

DOINGS IN SUPREME COURT.

A Large Amount of Business Transacted By the State Tribunal.

THE DECISIONS HANDED DOWN.

A Case Decided of Interest to the Medical Profession—Happenings in and About the Capital City.

FROM THE BEE'S LINCOLN BUREAU! The supreme court, at its session yesterday, transacted a large amount of business and closed the call of cases in the Seventh judicial district. A large number of opinions were also handed down, the proceedings of the day being as follows:

Hon. J. B. Barnes was admitted to practice as of January term, 1875. W. L. Greene was admitted to practice.

State ex rel attorney general vs Burr, petition for reinstatement to practice set for hearing April 5, 1887.

Shaffer vs State; sentence suspended. Smith vs State; sentence suspended, abstracts waived. Clarke vs Clarke; \$100 allowed guardian ad litem. State ex rel Hlymer vs Nelson; alternative writ allowed.

The following cases were argued and submitted: Western etc Co. vs O'Neill; Fulton vs Levy.

The following rule was adopted: Rule 28. In all criminal cases brought on error to this court, where it appears that the court below has passed sentence of death upon the plaintiff in error, it is ordered that the sentence and judgment be suspended until further order of the court, and it shall be the duty of the clerk to endorse such suspension upon the transcript filed in said cause and immediately transmit a certified copy thereof to the officer charged with the execution of said sentence.

Court adjourned to Tuesday, March 22, 1887, at 8:30 a. m., when docket of causes from the Eighth judicial district will be called.

The following decisions were filed: Denton vs State. Error from Washington county. Judgment of district court reversed, motion to quash complaint sustained, prosecution dismissed and defendant discharged. Opinion by Reese, J.

1. The complaint under which plaintiff was convicted charges that he, plaintiff, and time named, plaintiff in error did "commit the offense of practicing medicine, claiming to be a physician, in violation of the provisions of chapter 55 of the statutes of the state of Nebraska, in this, that having registered under section 2 of said chapter he was not entitled to make such registration or to practice as a physician, not being a graduate of any of the qualifications in section 4 of said chapter," etc. It was held that the complaint did not state facts sufficient to constitute an offense, and that the accused was improperly placed upon his trial thereunder.

Barbor vs Boehm. Error from Hall county. Affirmed. Opinion by Reese, J.

1. Questions of fact and upon conflicting testimony are to be tried by the trial court, or jury, and a finding or verdict will not be set aside on the ground of a want of sufficient evidence to support it, unless the want is so great as to show that the verdict is manifestly wrong.

2. A promissory note given for the premium on an insurance policy issued by an insurance company which had not complied with the laws of the state in filing its statement and procuring the certificate of the state auditor, authorizing it to issue policies, is void as between the parties to the contract and cannot be enforced.

Helps vs Stocking. Error from Saunders county. Reversed and judgment entered in favor of plaintiff for the amount of the note and interest. Opinion by Maxwell, Ch. J. Reese, J., having been of counsel, did not sit.

1. Where a promissory note, payable at W. was duly presented to the maker on the last day of grace, and demand of payment made, which was refused. Held, that a notice received on the following day by the endorser, who resided a few miles from W., was within a reasonable time.

2. That where the endorser receives his mail at the place where the note is payable, a notice of non-payment, actually received by him through the mail, on the day following the last day of grace, is sufficient to charge him as endorser.

Goodman, Bogie & Sherwood Co. vs Pence. Appeal from Hall county. Judgment modified as to granting lien and costs. Opinion by Maxwell, Ch. J.

1. Held, that a proponent of the testimony sustaining the finding of the court below as to the amount due from the defendant to the plaintiff.

2. A mere inchoate right to a mechanic's lien is not assignable, such lien passes with an assignment of the debt only where it has been perfected under the statute.

3. Where a justice of the peace has jurisdiction of the cause of action, and it is brought in the district court, the plaintiff will not be entitled to recover costs. Curran vs Purcell. Error from Clay county. The defendant in error has leave within thirty days to remit \$200, on condition that such remittance be made the judgment of the district court will be affirmed. Opinion by Maxwell, Ch. J.

1. Where objections are made to certain jurors, and the record fails to show that the party exhausted his peremptory challenges, the objection will be unavailable in the supreme court.

