THE NEW LAWS OF NEBRASKA

A Digest of Bills Put Through at the Recent Session of the Legislature.

LABORS OF LAW MAKERS SET FORH.

Election, School, Judicial and Other Enactments With Which All May Become Familiar by Giving Due Attention to What Appears in These Columns.

NEBRASKA SOLDIERS.

S. F. 281, by Prout of Gage: A resolution to provide for the presentation of medals to the officers and men of the First, Second and Third regiments, Nebraska volunteer infantry, and troop "K," Third United States volunteer cavalry, in the Spanish-American war.

Resolved, By the senate of the state of Nebraska, the house concurring therein, that the governor be, and he is hereby authorized to cause 4,016 medals to be prepared with suitable emblematic devices, and to direct that the same be presented in the name of the state of Nebraska as suitable testimonial in behalf of the state in recognition of the patriotism of its citizen soldiery.

House roll 623, by special request of the governor. Appropriates $2,000 for the relief and comfort of the sick and wounded soldiers now members of the First and Third regiments of Nebraska infantry volunteers. The money shall be expended under the direction of the governor who shall report the expenditure to the legislature of 1901. Emergency clause. Approved March 31.

ATTORNEYS.

Senate file 103, by Steele of Jefferson: To amend sections 16 and 19, chapter 7, statutes of 1897.

Amending section 16, relating to duties of county attorneys by adding the following: "It shall also be his duty to appear and prosecute or defend on behalf of the state and county all such suits, applications or motions, which may have been transferred by change of venue from his county to any other county in the state, provided further, that any counsel who may have been assisting the county attorney in such suits, applications or motions in his county may be allowed to assist in any other to which said cause has been removed."

Amending section 19, relating to salaries of county attorneys: "Provided further than in all cases where the county attorney has been engaged in the courts of another county upon any suits, applications or motions, either civil or criminal in which the state or county is a party or interested, which have been transferred by change of venue from his county to any other county in the state, he shall be allowed all his reasonable and necessary traveling and hotel expenses while so engaged in addition to his regular salary. Said traveling and other expenses shall be paid to him upon the presentation of his bill for the same accompanied by proper vouchers, to the county commissioners or supervisors of his county in like manner as provided in all other cases of claims against the county."

Emergency clause. Approved March 22.

Senate file 33, by Talbot of Lancaster: To Amend sections 4 and 11, chapter 7 of the compiled statutes, entitled "Attorneys," by inserting the words, "district judge," in the list of persons who shall not be permitted to practice as an attorney of the courts of this state, or on any matter brought before himself or appealed from his decision to a higner court.

CRIMINAL CODE.

Senate file 46, by Alexander of Adams: Relating to offenses against killing game, to amend sections 86b, 86c, 86d, of chapter 11 of the criminal code and to repeal sai dsections and to repeal section 86e.

Section 86b is amended by striking from the list of protected geese and ducks red headed duck blue bill or scaup duck, plover, Wilson or jacksnipe or woodcock. The closed season remains as before, between May 1 and September 1.

Section 86d of the present law, relating to hunting water fowl, is amended by striking out the following: "And it shall also be unlawful for any person at any time of the year, to dig, build, or construct any blind, hiding place, or structure in the bed of any river, stream or lake with the intent to catch, kill, wound or destroy any of said birds, or at any time of the year to shoot or shoot at any of said birds from any such blind, hiding place or structure." The penalty for violating this section relating to hunting water fowl by the aid of a big-gun or by boat at any time of the year is changed to read not less than $5 nor more than $20, or imprisonment in the county jail not more than thirty days.

Section 86d is amended by striking out plover, woodcock, Wilson or jacksnipe from the list of birds that it is unlawful to sell or have in one's possession or for any corporation or company to sell or have in their possession between May 1 and September 1 of each year.

Section 86e, making it unlawful for any railroad or express company to receive or carry as freight, baggage or express, any of the birds or animals described in the game law, is repealed.

Emergency clause. Approved March 7.

Senate file 44, by Miller of Buffalo: A reenactment of chapter 77, session laws of 1895, 117a of the criminal code, to punish cattle stealing, the same having been irregularly passed in 1895:

Section 1. If any person or persons shall steal any cow, steer, bull, heifer or calf, of any value, or if any person shall receive or buy any cow, steer, bull, heifer, or calf that shall have been stolen knowing the same to have been stolen, with intent by such receiving or buying to defraud the owner, or if any person shall conceal any such thief, knowing him to be such, or if any person shall conceal any cow, steer, bull, heifer or calf, knowing the same to have been stolen, every such person so offending shall be imprisoned in the penitentiary not more than ten years nor less than one year, and shall pay the costs of the prosecution.

