

ANOTHER HUNDRED FATIOMS.

The Supreme Court Decides That Work On the Salt Well Can Continue.

AN OPINION FROM LANE.

He Decides That the Hold-Over Members of the Omaha School Board Are Entitled to Office Under the New Charter.

(FROM THE BEE'S LINCOLN BUREAU.)

The supreme court yesterday passed upon the question at issue between the auditor and the board of public lands and buildings regarding the continuance of work on the salt well. The question raised by the auditor was as to his right to continue to issue warrants for the work after the expiration of the quarter ending May 31, and a statement of facts in the case were submitted by the attorney general. Upon consideration the court holds that the auditor, under the law, can issue warrants until the expiration of September and that the fund is available until that time. This decision will allow the board to continue the well another 1,000 feet and furnish information as to what underlies this section of the state to the depth of 3,000 feet. When it is considered that the results attained by sinking the well 2,000 feet are practically valueless the continuation of the work will, if nothing should be developed, settle the question of experiments for minerals or other products to a depth within reach of reasonable working.

OPINIONS FILED.

Weaver vs. Cressman. Appeal from Cummings county. Affirmed. Opinion by Maxwell, Ch. J.

1. Where an action in the nature of a creditor's bill is brought by a non-resident on a judgment rendered in another state on which an execution had been returned unsatisfied, the court has jurisdiction to set aside the judgment and to grant a new trial.

2. While the general rule is, that funds in the hands of the clerk of a court at law yet in a proper case a court may subject such funds to the payment of the claims of a creditor.

3. A judgment rendered in another state, when brought into this state, is merely evidence, and its force is not binding until a judgment is recovered there in our state.

4. Where an action is brought in this state on a judgment rendered in another state to subject certain property of the debtor alleged to have been assigned by him without consideration, the debtor is a necessary party to the suit.

Toole vs. Maben. Error from Holt county. Reversed. Opinion by Maxwell, Ch. J.

1. Where in an action on a promissory note and account the answer of the defendant was a plea of payment and over-payment, and there is a failure of proof to show payment of the account, a verdict for the defendant thereon cannot be sustained.

2. A cause should be submitted to the jury upon the issues made by the pleadings, and not upon incidental questions which may arise from the testimony.

Bentley vs. Davis. Error from Franklin county. Opinion by Maxwell, Ch. J.

1. Where certain matters in difference between A and B are submitted to certain arbitrators and a verdict is rendered which was ratified by the aforesaid parties by entering into a written agreement signed by them and witnessed by the said arbitrators. Held, that the parties had thereby accepted of said award and no action could be brought upon the original contract.

2. Matters not submitted to the arbitrators, or not considered by them in making the award, may be sued on as though no such award had been made.

3. Testimony held insufficient to sustain the verdict.

State ex rel. Hopkins vs. School District 7, Sherman county. Mandamus. Writ allowed. Opinion by Cobb, J.

1. Official certificates of the calling of an election in a school district for the purpose of voting on a proposition to issue \$3,000 in the bonds of said district, for the purpose of borrowing money to build a school house, and the purchase of site therefor, of the posting up of notices of such election, of the holding of such election, and the result thereof, and of the issuance of such certificates, by persons claiming to be the director, moderator and treasurer of said district, and the judges and clerks of said election, who were not certified as such, are void.

2. The certificate of the registration of a school district bond, endorsed on such bond and signed by the county clerk under his official seal, and dated April 9, 1874, introduced and received in evidence without objection, held to be evidence of the corporate existence of the school district by which such bond purported to have been issued.

3. The official certificate of the director of a school district that notice of a certain special school meeting in said district was given by posting up notices at certain places twenty days before the holding thereof in three of the most public places in said district, which certificate was introduced in evidence in an action for the enforcement of a stipulation in which it was recited that such stipulation is for the purpose of using the name as testimony in the trial of a certain defendant being obliged to take depositions to prove the same. Held, to be evidence of the due publication of notice of the calling of such special school meeting.

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1. Where a joint owner of personal property assumes, without authority, to sell the interest of his co-tenant, the latter may regulate the sale and sue for the conversion of the property, or he may ratify it and sue for his share of the money received.

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2. The act of 1885, providing for two judges in the second district is valid, and the number of such judges cannot, under the constitution, be changed other than every four years.

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I have the honor to be, very truly yours, GEORGE B. LANE, State Supt.

To Messrs. William Coburn, Hugh G. Clark, Henry J. Lusk, W. W. Mackburn, J. D. Davis, William J. Copeland, members of the Board of Education, City of Omaha.

ARTICLES INCORPORATING the John Deere Manufacturing company, of Omaha, were filed with the secretary of state yesterday, the general business of the corporation being to carry on manufacturing of farm machinery, farm implements, blacksmith supplies, etc.

The capital stock is \$1,000,000 in shares of \$50 each, which may be increased 33 per cent by a two-thirds vote of the stockholders. The incorporators are John Deere, William R. Vaughan, C. E. Holt, S. P. Rounds, J. E. Riley and J. P. Hopkins.

