley, appropriating \$2,500 for the relief of Dora Paxton, whose husband, James P. Paxton, was killed by a fellow whom he attempted to arrest in Arkansas, on April 10, 1891.

House roll No. 325, by Augustus Lockner of Douglas, to give A. J. Arnold an honorable discharge and pay for three months service as first lieutenant of the second brigade of Nebraska. The amount appropriated is \$375.

House roll No. 311, by Casper, appropriates \$55,000 to defray incidental expenses of the twenty-third session of the legislature. Passed with the emergency clause.

House roll No. 234, Casper, appropriates money to pay the salaries of state officers and officers and employes of state institutions. Passed with the emergency clause.

House roll No. 207, by the committee on finance, appropriates funds for the support and maintenance of state offices and state institutions. Passed with the emergency clause.

House roll No. 545, appropriates funds to pay miscellaneous items of indebtedness owing by the state. Passed with the emergency clause.

Chapter 8—Civil Rights. Senate file, No. 44, by Moore—Amends sections 317 and 318, chapter 8, civil rights, consolidated statutes; by providing that all "persons" shall be entitled to the same civil rights, amends section 318 by reducing the maximum fine from \$200 to \$100, and strikes out the part of the penalty relating to imprisonment. Passed with the emergency clause.

Chapter 9—Courts. House roll No. 138, by John C. Watson—The bill in part is as follows:

The governor of the state, immediately upon taking effect of this act, shall appoint three persons, who shall have attained the age of thirty years and are citizens of the United States and of this state and regularly admitted attorneys at law in this state, and in good standing of the bar thereof, as commissioners of the supreme court.

Section 2. It shall be the duty of said commissioners under such rules and regulations as the supreme court may adopt, to aid and assist the court in the performance of its duties in the disposition of the numerous cases now pending in said court, or that shall be brought into said court during the term of office of such commissioners.

Section 3. The said commission shall hold office for the period of three years from and after their appointment, during which time they shall not engage in the practice of law. They shall each receive a salary equal to the salary of a judge of the supreme court, payable at the same time and in the same manner as salaries of the judges of the supreme court are paid.

Immediately after the bill became a law the governor appointed as such commission, Robert Ryan of Lincoln, Judge Irvine of Omaha, and John M. Ragan of Hastings. The labors of the commission are already being felt in advancing the business before the court and have proven highly satisfactory. Passed with the emergency clause.

House roll, No. 122, by A. J. Cornish—No person shall be admitted to practice as an attorney in the supreme and district courts of this state hereafter, unless such person shall have previously studied in the office of a practicing attorney for the period of two years, and shall pass a satisfactory examination upon the principles of the common law, under the directions of the court to which application is made, or is a regular graduate from the college of law of the state university of Nebraska, and it is shown to the satisfaction of said court that such applicant sustains a good moral character, and repealing section 277.

Chapter 9—Corporations. Senate file No. 6, by Packwood—All railroads touching the same point in this state or at some near point where freight is received or delivered, shall build and maintain transfer switches for common use in transferring freight in car load lots from one railroad to another and forward all such freight, provided, that the railroads interested may apply to the state board of transportation to be relieved of this duty in any case where its performance is unusually burdensome, and if upon a personal examination of the locality where the transfer switches are to be put in use, and taking testimony of persons residing in the locality, by the secretaries of such board, they find it unjust and unreasonable to require the building of such transfer switches, then such board may relieve such roads of such duty, and that evidence from any locality along the lines of roads interested shall be considered by the said board and be competent testimony in such case.

Section 2. The railroad company at point of shipment shall make a through waybill to point of destination and the rate to be charged for such shipment shall not be the sum of two or more locals, but shall be apportioned between the different roads according to mileage of each necessarily used in such shipment and shall be the rate for the shortest mileage distance by any railroad between point of shipment and point of destination.

Section 3. No railroad shall make any extra charge for delivering or receiving such freight in car lots on such transfer switch.

Section 4. The cost of building the transfer switches shall be borne equally between the different roads which are connected by the switches.

Section 5. Railroad companies refusing to comply with the provisions of this act within sixty days from its taking effect shall be deemed guilty of a misdemeanor and subject to fine of not less than \$50 nor more than \$500 for each and every day that such companies shall neglect or refuse.

Section 6. The fine may be imposed by any court having competent jurisdiction.

Section 7. All fines derived shall be paid into the general school fund of the state.

Senate file No. 112, by Moore—Amends section 686, chapter 9, entitled "Corporations." Boards of trustees of any incorporated educational institution shall have power also to borrow and to secure loans by mortgages or trust deed executed by their president and secretary upon their college or university buildings and grounds, by consent of stockholders when such institutions are owned by stockholders. Passed with the emergency clause.