House roll No. 68, by Beverly. An act to limit and regulate the employment of children, in manufacturing, industrial, mechanical and mercantile establishments to provide a penalty for its violation and the enforcements of its protis act to be known as sections 245aa, visions and the repeal sections 245aa, 245bb and 245cc of the criminal code of the state of Nebraska; the provisions of this act to be known as sections 245aa, 245bb, 245cc, 245dd, 245ee and 245ff of the criminal code of the state of Nebraska.

Section 245aa. That any male or female child under the age of ten years shall not be employed in any manufacturing, mechanical, industrial or mercantile establishment.

Section 245bb. That any male or female child under the age of fourteen years shall not be employed in any manufacturing, mechanical, industrial or mercatile establishment, except during the vacations of the public schools; unless during the year next preceding such employment he has for at least twenty weeks attended some public or private day school where the English is taught; nor shall employment continue, unless such child shall in each and every year attend school as herein provided, and no child shall be so employed who does not present a certificate signed by the president and secretary of the school board of the school district in which he resides, of his compliance with the requirements of this section. Nor shall any owner, superintendent or overseer of any such establishments, parent or guardian consent to or permit the employment of any child contrary to the provisions of this law.

Section 245cc. All superintendents of establishments coming under the act shall keep for inspection records of age, birth and residence of every male and female child, giving amount of school attendance.

Section 245cc—1. The penalty for violating the act shall be a fine of not less than $20 or more than $50.

Section 245cc— The deputy labor commissioner is given special authority to enforce the act.

House roll 18, by Mann:

Section 1. It shall be unlawful for any person to plow up or upon any public highway in this state without the consent or direction of the overseer of roads.

Section 2. Any person violating the provisions of this act shall upon conviction be fined not less than $5 nor more than $25.

House roll 43, by Grandstaff. Amends section 298, criminal code, and repeals said section. The bill removes the words "in a state of adultery" wherever they appear in the section.

House roll 37, by Easterling. Amends section 125 chapter 58 of the criminal code of Nebraska of 1873, and to repeal said original section 125 of chapter 58 of the criminal code of Nebraska of 1873, and to repeal section 125 of chapter 31 of the criminal code of Nebraska of 1881, and to repeal section 125 of chapter 15 of the criminal code of Nebraska of 1887, and to repeal section 125 of chapter 16 of the criminal code of Nebraska of 1891.

The bill re-enacts the law providing a penalty for obtaining money under false pretenses and extends the crime to persons stealing from a "corporation, association of parnership."

House roll 183, by W. T. Wilcox:

Section 1. That no company, corporation or person operating a railroad in whole or in part, within the state of Nebraska, shall permit or require any conductor, engineer, fireman, brakeman, telegraph operator or any trainman who has worked in his respective capacity for eighteen consecutive hours, except in case of casualty, or unavoidable emergency, to again go on duty or perform any work until he has had at least eight hours of rest.

Section 2. Any company who shall violate this act shall be fined not less than $50 nor more than $200, for each and every violation of this act; provided, however, that the proceedings to enforce the penalty, as approved in this act, shall be commenced within six months from the date of the violation of the same.

House roll 192, by Beverly.

Section 1. That no female shall be employed in any manufacturing, mechanical or mercantile establishment, hotel or restaurant in this state, more than sixty hours during any one week and that ten hours shall constitute a day's labor. The hours of each day may be arranged so as to permit the employment of such females at any time from 6 o'clock a. m. to 10 p. m.

Section 2. Every employer shall post in a conspicuous place in every room where such females are employed a printed notice, stating the number of hours work required of them each day of the week.

Section 3. Every employer shall provide suitable seats for the females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

Section 4. Provides a penalty for violating the act.

House roll No. 65, by Burman.

Section 1. Any person or persons who loan money upon deposits, or pledges of personal property or other valuable thing, or any person, persons or corporation who loan money upon chattel property for security, and require possession of the property so mortgaged on condition of returning the same upon the payment of a stipulated amount of money, is hereby declared to be a pawnbroker, or chattel loan broker, for the purpose of this enactment.

Section 2. Every person, firm or corporation engaged in the business of pawnbroker or chattel loaning shall pay to the city or village treasurer for a license to carry on the same the sum of $100 per year or $50 for every six months, in metropolitan cities, but in all other cities, towns or villages the sum of $50 per year or the sum of $25 for every six months, such a license to be obtained in the usual manner. Such person or firm shall pay said sum and give bond to city, town or village in which he is to do business in the sum of $5,000, with surety to be approved by the mayor or its chief executive officer, conditioned for the faithful performance by the principal, of each and all the trusts imposed by law or by usage attached to pawnbrokers, or chattel loan brokers, provided, that no license fee shall be exacted in municipalities which impose a license fee on this business by ordinance.

