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ale, with the natural result of the laspe of
eight have brought into public view a multitude
ew men, whose names are in every one's
ath, and of whose lives every one is curious
about the particulars. Great battles have
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if which the details are as yet preserved only
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street, N. Y. **OBSTACLES to MARRIAGE.** IMPORTANT DECISIONS.

The Right of the State to Tax the Lands of the Union Pacific and the Burlington & Misrouri Railroad Com-

panies Affirmed and the Limitations Defined,

Opinion by Judge Dillon.

The decision of the United States Circuit Court, in two of the most important cases ever presented to that court, was received at the office of Col. Watson B. Smith, clerk, yesterday. The cases involve the right of the State and counties to levy taxes on lands embraced in the land grants of the Union Pacific and Burlington & Missouri railroads, respectively. Judge Dillon has filed an elaborate opinion in each case. That in relation to the Union Pacific lands we shall print in another issue of the BEE, and we therefore only premise that the court holds that lands for which the railroad company has received pat-ents are subject to taxation, while other lands of the company are not. The effect of this is to exempt about three-fourths of the lands of the company from taxation. Patents been issued for lands for the first hundred miles, and within the ten-

The following is the full text of opinion in the case involving the taxation of the B. & M. lands. : IN THE U.S. CIRCUIT COURT.

DISTRICT OF NEBRASKA-IN EQUITY. MAY TERM, 1874. Horatlo H. Haunewell, suing for himself and oth rs,
The Burlington and Missouri River Failroad
Company in Nebraska, the County of Cass
and other Countres.

The land grant to the Burlington and Missouri River Railroad Company (act of July 2, 1864. sees, 17, 20; 13 Stats, at Large, pp. 350, 364,) is not subject to the proviso in section 3, of the original act of July 1, 1862, (12 Stats. at Large, 489), giving to the pubhe the right of settlement and preemption if the lands granted be not sold or disposed of within three years after the entire line of the road is completed.

Where the lands had not been fully earned by the railroad company in 1871, and the cost of surveying paid as required by sec. 21 of said act of July 2, 1864, before the period for assessing lands for 1872 had passed, it was held that the lands were taxable, although the company did not pay the local land officer's fees until a few days after the period for making the assessment for 1872 had expired.

BEFORE DILLON, CIRCUIT JUDGE. Construction of land grant to the Burlington Railroad Company: Taxability of its lands; Act of July 2, 1864, sec. 21, construed.

This is a bill to restrain the col.

granted by congress to the defendant railroad company. It is filed by the plaintiff, as a stockholder of the company, after he had represented to its board of directors the impropriety of of paying the taxes, and requested them to bring action to enjoin their collection, or otherwise take efficient measures to pro-tect it therefrom, and after they had declined to do so, because it would be a difficult and unpopular step to

The taxes complained of were, in 1872, levied by the several counties made defendants, in which the lands are situated, and were, in point of form, regular in all respects. They are sought to be avoided on the ground that the lands upon which they were levied were not taxable, on account of certain provisions of the acts by which they were granted to the company. The provisions of these acts of congress, upon which the plaintiff's claim rests, are the 3d and 13th sections of the act of 1861,(12 Statutes at Large, pp. 489, 492,) and sections 18, 19, 20, and 21 of the act of 1864, (13 Stat-

utes at Large, pp. 356, 364).

The work of constructing the ailroad was commenced on the 4th of July, 1869, at Plattsmouth on the Missouri river, and was prosecuted with such vigor that it was completed to a junction with the Union Pacific railroad at Kearney Junc-tion, in the fall of 1872, and, its last section was, on the 4th of November of that year, accepted by the commissioners. Early in its enterprise the company mortgaged its lands to raise the means or a part thereof, with which to carry forward the work, to which purpose those means were applied; and it has applied the proceeds arising from the sale of the lands, and has pledged proceeds thereof for that

On the 7th of March, 1872, the company paid to the United States the cost of surveying the lands opposite the first one hundred and forty miles of the road, including field work and office work, and on the 6th of May, 1872, paid the cost of survey ng the lands opposite the remainder of said lands.

