

PUTTING THEM ON RECORD.

How Attorney General Leese Will Tap Watered Stock.

THE BIG DIVIDENDS IN DANGER.

A Direct Blow at Extortionate Rates—The Law on the Taxation of School Lands—New Notaries Public.

FROM THE BEE'S LINCOLN BUREAU.

In stating the fact that Attorney General Leese was about to commence quo warranto proceedings to compel foreign corporations operating railroads in this state to incorporate, an important feature to the public was noted. Under the present operation of the roads which are not incorporated under the state law sections 1 and 5, article 11, of the state constitution, are constantly violated. These sections are of vital importance to the state. Section 1 provides that every railroad corporation organized or doing business in this state shall have and maintain a public office in the state for the transaction of its business where transfers of stock shall be made and in which shall be kept for public inspection, books in which shall be recorded the amount of capital stock subscribed, and by whom, the names of the owners of the stock and the amount owned by them respectively, the amount of stock paid in and by whom, the transfers of all stock, etc.

Section 5 says no railroad corporation shall issue any stock for money, labor or property actually received and applied to the purposes for which said corporation was created, and all stock, dividends and other fictitious increases of the capital stock or indebtedness of any such corporation shall be void. The capital stock of railroad corporations shall not be increased for any purpose, except after public notice for sixty days. The facts are notorious that both these sections are openly and constantly violated, and the attorney general, in compelling foreign railroad corporations to incorporate under the state laws, will place the state in a position to compel the enforcement of these. It is a common practice among roads to build a branch line, at a cost of \$1,000 a mile, bond it for \$20,000 a mile, and then extort from the public interest an dividend on both the stock and bonds in addition to operating expenses. With these watered stock transactions made of public record in the state as required by the constitution, the public and the board of transportation can arrive from the record at the honest amount invested upon which interest should be earned, and regulate rates accordingly. The general attorney of the Union Pacific, in conversation with the attorney general, states that his road will not incorporate under the state law, in which event it will escape the quo warranto proceedings.

SCHOOL LAND TAXATION. There has been a good deal of discussion over the state of late relative to the taxation of the investments that people have in school lands. The law states that lands of this character are not to be taxed until the deed issues, but the provision is made that the investment made is subject to taxes either on a sale or a lease. It is evident from the discussion that in a number of counties at least these investments are not returned for taxes. In commenting on this subject a number of criticisms have been lodged against the board of lands and buildings, the state board of equalization and the land commissioner. Commissioner Scott, yesterday, in discussing the criticisms: "I am not a member of the state board of equalization, but I am free to say, however, that in my opinion it is clearly the duty of the assessors to assess investments in realty, in school lands, and the county boards of the several counties should see that they do so."

"It may not be out of place," continued the commissioner, "for me to state in this connection that all payments on educational lands made to the state are subject to the same provisions in which the lands are located, and a complete record kept there of the same. Hence the school land record in the office of the county assessors, in each county readily shows in an intelligent manner the exact amount paid on each tract. This makes it an easy matter for the county and district assessors to assess the value of interest of purchasers in each tract and to whom it should be assessed. By referring to sections 3, 5, 12 and 13 of chapter 7, compiled statutes of 1887, it will be seen that interest in real estate, held by either lease or sale certificates, is liable to taxation, and if the taxes are not paid the interest of the holder of the contract can be sold at tax sale and transferred to tax purchaser."

NOTARIES PUBLIC. The following new notaries public have been commissioned by the governor: Thomas C. Ingraham, Central City; Clark J. Todd, Kearney; Bruce J. King, South Omaha; C. O. Mead, Champion, Chase county; George W. Whittaker, Kearney; Hobson J. Wallace, Sidney; John H. Blair, Morris, Custer county; L. A. Royce, Hastings; Walter Hreen, Omaha; James McMin, Overton, Dawson county; Roger W. Bennett, Imperial, Custer county; James W. Beale, Westerville, Chase county; George W. Beymer, Norfolk; Matthew S. McGrew, Craig, Burt county; William L. Perkins, Perkins county; Alpheus G. Compton, Seward.

ARTICLES OF INCORPORATION. Articles were filed yesterday with the secretary of state incorporating the Co-operative Law and Lot company located at Omaha, capital stock \$200,000. Indebtedness limited to 50 per cent of the capital stock. Incorporators are: Charles J. Smith, Sylvester Sparks and Robert F. Williams.