Section 3. No person or firm shall be allowed to do business in more than one place under one license.

Section 4. All persons who shall be engaged in the business shall keep a book in which shall be legibly written in ink, at the time any loan or purchase, an accurate account of description, in the English language, of the goods pawned, pledged or mortgaged or purchased, the amount of money loaned or paid therefor, the time the same was received, and the name, residence and description of the person pawning, pledging, mortgaging or selling the same, which book, as well as the article pawned or purchased, shall be at all reasonable times open to the inspection of the mayor or any member of the police department, or any officer of the law.

Section 5 provides for a daily report to the police department.

Section 6. No personal property received on deposit or purchase by any pawnbroker, chattel loan broker, dealer in second-hand goods or junk dealer, shall be sold or permitted from the place of business of such person for the space of twenty-four hours after the copy and statement required to be delivered to the chief police officer shall have been delivered as required by section 5 of this act.

Section 7 excludes Sunday as a working day for those coming under the act.

Section 8 provides a penalty of between $50 and $100 for violating the act.

Section 9. It shall be unlawful for any broker, agent or dealer mentioned in this act to sell any goods so pawned to, or received by him, during the period of six months, from date of pawning or receiving such goods; and after the expiration of four months as aforesaid he may sell any such article to the highest bidder therefor after first having posted a notice of said sale one week in a conspicuous place of business where such article was pawned or received, or in the place where such broker or dealer is then located because of having changed his place of business, gaving in said notice an accurate description of the articles or goods to be sold, and the date and the hour that said sale is to begin, and also after having endeavored to notify the pawner of such goods at least one week before the time set for such sale, that same would be sold. Said sale may be adjourned from day to day for want of sufficient bidders. Said sale shall vest the title to said property in the purchaser.

House roll No. 318, by Flynn, repeals sections 4, 5 and 6, chapter 39, compiled statutes, and creates new sections.

Within six months after the passage of this act all buildings in this state, four or more stories in height, excepting private residences exclusively, but including flats and apartment buildings, shall be provided with one or more metallic ladder or stair fire escape attached to the outer walls and provided with platforms of such size and dimensions, and such proximity to one or more windows of each story above the first, as to render access to such ladder or stairs from each such story easy and safe, and shall also be provided with one or more automatic metallic fire escapes, or other proper device, to be attached to the inside of said building so as to afford an effective means of escape to all occupants who, for any reason, are unable to use said ladders or stairs; the number, material, location and construction of such escapes to be subject to the approval of the commissioner of labor or his deputy; provided, however, that all buildings more than two stories in height, used for manufacturing purposes, or for hotels, dormitories, schools, seminaries, hospitals, or asylums, shall have at leat one such fire escape for every fifty persons, and one such automatic metallic escape for every twenty-five persons, for which working, sleeping or living accommodations are provided above the second stories of said buildings; and that all public halls, which provide seating room above the first or ground story, shall be provided with such numbers of said ladders or other fire escapes as said commissioner of labor or his deputy shall designate.

The duty of the commissioner of labor and his deputy shall be to serve notice on owners of buildings not provided with fire escapes and to command their erection in thirty days. Grand juries are empowered to look into cases of neglect to put up the fire escapes. Failure to erect a fire escape on notice shall meet with a fine of from $25 to $200 and to a further fine of $50 for every additional week of neglect to comply with the law.

The commissioner of labor and his deputy shall have supervision of the erection of all fire escapes, and none shall be erected except by a written permit from him. Applications for permits to construct fire escapes shall be filed with the commissioner of labor, giving description of the building, and in return for this the permit is to be issued.

CIVIL CODE.

Senate file No. 62, by Fowler of Fillmore. To amend section 1029, civil code, relating to the transfer of replevin suits to the district court, by adding the following to said section:

In case where the appraised value of the property so taken is less than $200 and a trial is begun before the justice, and in case the jury agree upon a verdict finding the value of the property so taken to be more than $200, or in case a jury is waived and the case tried to the justice and he finds that the value of the property so taken exceeds $200, then in either case no judgment shall be entered and all subsequent proceedings shall cease before the justice, and he shall certify the proceedings to the district court in the same manner as provided for in this section where the appraised value of the property taken exceeds the sum of $200, and the same proceedings shall be had in the district court as a case certified up by the justice when the appraised value of the property taken exceeds $200.

Senate file No. 28, by Fowler of Fillmore. To repeal sections 917, 918, 919, 920, 921, 922, 923 and 924 of the civil code relating to arrest before and after judgment.

House roll No. 93, by Weaver. To amend section 601a, civil code, and to repeal the section before existing.