House roll No. 33, by the committee on railroads—Fixes maximum rates to be charged by railroad companies for transporting freight. Railroads built since January 1, 1889, or before December 1899 shall be exempt from the provisions thereof until December 31, 1899. Whenever any railroad company shall show that the rates prescribed are unjust such road shall be exempt. All such actions shall be brought before the supreme court. In no case shall the rates be raised higher than that charged January 1, 1893. The board of transportation has power to reduce rates in this act whenever it shall seem just and reasonable to a majority of said board. The board shall not change the classification so that the rates will become higher than fixed in this act. Any common carrier subject to this act violating or omitting to do any act required thereof shall upon conviction thereof be fined in any sum not less than \$1,000 nor more than \$5,000 for the first offense; for the second offense not less than \$5,000 nor more than \$10,000, and for the third offense not less than \$10,000 nor more than \$20,000, and for every subsequent offense and conviction thereof, shall be liable to a fine of \$25,000; provided that in all cases under this act either party shall have the right of trial by jury.

Senate file No. 210, by Smith—Amends sections 624, 625 and 626, consolidated statutes. The articles of incorporation must fix the termini of the street railroad which the company proposes to construct and describe the precise route between such termini, which shall be one continuous line from one terminus to the other, and also name the streets through which said railway is to be constructed, said articles shall also state the length of the railway so proposed, which shall not be authorized or consented to by the electors of any such city, at any one election, to exceed the length of five miles. Ten days before election a map or map showing the proposed route shall be filed in the office of register of deeds, also whether the railway is to be a single or double track. A majority of the votes cast is required for the granting of a franchise.

No street railway shall hereafter be constructed or consent or authority therefore be given by any city or its electors, upon or along any part upon or along which any street or railway has been already constructed, and where any other company or party owns any street railway upon any part of such street it is hereby authorized and empowered to consent to the use of any part of its railway by any other company upon such terms as may be agreed upon by them, provided that no such use shall be allowed or enjoyed without its consent.

Provided further, that no authority to construct street railway on any street of any city in this state under any franchise hereafter granted, or consent of the electors of any such city thereto, hereafter given, shall be operative or effective unless the owners of a majority of the feet front of the real property abutting upon the street or streets upon which it shall be proposed to construct any such street railway, shall in writing consent thereto, which written consent shall be filed in the office of the city clerk of the city wherein such street is situated before any election to give consent of the electors of such city shall be called.

Senate file No. 127, by Babcock—Amends the act entitled, "An act incorporating metropolitan cities, and defining, regulating and prescribing their duties, powers and government," commonly known as the Omaha charter. Passed with the emergency clause.

Chapter 10—Counties. House roll No. 430, by J. B. Farnsworth, making the boundary of Keya Paha county.

Chapter 12—Decedents' Estates. Senate file No. 163, by McDonald—Amends section 1900, chapter 12, consolidated statutes, entitled "decedents' estates," by giving guardians of minor children the same authority conferred on administrators of intestate estates to mortgage any real estate belonging to such estate. Passed with the emergency clause.

Chapter 14—Drainage. House roll, No. 179, by Keeckley of York, to provide for the ditching or draining of swamp land and to protect the same by levees. The bill prescribes that when any person, who is an owner or occupant of swamp lands shall desire to construct a ditch across the lands of another, where no mutual agreement can be reached between them that the former can file a petition in the district court setting forth the necessity for the same.

Service may be had upon non-residents in the same manner as provided for in other cases in the district court.

Chapter 18—Highways. Senate file No. 63, by McCarty—Repeals section 1832, chapter 18, consolidated statutes and enacts the following in lieu thereof: "Within twenty days after the day is fixed by the clerk as above provided, a notice shall be served on each owner or occupier of land lying in the proposed highway, or abutting thereon, as shown by the numerical indexes in the register's office, who reside in the county, in the manner provided for in the service of original notices in actions at law; such notice shall also be published for four weeks in some newspaper published in the county, if such there be; or if there be no newspaper published in the county, then such notice shall be posted in at least three public places along the line of the proposed road, which notice may be in the following form:"

Senate file No. 23, by Everett—Repeals section 1837, chapter 18, consolidated statutes, entitled "Highways" and enacts the following in lieu thereof: "If the appeal has been taken by the claimant and he fails to recover on his appeal an amount greater than the amount allowed him by the board he shall pay the costs occasioned by the appeal, but if he recovers an amount greater than that allowed him by the board the

county shall in all cases pay the costs. If the petitioner for the road appeals he must pay the costs unless the claimant recovers a less amount than was allowed him by the board, in which case the costs shall be paid by the claimant, judgment shall be rendered in accordance with the foregoing provisions." Passed with the emergency clause.