2. A witness cannot be cross-examined as to one independent collateral matter in no way connected with the subject of the action in order to show contradictory statements made by him, for the purpose of impeaching his credibility.

3. The sale of intoxicating liquor in a saloon may be proved by circumstantial evidence, and where the circumstances establish such sale the jury will be justified in disregarding the positive assertion of the bartender that the liquor sold by him was not intoxicating.

4. An instruction that "if you shall find from the evidence that the deceased went into the saloon at the next term, and that the business of the defendant was to sell intoxicating drinks, and that deceased was sober when he went into the saloon, and that he came out of the saloon when he was intoxicated, these facts raise a presumption that such person obtained intoxicating liquor in such saloon, but such presumption may be overcome by the proofs and circumstances; and if you shall find from the evidence that deceased did not procure liquor from the defendant that caused him to be intoxicated, or that contributed thereto, you should find for the defendant." Held, not erroneous.

5. Instruction referred to in the opinion. Held, properly refused.

6. Damages. Held excessive, and leave given to remit \$500 from the judgment within thirty days.

Palmer vs Rowan. Error from Hall county. Affirmed. Opinion by Maxwell, Ch. J.

1. A party who is charged with a criminal offense in a county other than that in which he resides, and who has given bail for his appearance at the next term of the district court of such county, and who in pursuance of such bail attends said court at the time and place stated, and who upon the trial is discharged, is not liable to be served in such county with process in a civil action until after a reasonable time has elapsed to enable him to return to his home.

2. The immunity is not confined to witnesses, but extends also to parties. Parker vs Kuhn. Appeal from Douglas county. Affirmed. Opinion by Cobb, J.

1. An action for relief on the ground of

fraud may be commenced at any time within four years after a discovery of the facts constituting the fraud, or of facts sufficient to put a person of ordinary intelligence and prudence on an inquiry which, if pursued, would lead to such discovery.

2. An action by a junior incumbrancer to redeem land sold at execution or judicial sale, being an action for relief other than those specifically mentioned, must be brought within four years after the cause of action shall have accrued. Plaintiff filed his petition in error on the 23d day of February, 1886, since which time it has not appeared in the case, no abstract or brief having been filed, and no reason being shown for the delay, defendant is entitled under rule four to a dismissal of the petition in error.

ABOUT THE CITY.

The Democrats at work upon a boom edition that is promised for Monday next and which undoubtedly will be one of the best advertising mediums ever put out by the press for the direct benefit of Lincoln. The Democrat promises an eight page paper that will be the direct product of three weeks' hard work on the part of the special men engaged in the work.

Workmen are engaged on the corner of P and Eleventh streets cleaning the ground for the erection of a four-story brick building built by James Lowndes. This is one of the most desirable locations in the city and a handsome business block will soon adorn it.

A very large number of Lincoln citizens were at Omaha yesterday attending the encampment of the G. A. R., a large majority of the members of both houses being in attendance. Business at the capitol building, aside from supreme court, was very light.

There was a ripple of excitement in the city yesterday over the quasi secret circulars sent out calling for a citizens' meeting in the evening. The movement was so transparent on its face and in whose direct interest was worked that the prevailing opinion was that it would not work. The city of Lincoln has become too large to be fenced in by a few and paraded out under an alleged citizens' meeting.

It is stated that the grounds and residence owned by "Lord Jones," the residence being the identical one built years ago at work performed by the railroad to the B. & M. railroad company for a handsome consideration. This property was formerly outside the city, but the rapid growth of Lincoln has changed it to a very desirable inside property.

County Treasurer Campbell, of Cass county, was in the city yesterday transacting business at the capitol. Mr. Campbell has recently visited Wichita, Kan., and he states that Nebraska towns have no idea of a great big boom in comparison with that place, where ground sells at \$2,000 a front foot.

The K. P. boys of Apollo division are here at work performing the same in the drill and on May 1 they propose to attend the Kansas grand lodge at Atchison and make it lively for the Kansas divisions and the grand prize.

Secretary of State Laws is at home and an duty again after his business visit to McCook and western Nebraska.

The real estate dealers are pushing the boom with renewed energy and the constant arrival of men of means from the east makes investments active and the range of prices constantly increasing.

Stanton and The President.