Section 1. That section 601a of the code of civil procedure, be amended, so as to read as follows:

Section 601a. A complete record of every original clause in the supreme court, as soon as it is finally determined, shall be made by the clerk of such court, unless both parties shall declare in open court, at the term at which the final order or judgment shall be made or hearing had, their agreement that no record shall be made.

House roll No. 254, by Olmsted. Adds to section 6 of the civil code the following:

"Provided, however, that there shall be no limitation to the time within which any county, city, town, village or other municipal corporation may begin an action for the recovery of the title or possession of any public road, street, alley or other public grounds or city or town lots."

House roll No. 31, by Evans. Amends section 602, code of civil procedure, relating to proceedings to reserve, vacate or modify judgments and orders in courts in which they are rendered by striking the words, "married woman," from the following: "For erroneous proceedings against an infant, married woman, or person of unsound mind where the condition of such defendant does not appear in the record nor the error in the proceedings."

House roll No. 88, by Weaver. An act concerning compensation of receivers.

Section 1. Receivers shall receive for their services such compensation as the court in its discretion may award, subject to the following restrictions:

First, receivers appointed for the purpose of preserving and protecting property pending litigation, or for the purpose of continuing the business of the debtor or corporation pending litigation, or when financially embarrassed, may be awarded a salary or lump sum.

Second, receivers appointed for the purpose of winding up the affairs of a debtor or corporation, reducing the assets to cash and distributin them, shall be awarded a percentage upon the cash received and properly accounted for by them. Which percentage may be increased where extraordinary services have been performed, and correspondingly reduced where the services have not been meritoriously performed.

CURATIVE LEGISLATION.

Twenty-three bills passed were curative acts. They are so designated by attorneys because they cure defects in present laws. The most common defect, as shown by foot notes in the compiled statutes, is the absence of repealing clauses. The courts have held that when an amendatory act is passed the bill must designate the section sought to be amended and also repeal such section. Some important sections in the statutes have been declared unconstitutional, because legislatures have not followed this plan of repealing sections sought to be amended. Lawyers deem the curative acts among the most important passed by the legislature. Some of the curative acts merely strike out words that have been abrogated by decisions of the courts, or correct palpable errors that occurred in times past in the enrolling room, such as the misspelling of a word or the substitution of a wrong word. The following are the curative acts passed:

Senate file No. 124, by Reynolds of Dawes, attaching a repealing clause to section 62, criminal code, relating to setting fire to woods and prairies.

Senate file No. 117, by Prout of Gage, attaching a repealing clause to section 592, civil code, relating to limitation of time in which judgments may be enacted or modified.

Senate file No. 113, by Prout of Gage, attaching a repealing clause to section 522, criminal code, relating to imprisonment at hard labor.

Senate file No. 96, by Prout of Gage, attaching a repealing clause to section 1a, civil code, relating to verification of pleadings by affidavit.

Senate file No. 58, by Talbot of Lancaster, attaching a repealing clause to section 12, chapter 9, statutes of 1897, relating to registration of county bonds by the state auditor.

Senate file No. 93, by Prout of Gage, attaching a repealing clause to section 144, civil code, relating to amendment of pleadings by the court in furtherance of justice.

Senate file No. 97, by Prout of Gage, attaching a repealing clause to section 276, civil code, relating to contempt.

Senate file No. 144, by Prout of Gage, attaching a repealing clause to section 90, criminal code, relating to injuries to ornamental trees on commons and streets.

Senate file No. 143, by Prout of Gage, attaching a repealing clause to section 81, criminal code, relating to stealing or interfering with bees and honey, and fixing the liability to the party injured at "all damages received" instead of "double damages."

Senate file No. 119, by Prout of Gage, attaching repealing clauses to sections 892 and 859, civil code, relating to partition and service upon defendants in partition suits.

Senate file No. 145, by Prout of Gage, attaching a repealing clause to section 116, criminal code, relating to stolen goods.

Senate file No. 150, by Rocek of Lancaster, attaching a repealing clause to the sale of or allowing diseased animals to run at large.

Senate file No. 151, by Rocke of Lancaster, correcting an error in section 852, civil code, relating to sale of mortgaged premises, by changing the word, "speculation," to "execution," the original bill having been incorrectly enrolled.

Senate file No. 154, by Prout of Gage, attaching a repealing clause to section 25, criminal code, relating to carrying concealed weapons.

Senate file No. 157, by Prout of Gage, attaching a repealing clause to section 26, criminal code, relating to unlawful assembly.

Senate file No. 155, by Prout of Gage, attaching a repealing clause to section 8, criminal code, to aiders and abettors in prize fights.