BENCH AND BAR. District Court. The time of Judge Doane was occupied yesterday in reading the proceedings of the equity docket.

WANTS \$5,000. The case of Dolan executrix vs. Oberfelder, in which plaintiffs sued defendants for \$5,000 damages for the killing of her husband, some time ago by the falling of an elevator, is on trial in Judge Hopewell's court.

WANTS \$50,000. A case which is attracting considerable interest is being tried before Judge Wakely. One Williams sues Judge Hamer, of Kearney for \$50,000 damages for alleged professional malpractice. A detailed account of the case was published in the Bee of October last, but the following may be of interest. Williams had prior to 1875 pre-empted a tract of land near Kearney, and also secured a timber claim act. Two men who occupied an adjacent claim were very anxious to secure that claim owned by Williams and in order to secure it determined, as alleged, to obtain it by conquest, and made a sortie on Williams with a club and shotgun. In the fracas that followed the attacking party were each killed. Williams was confined in jail, and while awaiting trial secured Judge Hamer as counsel. He was tried and sentenced to a term of ten years in the penitentiary, and upon being released claims to have discovered evidence that the conviction was brought about through the influence of his counsel who, as is alleged, refused to carry his case before the supreme court, when by doing so he (the defendant) was reasonably sure of being acquitted. Hence the suit for damages.

Dodge street. On entering the latter's room he found it dark and struck a light, which revealed the colored youth lying on a table with a rifle and shell beside him. Officer White then came in and arrested Ferguson. On being shown the rifle and shell he recognized them as those he found in the lady's possession. On going back to his saloon a crowd had collected around Olson, who expired on a table fifteen minutes after the shot was fired.

James Kennedy, a printer, stated that on the 15th of February he was in Mr. Adams' saloon all evening playing pool, and saw the prisoner come in and offer to play a game. Holmes, a waiter in the saloon, objected to his playing, and witness saw Holmes strike Ferguson several blows. Ferguson was then put out but came in again at 10 p. m. Olson was standing two feet west of Holmes. Ferguson raised a rifle and fired, and then raised it again. Witness could not at first see the rifle, as prisoner carried it down by his side.

James Neigh was next put into the chair, as on going shows the gun in his hand as his property, and as being in Ferguson's possession before the 15th of February. The gun was a single barrel breech-loader of fifty-five calibre.

The prosecutors, Messrs. Simeral and Gurley, proposed that the jury be allowed to visit the scene of the homicide, and if necessary, where the gun was found. The counsel for the defense made no objection.

The jury visited the saloon, which is a large one with horse-shoe shaped bar in center, dividing the whole into two rooms, one south and the other north, in which are billiard and pool tables. From Dodge street on the north side is an entrance through which the prisoner came, and evidently from the course the bullet had taken, the prisoner had fired from the corner of the first pool table. Olson and Holmes were standing together at the edge of the partition, which partially divides the saloon into two. Holmes two feet west of Olson. Olson received the shot, the ball passing through his chest and lodging in the south wall some four feet from the ground.

The court resumed sitting at 2 p. m., opening with the examination and cross examination of defendant's witnesses. Mr. Thomas deposed that he saw the prisoner Ferguson on the 15th of February at 9:30 p. m. Ferguson had a cue in his hand and was about to play when he was stopped by Holmes. This "tried" Ferguson and a struggle took place between him and Holmes, which, however, ceased on the intervention of witness, but not before prisoner had received several blows. Witness picked up the cue and put it in the rack. Montgomery, one of the proprietors of the saloon, was present and ejected the prisoner through the Dodge street entrance. Witness believed prisoner to be either crazy or drunk. When he returned and fired the shot witness and Adams ran after him, but the lad outran them and reached his room in the bath house.

Mrs. Ferguson, the boy's mother, testified that he was born on the 18th of January, 1873. She lives in Atchison, Kan. Her son came to Omaha about Christmas of last year. Prisoner was in the employment of a Mr. Blair for some time, and at times was sick. On being cross-examined as to whether her son had received any injury while at Mr. Blair's, the counsel for the prosecution objected, deeming such a question immaterial and irrelevant. Defendant's counsel wanted to show that prisoner was accustomed to have fits bordering on epilepsy and that such a constitution, combined with intoxication and the blows he received, would make him irresponsible for his act.