Senate file No. 25, by Thomsen—Amends section 1905, of the consolidated statutes, by dividing the township road fund as follows: "All of said fund shall be held by the township treasurer subject to the order of the town board, excepting an amount not to exceed one-fifth of the entire fund aforesaid, shall be paid by the town treasurer to the overseer of the district from which such tax is collected. The amount under control of the town board as aforesaid shall be expended for the general benefit of the township, for road and bridge purposes." Passed with the emergency clause.

Senate file No. 121, by Correll—The county board of any county is authorized to levy a special tax not exceeding five mills on the dollar of the valuation of road districts to pay outstanding road district warrant and to liquidate indebtedness against such road districts, said levy to be made at the board's regular annual meeting in July, the tax to be collected by the county treasurer, in the same manner as other county taxes are collected, and all warrants to be paid by the county treasurer in the order in which they appear on his warrant register. Annual levies may be made until the indebtedness is paid.

Chapter 24—Irrigation. Senate file No. 194, by Babcock—Amends section 2032, chapter 24, consolidated statutes of 1891. The right to the use of running water may be acquired by appropriation by any person, company or corporation, organized under the laws of Nebraska; provided, that in all streams not more than twenty feet in width the rights of the riparian proprietor shall not be affected by the provisions of this act.

Section 2. All laws relating to irrigation canals shall be deemed applicable to any canal constructed for the purpose of developing water power.

Section 3. Amends section 2037, chapter 24, consolidated statutes to read: "Water appropriated from a stream shall not be permitted to run into any other stream than that from which it is taken, unless such stream exceeds in width 100 feet, in which event not more than 75 per cent of the regular flow shall be taken."

Section 4. Amends section 2059: Owners of land along any ditch constructed for the purpose of selling water for irrigation are entitled to the use of water in the order of their location; providing, that in times of scarcity the water shall be distributed equally to consumers, and the price reduced in proportion to reduction of supply. Passed with the emergency clause.

Chapter 25—Libraries. Senate file No. 55, by Tefft—To enable the state library and the Nebraska state historical society to augment their respective collections by effecting exchanges with other societies and institutions, the state library hereby donates to the state library 200 bound copies of each of the several publications of the state, its officers, societies and institutions, except the reports of the supreme court; and to the Nebraska state historical society fifty volumes of the same publications, as the same shall be issued.

Chapter 35—Municipal Corporations. House Roll, No. 252, by A. L. Sutton of Douglas. Section one amends section 2609 of the consolidated statutes by taking from the mayor the power of appointing the water commissioner and vesting him with the power to appoint the chief of police by and with the assent of the council and providing that any of such officers may be removed for cause.

Section two amends section 2612 of the statute. It allows the clerk of cities, \$1,000 per annum instead of \$750; city attorney \$1,200 per annum instead of \$800.

Section 2656 is amended by a prohibition that the corporate authorities shall not appropriate an amount exceeding in the aggregate the amount of tax authorized to be levied during the ensuing year. It also provides that nothing in the law shall be construed to prohibit the council from appropriating other money in the annual appropriation bill for the use of street grades and bridges.

Subdivision four of said section is also amended, and relates to the grading of streets and sewerage in the city. To exercise the right of eminent domain and to take private property for public use, such powers to be exercised in the same manner and form as in cases of condemnation proceedings by railway companies. Passed with the emergency clause.

House roll No. 76, by G. A. Liukart, of Madison, to provide for the incorporation of villages situated in two or more counties. The bill provides that a majority of the taxable inhabitants of any village situated in two or more counties may petition the board of any county of which they were a part to be incorporated as a village and compels the county petitioned to act upon it the same as if the village was a part of the county. Justices of the peace in any villages so governed shall have jurisdiction of the ordinances of said city. The board of trustees is empowered to fill vacancies. Can impose an annual dog tax. Shall have the right to use the jail of either county. The taxes of each part of the village situated in the two counties shall be certified to the clerk of their respective county. All acts of any village declared incorporated under the provisions of the act are legal and valid. That any notice required to be published in a certain county, if published in a newspaper of general circulation in the village, such publication shall be legal. The bill repeals all acts and parts of acts inconsistent therewith. Passed with the emergency clause.

Senate file No. 24 by Moore—In cities of 25,000 or more inhabitants a woman shall be appointed by the mayor to the office of police matron who shall have the care and custody of all women and children arrested in such cities. Such police matron shall be a member of the regular police staff, under the same restrictions, and shall receive a salary of \$50 per month.

Senate file No. 13 by Moore, to amend subdivision 13, section 2892, consolidated statutes, by providing that such cities or villages may borrow money or issue

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