Senate file No. 153, by Talbot of Lancaster, attaching a repealing clause to section 140, criminal code, relating to the adulteration of liquors and the sale of the same.

Senate file No. 8, by Owens of Dawson, attaching a repealing clause to section 6, chapter 12, statutes of 1897, relating to the time and place of the sale of property taken under chattel mortage.

Senate file No. 125, by Reynolds of Dawes, attaching repealing clauses to sections 323, 324 and 327, civil code, relating to proceedings before the court, trial docket and order of trial, and repealing section 327a, which is practically the same as section 327.

Senate file No. 129, by Talbot of Lancaster, attaching a repealing clause to section 378, civil code, relating to service of notice before taking depositions.

Senate file No. 140, by Prout of Gage, to amend section 609, civil code, relating to modification of judgments, by striking out the words, "married women," the same having been abrogated by the courts.

House roll No. 22, by Lane. Amends sections 30 and 31, chapter 23, part 11, revised statutes, being sections 29 and 31, chapter 34, compiled statutes, by supplying a repealing clause.

House roll No. 24, by Lane. Amends section 26, chapter 34, compiled statutes, relating to guardians and wards, supplying a repealing clause to the original act. Approved March 7.

EMBALMING.

House roll No. 170, by Armstrong.

Section 1. It shall be the duty of the state board of health within sixty days after the passage of this act to appoint a board of secretaries or examiners for embalmers. Said board shall consist of three members.

Section 2. No person shall be eligible as member of said board who has not been engaged in the business of, and practiced embalming in this state for a period of at least five years next preceding said appointment. The terms for which the members of said board shall hold their office shall be three years, except that the members of the board first to be appointed under this act shall hold their office for the term of one, two and three years, respectively, and until their successors shall be duly appointed.

Section 3. The board shall meet and organize within thirty days and shall meet at least once a year. The records shall be kept at the office of the state superintendent of public instruction.

Section 4. All persons engaged in embalming in the state for one year shall have a certificate on furnishing proof and paying $5 for the same. The certificate must be secured in six months.

Section 5. No person not registered after six months may practice embalming until certificate is secured.

Section 6. Examinations shall be given to any person at the regular meetings of the board.

Section 7. An annual fee of $2 is required of all persons practicing embalming.

Section 8. All certificates shall be registered in the office of the county clerk of the county in which the party holding it resides, for which the clerk may charge 25 cents.

Section 9. Every applicant for examination shall pay the board of examiners $10. Each member shall receive $5 per day for each day actually employed, together with all traveling expenses, and may receive such further compensation as the board may determine, all to come from the fees of the office.

Section 10. The secretary and treasurer of the board shall make an annual report to the auditor. Any surplus over salary and expenses shall be paid into the state.

Section 11. Violations of the act shall be misdemeanors and the penalty shall be a fine of between $25 and $100.

BARBERS' BILL.

House roll No. 271, by Olmsted.

All persons following the occupation of barber in the state shall obtain a certificate of registration. The barbers' examining board, consisting of the governor, attorney general and auditor, shall in sixty days appoint three examiners or secretaries, appointed one for one, one for two and one for three years, two of whom shall be recommended by the barbers' protective association. One of the secretaries shall be a practicing physician who shall have been practicing his profession five years prior to appointment. The secretaries shall give bond in the sum of $3,000.

The board shall adopt rules with reference to precautions to prevent creating and spreading of infectious and contagious diseases. Public examinations by the secretaries shall be held, notice of which shall be given.

Within sixty days from the passage of the act all barbers on making satisfactory showing may secure a certificate for $1. After that time an examination will be necessary at an expense of $5. The board of examination will not issue a certificate till satisfied that the applicant is above the age of eighteen years; of good moral character, free from contagious or infectious diseases, has either studied the barbers' trade for two years as an apprentice under a qualified and practicing barber, or studied at least one year in a properly appointed and conducted barbers' school or college, or practiced at the barbers' trade in another state for at least two years, and is possessed of the requisite skill in said trade to properly perform all the duties and services incidental thereto, and is possessed of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of his trade.

Certificates shall be good for a year. Apprentices may serve in barber shops but not over one apprentice to three barbers. All barber colleges must keep up a sign giving evidence of the fact. The board may revoke a certificate for conviction of crime, habitual drunkenness, gross incompetency and contagious or infectious disease.

The fees are to be distributed among the secretaries of the board and they are to receive no more than the fees of office. The board of secretaries may hold examinations anywhere in the state they see fit. Penalties for violation of the act are provided.

ANIMALS.

House roll No. 347, by Fisher. Repeals chapter 51, compiled statutes.

Any person or persons having cattle, hogs, sheep, horses, mules or asses, shall have the right to adopt a brand or mark, for the use of which he shall have the exclusive right in this state, after recording such brand or mark as hereinafter provided.