Mrs. Owen, sister of the prisoner, stated that she saw him in jail on the afternoon following the shooting affray. His lips were bleeding and his face swollen. At this juncture the court adjourned for ten minutes, as the three remaining witnesses had not turned up. On arrival Mr. Donovan was called up first and testified to the fact that Holmes hit the prisoner on the face some four or five times, drawing blood. He believed the prisoner to be under the influence of drink, and thought that the time between prisoner's being out of the saloon and the firing was between five and ten minutes.

Tom Henry, a young man, saw the prisoner in a saloon at the corner of Fourteenth and Douglas streets, where he was drinking and eating a gingerale. Henry was of the opinion that the prisoner was under the influence of drink, and that he saw him leave the saloon about five minutes after the shooting. John Tanner, a reporter for the World, saw the prisoner in the saloon at the corner of Fourteenth and Douglas streets, where he was drinking and eating a gingerale. Henry was of the opinion that the prisoner was under the influence of drink, and that he saw him leave the saloon about five minutes after the shooting.

In his suit brought yesterday by William H. Spelman to recover \$884.00 from James Hopkins, Leese asked the jury that he was indebted to him in that sum for plumbing and materials furnished.

Messrs. Trevel and Hulsizer ask the court to give them a judgment in the sum of \$123.60 against Thomas Cunningham and others for hardware furnished for building purposes.

The friends of Mike Meaney, who has been in jail since Monday for not paying his fine, hustled around yesterday and made up the required sum, which was paid over to District Court Clerk Moore by Sheriff Coburn.

JUDGE HOPWELL HAS A HUSBANDY. Disregarding the fact that yesterday was his forty-third birthday, Judge Hopewell took up the case of Mrs. J. Doran, executrix, vs. J. Oberfelder et al., in a suit to recover \$5,000 alleged damages, growing out of personal injuries received by plaintiff's husband in an elevator shaft in defendant's store building.

A Reprieve For the Condemned. Wretched men and women long condemned to suffer the tortures of dyspepsia, are filled with new hopes after a few doses of Hostetter's Stomach Bitters. This budding hope blossoms into the fruition of certainty, if the Bitters is persisted in. It brings a reprieve to all dyspeptics who seek its aid. Flatulence, heartburn, sinking at the pit of the stomach, belching, gas, the nervous tremors and insomnia of which chronic indigestion is the parent, disappear with their hateful progenitor. Most beneficent of stomachics who can wonder that in so many instances it awakens grateful eloquence in those who, benefited by it, speak voluntarily in its behalf. It requires a graphic pen to describe the torments of dyspepsia, but in many testimonials received by the proprietors of the Bitters, these are portrayed with vivid truthfulness. Constipation, biliousness, muscular debility, malarial fever, and rheumatism are relieved by it.



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For the Easter Holidays we call attention to our Boy's Clothing. This department we have enlarged to three times its former size, and the assortment we show is simply immense. We offer some special bargains for the holidays. Among other we mention one lot of fine all worsted Knee Pant Suits at \$3.90, which are worth fully \$6. Another splendid Jersey Suit at \$2.95, which could not be bought for elsewhere for less than \$5. In Long Pant Suits, and suits for young men, we show hundreds of styles in fine qualities at prices from one third or one half lower than other houses.

The assortment in our Men's Furnishing department is on the same liberal scale, and Furnishing Goods are marked at the same small percentage of profit as our clothing. The new shape neckwear we offer at 15c, 25c and 30c, you cannot buy for three times the amount elsewhere.

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Table with 4 columns: For, At, For, At. Lists prices for various pantaloons, e.g., \$2.75 which was made to order... \$5.00, \$3.50 which was made to order... \$7.00, etc.

SPRING SUITS

Table with 4 columns: For, At, For, At. Lists prices for various spring suits, e.g., \$18.00 which was made to order... \$35.00, \$17.20 which was made to order... \$34.00, etc.

SPRING OVERCOAT.

Table with 4 columns: For, At, For, At. Lists prices for various spring overcoats, e.g., \$7.40 which was made to order... \$15.00, \$8.20 which was made to order... \$16.00, etc.

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