NEW NOTARIES. The governor yesterday issued commissions to the following notaries: Cassino E. Hastings, Spring, Cheyenne county; O. M. Salzgrob, Plattsmouth; William D. Jones, Plattsmouth; Ephraim J. Leiler, Bliss, Holt county; Volney Pattee, Springfield, Kearney county; M. H. Burton, Orleans, Harlan county; E. H. Zenzke, Lincoln; G. C. Francis, Cook; Charles M. Murdock, Wymore; James Newell, Orkney, Cheyenne county; Charles Callahan, Sidney.

THE ATTENDANCE AT THE BANQUET. This afternoon Governor Thayer will come in from a visit at Mallowville university at Bartley, Neb., and will proceed to Plattsmouth, where, in company with Secretary Laws, Attorney General Cassino, Auditor O. M. Salzgrob, Treasurer, Commissioner Scott, President of the Senate Meiklejohn and Hon. Patrick Egan, he will attend the third annual banquet of the Plattsmouth Young Men's Republican club. The club, it is understood, expect the greatest gathering in its history and the state house officers will go in a delegation together to enjoy the evening.

A NEW CANDIDATE. The visit of Jim Laird to the city seems to have been not entirely to attend the session of the republican state committee, for he brought with him the boom of South Caldwell, a former legislator and man at Edgar, Clay county, who is the latest applicant for the much sought position of oil inspector. Just how Captain Hoover will vote to have Laird desert him at this time is not known, but it is certain it is that Laird is now, with Captain Phillips, directly behind Smith Caldwell as an applicant for the position.

IMPRESSIONS FROM THE PUBLIC. On the occasion of the meeting of the Lutheran synod to Lincoln Wednesday, the mayor, among others, addressed the distinguished gathering of divines. In the course of his remarks it probably occurred to him that the synod was not fully impressed with the idea that he was the great big mayor of the city and that he had filled the air with reform. Hence he quoted to them, "We are living, we are moving, we are growing, we are prospering, and as solemnly enunciated this state proposition a number of reform appreciated the statement to its fullest extent."

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AUTHORITIES AT HAND.

Where some of the Most Commonly Used Quotations May be Found. From Bacon comes "Knowledge is power."

Thomas Southern said that "Pity's skin to love." Dean Swift thought that "Bread is the staff of life."

"All cry and no wool" is found in Butler's "Hudibras." Thomas Murgan quailed long ago: "What will Mrs. Grundy say?"

Edward Coke was of the opinion that "A man's house was his castle." Washington Irving combed the expression "The straight razor" from the Goldsmith remark: "Ask me no questions and I'll tell you no fibs."

"Man proposes, but God disposes," are the words of Thomas a Kempis. "When Greek joined Greek there was the tug of war," came from Nathaniel Lee.

Charles Pinkney first said, "Millions for defense, but not one cent for tribute." "Variety is the spice of life," and "Not much the worse for wear" came from Cowper.

Edward Young asserts that "Death is a shining mark," and "A fool at forty is a fool indeed." Macintosh gives, in 1791, the phrase often attributed to John Randolph: "Wise and masterly inactivity."

"Of two evils I have chosen the least," and "The end must justify the means," are from Erasmus. "The world is indebted to Colley Cibber for the very agreeable intelligence that 'Richard is himself again.'"

"To Milton is owed 'The paradise of fools,' a wilderness of sweets," and "Moping melancholy and moonstruck madness." Dryden says: "None but the brave deserve the fair," "Men are but children of a larger growth," and "Through thick and thin."

Prematurely Aged. Many a woman is robbed of those charms which the gentler sex value so highly, and made older before her time by the use of such drugs as destroy the bloom of youth may be restored by the use of a remedy which has stood the test of time and which is to-day acknowledged to be without an equal as a cure for "Faded Beauty." "Favorite Prescription." By all druggists.

Facts About Fingers. While a wife with rosy palms, so beloved of our grandmothers, have gone out of fashion. The American hand is smaller than the English hand, but the nails are not so handsome.

It is said that people with imagination are apt to have long tapering fingers and beautiful finger nails. The good-natured critics are said to possess such long, shapely nails, and their handwriting is somewhat angular.

The American nail suffers from the dryness of our climate, as a foreign picture painted on panel suffers from the same cause. Diplomacy has a long, supple hand and a beautifully kept finger nail. The handwriting of a diplomat looks like a snake crawling away.

An aptitude for criticism is shown and some of the people who bite their nails. These people are cynical and severe, uncharitable and bitter; they write a small, cramped, illegible hand. The Chinese have finger nails so long that they cannot write with them. The tenacity of the Chinese nail, which does not easily break, would indicate that they have more lime in their bones than we have.

The English nails are almost universally rosy and shell-like, and cut to a rounded, slightly tapering point, kept always scrupulously clean. The skin at the base is pushed back to show the onyx, a little half moon. The onyx of the finger nails is carefully cultivated by the crochets of New Orleans to show that they have no black hair in their hair, and no matter how fair the complexion, the valuable sign of pure blood is wanting to the otocroon if the onyx is clouded.

Where Their Merit Lies. When anything stands a test of fifty years among a discriminating people like Americans it is pretty good evidence that there is merit somewhere. Such a test BRANDRETT'S PILLS have stood, and thousands of unsolicited testimonials every year prove their merit. The pills are so valuable and are the result of the highest medical and chemical skill. They have never been known to fail in their work; they have never caused any of the slightest ailments, and they have really saved thousands