That for the purpose of creating a state brand and mark committee, and state registry of brands and marks, it shall be the duty ofthe governor to appoint three reputable stock raisers, who shall be chosen from those largely interested in cattle, who shall hold their office for a term of two years. Said three persons so chosen, together with the secretary of state, shall constitute a state brand committee. Said committee shall meet at least twice each year and at the office of the secretary of state, and as often at the call of the chairman as is necessary.

A record shall be kept by the secretary of state of all brands and a fee of $1.50 shall be charged for recording such brands. Twenty per cent of these fees shall be paid each member of the state committee and 20 per cent shall constitute a fund to defray the expenses of the secretary of state incurred under the act.

No person shall adopt a brand previously recorded. The committee shall decide whether brands offered for record conflict, provided that no brand shall be accepted described as being of either side of the animal and that a brand described as being on both sides may be accepted. Where two brands are similar the committee shall decide as to priority of ownership at its regular meeting. The party thus losing his brand shall not thus have his ownership of stock in any way invalidated, the object of the act being to make illegal and enjoin from the further use of the brand.

Owners of cattle bringing them to a county for grazing shall submit the brands to the committee to obtain permission to use the same and assurance that it does not conflict with others and the owner may be enjoined from the use of a conflicting brand.

Provision as to "incoming stock growers" and "brands to be rejected by committee' are as in the old law.

The following penalty is attached: "Any person or persons who shall violate the provisions of this act shall be deemed guilty of misdemeanor, and upon conviction shall be punished by a fine of not exceeding $1,000 or by imprisonment in the county jail for a term not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

Senate file 136, by Crow of Douglas: To amend section 16, chapter 4, article 1, compiled statutes of 1897, to read as follows:

Section 16. That dogs are hereby declared to be personal property for all intents and purposes and the owner or owners of any dog or dogs shall be liable for any and all damages that may accrue to any person, firm or corporation by reason of such dog or dogs killing, wounding, worrying or chasing any sheep or other domestic animals belonging to such person, firm or corporations and such damage be recovered from any court having jurisdiction of the amount claimed.

House roll 155, by Wilcox. Amends subdivision 10, section 69, article 1, chapter 14, compiled statutes and repeals section as existing.

Section 1. In cities of second class, tax on dogs is placed at from $1 to $3 instead of from $2 to $10 as in previously existing law.

REAL ESTATE.

House roll 197, by Lemar. To legalize all oaths and affirmations heretofore administered and all acknowledgements heretofore taken by commissioners of deeds in the legal form and which have no certificate of the secretary of state as required by section 36, chapter 73, compiled statutes, if in other respects they are in regular form.

APPROPRIATION BILLS.

House roll 280, by Detweiler. Appropriates $25,000 for the construction and furnishing of a three-story brick and stone school building at the institute for the deaf and dumb at Omaha. The successful contractor shall file a $20,000 bond for the faithful performance of the work. The board of public lands and buildings shall appoint a superintendent with a compensation of $4 a day. Fifteen per cent of the contract shall be retained till completion of the work.

House roll 275, by Detweiler. Appropriating $7,700 for the construction of a boiler, engine, coal and pump house at the institute for the deaf and dumb at Omaha. One brick and stone boiler house shall be erected which shall be equipped with four boilers for heating purposes of the institution together with engine room, coal bins, electric lighting plant and pump house belonging thereto. Bids shall be advertised for within thirty days. The bond required of the successful bidder shall not exceed $20,000. Fifteen per cent of the price shall be retained till final acceptance.

Emergency clause. Approved April 3.

House roll 351, by Zellers. Appropriates $1,500 for the purpose of creating an emergency fund to be used as occasion may require by the state board of health in the suppression of epidemics and the prevention of diseases and protection of human life in Nebraska.

When the public health is threatened the board of health may pass a resolution setting forth the facts and giving an estimate of the expense necessary to fight the disease which when approved by the governor and attested by the attorney general shall be filed with the auditor who shall draw a warrant on the treasurer for the amount approved.

The emergency fund shall be available for the payment of bills contracted by the board for the suppression of the recent epidemic of smallpox in the state. Emergency clause. Approved February 25.

House roll 121, by Thompson of Merrick. Appropriates $40,000 for the payment of the incidental expenses of both houses including printing, postage, stationery, fuel, light and other special expenses which may be lawfully incurred by either house. Emergency clause. Approved January 25.

House roll 8, by Evans.

Section 1. To appropriate $30,000 to erect one three-story brick, stone and iron fireproof building with stone basement, on the grounds of the asylum for the chronic insane at Hastings to accommodate not less than 200 nor more than 225 patients, and to conform in architectural design to the buildings now in use on the said grounds.