We quote the following anecdote from "Recollections of Secretary Stanton," by a clerk of the war department, in the March Century: "When Mr. Stanley of North Carolina, was appointed military governor of his state, the secretary of war caused to be filled out one of the blank forms used for notifying military nominees of their appointment to office by the president, and when he had signed it and caused the seal of the department of war to be attached to it, he concluded that it would be well to have the signature of the president affixed to the instrument. He sent the commission to the white house with the request that the president would sign and return it immediately. Mr. Lincoln took the document and read it over carefully, and then began turning and twisting it about, as though in search of something. At last he handed it to the bearer and said, ironically:

"Did Mr. Stanton say where I was to put my signature?"

"No, sir," replied the astonished clerk.

"Can you tell me," asked the president, "whereabouts on this paper I am to put my signature?" The clerk looked at the commission and saw the ample signature of Mr. Stanton immediately in the foot of the body of the instrument with the counter-signature of the adjutant-general to the left. He saw also a neat, snug-looking white space beneath the signature of the secretary of war, which Mr. Lincoln might have occupied to advantage had he seen fit, but the clerk was polite and replied: "I don't see any place provided for your signature, Mr. President," and was proceeding to explain how the omission obviously came about when the president interrupted him and said in a dignified tone: "Take the paper back to the secretary of war, with my compliments, and say that the president will promptly sign any proper commission that may be sent to him for Governor Stanley or anybody else."

STANTON'S CORSETS

BONED WITH KAPO. THE ONLY CORSET made that can be returned if not worn. PERFECTLY SATISFACTORY in every respect, and the price refunded by seller. Made in a variety of styles and prices. Sold by first-class dealers everywhere. Beware of worthless imitations. None genuine without Ball's name on box.

CHICAGO CORSET CO., 302 FRANKLIN STREET, CHICAGO, 408 Broadway, New York.

KEYSTONE MALT WHISKEY

THE BEST TONIC UNQUALIFIED FOR CONSUMPTION. WAITING DISEASES AND GENERAL DEBILITY. PERFECTS DIGESTION.

DR. EDW. L. WALLING, Surgeon in Chief, National Guard of N. J., writes: "My attention was called to your Keystone Malt Whiskey by Mr. Lator, Druggist, of Trenton, and I have used a few bottles with far better effect than any I have had. I am recommending your article in my practice, and find it very satisfactory."

Beware of Imitations. The Genuine has the Signature of EDW. L. WALLING on the Label.

EISNER & MENDELSON, Sole Agents for the U. S., 316, 318 and 320 So. 3d St., Philadelphia, Pa. Goodman Drug Co., Sole Agents, Omaha, Nebraska.

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One Agent (Sole agent) wanted in every town for TANSILL'S PUNCH 5¢ A

Your "Tansill's Punch" 5¢ cigar is giving good satisfaction; the boys are "catching on."

"Tansill's Punch" is the best cigar we have ever sold for the money.

G. E. RITZ & Co., Omaha, Mo. ADDRESS, R. W. TANSILL & CO., CHICAGO

DEAFNESS its causes, and a new and successful CURE at your own home by one who was deaf thirty-eight years. Treated by most of the noted specialists without benefit; cured himself in three months, and since then hundreds of others. Full particulars sent on application. T. E. PAGE, No. 41 West 21st St., New York City.

MANHOOD RESTORED. A victim of the most dreaded and dangerous disease, Nervous Debility, Neuritis, and all other ailments, cured himself in three months, and since then hundreds of others. Full particulars sent on application. T. E. PAGE, No. 41 West 21st St., New York City.

WEAK MEN! Debilitated through excessive use of stimulants, and all other ailments, cured himself in three months, and since then hundreds of others. Full particulars sent on application. T. E. PAGE, No. 41 West 21st St., New York City.

CALIFORNIA ROUND \$60 SIGLER'S Grand Pullman Car Excursions. Personally conducted, leave Chicago, St. Louis, St. Paul, Omaha and other Western cities monthly, for California over the C. B. & Q. and the GREAT SCENIC ROUTE. Particulars address H. C. SIGLER, Manager, 221 Clark Street, CHICAGO.

PENNYROYAL PILLS "CHICHESTER'S ENGLISH." The Original and Only Genuine. Sold and always had in every drug store. Beware of cheap imitations. Lowest Price Ever Offered For Mo. Silver.