On the 19th and 20th days April and the 1st and 2d days of May, of the same year, the fees of the Register and Receiver in respec of said laws were paid.

The revenue laws of the State require the Assessors to meet for the purpose of equalizing their assessments on the 1st Monday in April, and to return their rolls to the county clerk on the 2d Monday of that month, and the county commissioners to sit as a board of equalization on the 3d Monday and for the two succeeding days. The sessions of said board for 1872 closed on the 17th day of April.

The proper duplicates and war-rants to collect and enforce the tax were placed in the hands of the treasurers of the several counties which are impleaded in the bill, and, when the injunction was allowed they were about to sell the lands. About one-half of the taxes to lands west of the west line of range 7, in Clay county, where the range 7, in Clay county, where the range 7, in Clay county, where the range 7, in Clay county where the range 7, in Clay county where the range 7, in Clay county where the

go to the State. replication and proofs. This suit relates to lands along the first 140 miles of the company's road. Anmiles of the company's road. Anmiles of the company's road. Anmiles of the company's road. Decrees accordingly. other suit by the same plaintiff re-lates to lands along the vendue of

James M. Noolworth for the plaintiff Clinton Briggs, G. B. Scoffeld,

for the counties.
Dillon, Circuit Judge. Price 10c.

J. B. DYO117, M. D.

Physicion and Surgeon, 104 Duane street, N. Y.

Dinon, Circuit Judge.

The taxes for the year 1872 upon lands granted by Congress to the Burlington and Missouri River Railroad in Nebraska, and levied thereon by authority of the State, are sought to be restrained on two principal grounds. One of these is ten porary and applies alone to the taxes for the year 1872; the other is HAPPY RELEIF FOR YOUNG MEN from the effects of Errors and Abuses is early life.

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A 1 S. P. BRIG 8' YARD, CORNER OF Contained in sections 19 and 20 of say sumber of store very cheap. permanent and applies, if well foun-

the act of July 2, 1864, (13 Statute, at large, \$56-364)—this being the amendatory act under which, in connection with the original act of

(16 Wall. 603). It is maintained

aided as many other roads in Iowa,

Wisconsin, Minnesots and other States had been, by a grant of pub-lie lands. As to the effect of the

proviso in section 3, upon the status of lands to which it applies see the case of the Union Pacific Railroad

Company vs McShane, et al. deci-ded at the same time with the pre-

The other alleged ground of ex-

emption from taxation is that, at all

even the lands were not taxable for

1872, because the company's right

to them was not perfected until af-

company.

July 1, 1862, the Union Pacific rail-road and its branches were con-

Daily Review. OFFICE OMAHA DAILY BEE, July 3, 1874. Section 3 of the original act of 1862 made a grant of lands to the Union There was more demand for loans to-day than the banks have known Pacific Railroad Company, within certain limits, on each side of its for weeks past. All fair and good borrowers were freely and cheerfully road, with a provise that "all such lands so granted by this section, which shall not be sold or disposed accommodated with the full amount desired. Financial matters seem to by said company within three years after the entire road shall have been completed, shall be subject to pre-emption and settlement like other lands, at a price not exceedbe improving throughout the coun-THE FIRST NATIONAL BANK

Money and Commerce

ing \$1.25 per acre, to be paid to the Land Grants (selling).......\$810.00 This proviso was under considera-Land Warrants, (160 acres tion by the Supreme Court of the United States in the case of the buying)...... 176.00 Land Warrants (160 acres case of the Kansas Pacific Railselling) Agricultural College Scrip, road Company versus Prescott,