Section 2. The board of public lands and buildings shall advertise for bids.

Section 3. The board shall accept the lowest responsible bid.

Section 4. The successful bidder shall execute a bond to the state in the sum of $25,000 for the completion of the work according to contract and the payment of all labor claims.

Section 5. The board shall appoint a superintendent to see that plans are followed and to return monthly statements of work done. The superintendent's bond shall be in the sum of $10,000. His compensation shall be $5.00 per day.

Section 6. The building shall be completed by October 1, 1900. At its completion 80 per cent of the amount shall be paid, the balance to be paid when final estimate is made.

Section 7. The superintendent is qualified to act in the absence of the board.

Section 8. The treasurer shall pay warrants for the work.

House roll No. 296, by Dittmar, appropriates $40,000 for a building at the Lincoln hospital for the insane. Contractors shall give a $40,000 bond to insure completion of the work. The board of public lands and buildings shall appoint a superintendent whose compensation shall be not over $5 a day. Twenty-five per cent of each estimate is to be retained till the work is completed and accepted.

House roll No. 457, by Murray, appropriates $5,182 for the relief of Thurston county for the purpose of liquidation of indebtedness incurred in the prosecution of W. C. Ream, and J. Sidney Goodmanson, for felonies, and other trials.

House roll No. 600, by committees on deficiencies. Appropriates $45,981.93 out of the general fund for the payment of items of indebtedness owing by the state. Emergency clause. Approved April 5.

House roll No. 9, by Evans. Appropriates $15,000 out of the general fund for the purpose of erecting and furnishing one boiler and engine house, cold storage room, new wells and air lift pump for the asylum for the chronic insane at Hastings. The board shall advertise for bids immediately. A good bond is required from the successful bidder, to be accepted by the board of public lands and buildings.

Emergency clause. Approved April 3.

House roll No. 390, by Young. Appropriates money belonging to the state normal school library fund on March 31, 1899, and all sums accruing till March 31, 1891, for the purchase of books for the institution.

Emergency clause. Approved March 28.

House roll No. 418, by Grafton. Appropriates $5,000 to be expended under the direction of the board of education of the state normal school for a stand pipe for protection from fire; to enlarge the heating and lighting apparatus and to aid in furnishing the new chapel at the state normal.

House roll No. 295, by committee on soldiers' and sailors' home. Appropriates $13,500 to purchase the site of the soldiers' home at Milford, being 35 acres, together with brick building and the appurtenances thereto, and requires a valid title and surrender of lease. The board of public lands and buildings makes the purchase.

Emergency clause. Approved March 31.

House roll No. 538, by Harris. Appropriates $6,000 to erect and equip a new building to be used as a shop, gymnasium and laboratory and for building a barn at the institution for the blind at Nebraska City. Bids shall be advertised for on or before June 1. The shop is not to exceed $3,500 and the barn not to cost more than $1,000.

House roll No. 599, by committee on deficiencies. Appropriates $925.62 from the state library fund for payment of items of indebtedness owing by state for claims for books.

Emergency clause. Approved April 3.

House roll No. 336, by Chittenden. Appropriates $48,500 for four new buildings at the Beatrice institute for the feeble minded youth. Estimate for two new buildings, $27,000; furniture for two new buildings, $2,500; bakery, kitchen, brush shop and laundry, $6,000; kitchen furniture and utensils for new kitchen, $1,000; new machinery for new laundry, including gas engine, $2,500; two new boilers, $2,000; water and steam fixtures, $2,500; dam at water works, $1,000; replacing plumbing, $2,000; new engine, $1,000; new dynamo, $1,000. Bids shall be advertised for within thirty days.

House roll No. 444, by committee on finance, ways and means. Appropriates $835,459 for the payment of salaries of officers of the state government.

Emergency clause. Approved April 5.

House roll No. 501, by committee on finance, ways and means. Appropriates $1,060,055 for the payment of the current expenses of the state government for years ending March 31, 1900, and March 31, 1901.

Emergency clause. Approved April 5.

House roll No. 603, by claims committee. Appropriates $75,978.49 for the payment of miscellaneous items of indebtedness owing by the state of Nebraska.

House roll No. 610, by Grafton. Appropriates $25,000 to purchase, pay for and furnish an executive mansion. Within thirty days the board of public lands and buildings shall advertise for bids for proposals for sale to the state of a dwelling house properly located in Lincoln for an executive mansion to be occupied by the governor. The board is authorized to purchase such a residence as seems fit. The board shall be furnished a complete abstract of title. After the purchase the board shall furnish the premises suitable for an executive mansion and the same shall be occupied by the governor. Emergency clause. Approved April 1.