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DR. PEIRO'S OXYGEN For the relief and cure of CONSUMPTION, BRONCHITIS, ASTHMA, NERVOUS DEBILITY, NERVOUS PROSTRATION, ETC. Send stamp for the "Standard" containing full particulars of 150 cases. Free of charge. Dr. Peiro, 150 North 10th Street, Omaha, Neb. Dr. Peiro, Chicago Upper Room, CHICAGO, ILL.

Agent for the South Omaha Land Company N. W. Cor. 15th and Harney.

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A Free Train, a Free Ride

for Everybody.

FREE

TRAIN.

PULLMAN PLACE!

SATURDAY, MARCH 19th

Pullman Place

Saturday, March 19th, at precisely 10:30 o'clock a. m., a free train will leave the B. & M. passenger depot and stop in exactly eight minutes after leaving depot at Omaha's new suburban addition, "PULLMAN PLACE."

The B. & M.'s Ashland cut-off runs directly through "Pullman Place" near the South Omaha packing houses; and the U. P. R. runs east of it, thus placing this addition between these two immense trunk lines of railway. In order to give home-seekers and speculators an opportunity of viewing what is bound to be the "King Bee" addition to Omaha and South Omaha, we have chartered a special train of six coaches which will be run to and from "PULLMAN PLACE" FREE OF CHARGE on the date above mentioned. The price on Pullman Place lots are low and terms easy, being 1-5 cash and balance to suit. We do not ask you to buy a lot unless you think it is money in your pocket to do so, but we are bound to give you all a chance to see this splendid addition FREE. Come everybody, bring your families and take a spring airing. Remember the date, Saturday, March 19. Free train leaves promptly at 10:30 o'clock, a. m.

GIBSON, AYLESWORTH & BENJAMIN.

1512 Farnam Street.

PULLMAN PLACE

FREE

TRAIN.

PULLMAN PLACE

SATURDAY, MARCH 19th

Pullman Place

BALL'S CORSETS

KEYSTONE MALT WHISKEY

Woodbridge Brothers Decker Brothers PIANOS

STEINWAY, FISCHER, LYON & HEALY PIANOS

DEWEY & STONE FURNITURE

"HOW TO ACQUIRE WEALTH." One Million Distributed Every Year

SOUTH OMAHA

Beautiful Residence Lots

FOR SALE

Also Business Lots

LOOK.

On the large map of Omaha and observe that the two and one-half mile belt from the Omaha postoffice runs south of section 33 and through the north end of South Omaha.

TAKE A STRING

And pencil, then get one of J.M. Wolfe & Co's maps of Omaha and South Omaha combined,

PUT YOUR FINGER

On the string at 13th and Farnam, Omaha's business center, and your pencil on the string at where Bellevue street enters South Omaha from the north.

THEN DRAW

A circle and note where

SOUTH OMAHA

Is, and also that many "Additions," "Places" and "Hills" are far OUTSIDE

This magic circle.

THEN STOP

And think a minute what will make outside property increase in value?

THE GROWTH OF OMAHA

Is all that will enhance the value of real estate other than at South Omaha. At the latter point we have three important factors to build up and make valuable the property:

First—The growth of Omaha, which has and always will follow the transportation lines.

Second—All the great railroads center there, thus making it the best manufacturing point of any in or near the city,

Third—THE IMMENSE STOCK YARDS INTERESTS

Dressed Beef Business and Pork Packing Industry

Will make a town of themselves.

SEVERAL NEW PACKING HOUSES

Going up this year.

A Gigantic Beef Canning Establishment

To be put into operation at once.

YOU FOOL

Away your day of grace when you do not get an interest in South Omaha before a higher appraisal is made. The best locations are being taken. Make your selections now:

Lots that so/d for \$300 in 1884 cannot now be bought for \$3,000.

THE VIADUCTS

Over the railway track will make safe and splendid thoroughfares between this city and South Omaha.

A STREET CAR LINE

Will run to the Stock Yards this year. The minute it does lots will double in value, as this will afford quick and cheap transportation either by Dummy, Cable or Horse Cars.

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C. E. MAYNE,

Agent for the South Omaha Land Company N. W. Cor. 15th and Harney.