(100 acres buying)..... by the plaintiff that the effect of Do.—Selling... Exchange on New York preme Court, is to exempt from state Business at the various jobbing taxation all lands granted to the companies by the acts of 1862 and 1864, which have not been actually houses of this city was unusually heavy to-day. We do not rememsold or otherwise absolutely disposed ber seeing so many country merof, and it is also maintained that chants in the city at any time since the mortgage of the lands by the company is not such a "sale or dis-position" of them as will defeat the the opening of spring. Their purchasers were invariably large, and right to settle upon and pre-empt a great majority of them brought them. After a careful consideration cash enough to settle current bills, of the language of sections 18, 19, and 20 of the act of 1864, upon and pay for present purchases. which the rights of the Burlington Every one of them reports business company rest, and a comparison of it with the language used in respect good, and money plenty in the country, with the best of prospects to the main company and itsbranches, our judgment is that the grant to the Burlington company is an in-dependent grant, not made by refersplendid crops of this year are harring to the grants to the other com-

panies, and, therefore, that section There are no changes in the mar-3 of the act of 1862, whatever may be its scope and effect, has no appliket worthy of note. OMAHA MARKETS cation to the Burlington company. Carefully Corrected 'Daily This last road was not part of the original scheme; it was to have no government bonds; and was simply DRY GOODS.

J. J. BROWN & BRO., Cor. 14th and Douglas Streets. BLEACHED SHIRTINGS

ter the time when, under the laws of the State, property can be taxed. The proofs show that the road of the BLEACHEC SHEETINGS. Burlington company had been con-structed and accepted as being complete for the distance of 140 miles by December 18, 1871. The balance of the distance 50‡ miles, was ac-COTTONADES. Farmers and Mechanics.... BROWN SHEETINGS. cepted as complete November 4th, On the 7th day of March, 1872, the company paid all the costs of surveying the lands including field work and office work, for the first GINGHAMS.

the revenue laws of the State, no property can be taxed which be-comes taxable after the third Mon-DENIMS. day in April, and that this time closed by the 17th day of that month, in 1872, when the Board of Equalization closed its session. And his further claim is, that as the JEANS. Register's and Receiver's fees were not paid until the 19th day of April, 1872, the company had no taxable interest in the land until this date.

which was too late to make the land taxable for that year, and to support this position the case of the Railway Company vs Prescott, 16 Wall 603, is relied on. Section 21 of the act of 1864, is in these words: "Before any land granted by this act shall be conveyed to any company or party entitled thereto under this act, there shall first be paid into the Treasury ttoman strips of the United States the cost of surveying, selecting and conveying the same by the said company, or party in interest, as the titles shall be required by said company; which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the commissioner of the general land office, for the prosecution of the survey of the public lands along the line of said road; and so, from year

The proofs show that the lands for the first 140 miles were fully earned in 1871, and that the company were then entitled to patents therefor, on the payment of "the cost of surveying, selecting and conveying the same," and that this payment was made on March 7, 1872; and if the right of the company to the lands was then perfect, it is conceded that, if taxable at all, they are taxable for the year 1872. It is said, however, that because the register's and receiver's fees were not paid until April 19, the lands were not before that time taxable. It does not appear from the proofs when the certificates and patents were dated or delivered to the company, and whatever may be the facts in this regard, I am of the opinion that the fees to the registers and receivers of the local land offices, under the act of July 1, 1864, (13 Stats. at L., 835,) are not embraced within those required to be paid by the afore-mentioned sec-tion 21 of the act of 1884. These are fees for "location," not for "selecting " and "conveying the land.
But again, it may be remarked that
the cost of surveying was paid in
time to make the lands taxable;
the work of selecting the lands was
done by the company without, so

to year until the whole shall be

completed, as provided under the provisions of this act."

far as shown, any expense to the government, and for the cost of conveying it does not appear that the The result is, that the bill in No. 284, which relates to counties along the first 140 miles of the defendant range 7, in Clay county, where the road was not completed until the fall of 1872, must be sustained, and the injunction made perpetual; but

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