Bondsmen Are Held Liable.

The supreme court handed down an opinion in the case of the bondsmen of ex-Oil Inspector L. F. Hilton against the state of Nebraska, in which the plaintiffs sought to be released from liability on the bond, judgment having been rendered against them in the lower court. The judgment, which was for $5,622.56, is reversed and the case remanded with direction to the district court to render judgment on the verdict and to certify therein that Hilton is the principal and that the plaintiffs in error are sureties on the bond.

In the district court the clerk in certifying the case failed to state, in accordance with the provisions of the code of civil procedure, that some of the defendants in the action were sureties. The supreme court held that this is reversible error, although the matter was not brought to the attention of the lower court by motion or otherwise.

The action against Hilton and his bondsmen was instituted to recover $5,622.56, which he was alleged to have received for inspecting gasoline. The defendants contended that the inspection of gasoline was not an official act and that for that reason the oil inspector should not be held liable for the amount. No part of the amount named was accounted for by Mr. Hilton when he retired from office.

The supreme court holds that when the inspector of oils examines gasoline and places upon the cask in which it is contained the statutory brand of condemnation he performs an official act and that the fees received by him for the services are officially received.

The bondsmen in the case are Richard Blaco, W. C. Walton, E. A. Stewart and John M. McKeen. According to the decision of the court they are liable for the amount of the shortage.

Depository Bonds.

Interpretation of the new law cutting down the rate of interest on state funds in state depositories and preventing officers of banks from being accepted as sureties on depository bonds has been puzzling State Treasurer Meserve. The three state officers comprising the board that passes upon such bonds recently determined to require all depositories to give new bonds. The officers of several banks have asked the state treasurer whether the new law applies to directors of banks. In some cases the banks do not want to ask citizens to sign a depository bond unless persons interested in the bank first sign. It was thought that directors are not really officers and might not be prohibited from signing. This question was placed before Attorney General Smyth, who added to it a second question, whether if a director signs a bond he can be held on the bond in case it is subsequently determined that a director is an officer. Many banks are giving bonds signed by guarantee companies, but as a renewal of depository bonds is to be required, all bankers holding state funds are interested in an interpretation of the law.

Attorney General Smyth believes a director of a bank is not an officer of a bank under the meaning of the state law, and therefore such persons may be accepted as sureties on depository bonds. He believes also that if directors sign they may be held liable.

The Lamented Stotsenberg.

The governor is in receipt of a letter from the father of Colonel Stotsenberg, as follows:

"NEW ALBANY, Ind.,—Hon. W. A. Poynter, Governor of Nebraska.—Dear Sir: I thank you personally, and as the representative of the people of Nebraska, for your tender and touching letter and tender expressions of sympathy. It is true that we have lost our first born, but it is consolatory to know that he died for Nebraska and for the nation on the field of battle and as the leader of as brave and well disciplined an American regiment as ever marched against an enemy; that he worked and toiled for the comfort and welfare of the fighting First Nebraska; that he was as proud of it as a fond mother is of a beloved child; that he aided in making (through its heroism and gallantry on the battlefield) the place of honor for the great state of Nebraska among her sister states when the history of this war is written, and that he freely and cheerfully gave up his life for his country, greatly alleviate the bitterness and anguish of this severe bereavement. Yes, as you say, "he added honors to Nebraska and died like a hero." Please thank Adjutant General Barry and the Hon. William L. Stark for their kind words of condolence. Very respectfully yours.

"JOHN B. STOTSENBERG."

Nebraska Crop Bulletin.

The past week, says the Nebraska crop bulletin, has been warm, with high winds, much sunshine and an excess of rainfall. The average daily temperature excess has varied from 9 degrees in the eastern counties to 4 degrees in the western.

The rainfall has been above normal, except in a few counties along the southern border of the state. Most of the rain fell in the last two days of the week and the ground was very dry in most parts of the state during the greater part of the week.

The past week has been favorable for farm work and rapid progress has been made in most counties. However, in a few localities the dry soil the first of the week retarded the work somewhat. Small grain is now nearly all sown and the early sown is coming up rather unevenly in most localities because of the dry condition of the soil. Winter wheat has improved slightly in the extreme southeastern counties, but most of the crop in the state is dead. Plowing for corn has been general in all counties and a large proportion of the corn ground is now ready to plant, but as yet very little corn has been planted.

Notes.

Creighton has re-elected all of its teachers.

An insurance rate war is threatened at Hastings.

The Atlantic Realty association of Omaha filed articles of incorporation with the secretary of state. The association has a capital stock of $50,000. The incorporators are S. Patton Williams, Henry F. Palmer and Fremont M. Russell.