

ANSWER OF THE BURLINGTON

In the Quo Warranto Proceedings Brought by the State.

NEW NEBRASKA ENTERPRISES.

Four Corporations File Articles With the Secretary of State—Supreme Court Matters—Lincoln Notes and Personals.

LINCOLN BUREAU OF THE OMAHA BEE.

For answer to the action in quo warranto brought against the Chicago, Burlington & Quincy railway company on the part of the state by the attorney general, to compel the company to properly incorporate under the laws of the state, the respondent says substantially as follows:

The amount in dispute exceeds the sum of \$2,000, exclusive of interest and costs, and is a suit of a civil nature at law, arising under the constitution and laws of the United States in this:

That on the 12th day of May, 1879, articles of incorporation of the said act, died in the office of the secretary of state and thereupon the road was incorporated under the laws of the state for a period of fifty years; that among the powers conferred by the act was the power to contract and be contracted with, and to acquire and convey at pleasure all such road and personal property as might be necessary and convenient to carry into effect the objects of the corporation, the power to lay out, contract, maintain and operate and enjoy or control by single or double tracks, offices and depots between the places and the terminal of the road, and to construct branches from the main line to other towns or places within the limits of the state; to acquire by purchase or gift any lands within the vicinity of the road, or through which the same might pass, so as to avoid any obstructions to the road, or to the company to secure the right of way and to hold and convey the same. That the road has these powers provided by special statutes.

"Every railroad company shall have power to intersect, join and unite their railroads, constructed or to be constructed in this state or in any adjoining state, at any point on the boundary line of each, or at such other point as may be mutually agreed upon by such railroad companies as are authorized to merge or consolidate the stock of their respective companies, making one joint stock company of the railroads thus connected, agreed upon, and accepted in the laws of the adjoining state or territory with whose road or roads connections are thus formed, provided that the consent of three-fourths of the stockholders shall be obtained."

That the suit is based on section 8, article 11, of the constitution of the state of Nebraska in force November 1, 1875, which provides: No railroad corporation organized under the laws of any other state or of the United States, doing business in the state, shall be entitled to exercise the right of eminent domain or have power to acquire, right of way or real estate for depot, or other use, until it shall have become a body corporate, pursuant and in accordance with the laws of the state. That by reason of the provisions of the constitution, the respondent can not lawfully exercise the rights, privileges and franchises exercised during the past.

That the power conferred upon the Chicago, Burlington & Quincy railway company in Nebraska by its charter as protected from repeal or impairment by the state by section 1, of the constitution of the United States, which provides that no state shall pass any law impairing the obligation of contracts.

The respondent insists that section 8, article 11 of the constitution of Nebraska is contrary to section 1, article 14 of the amendments to the constitution of the United States and void.

That in an act of congress entitled "An act to amend the constitution of the state of Nebraska in force November 1, 1875, which provides: No railroad corporation organized under the laws of any other state or of the United States, doing business in the state, shall be entitled to exercise the right of eminent domain or have power to acquire, right of way or real estate for depot, or other use, until it shall have become a body corporate, pursuant and in accordance with the laws of the state."

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the first week of their married life. Mr. and Mrs. Finch are receiving the earnest congratulations of their many friends.

Uncle Charley Krull, aged sixty-five years, died this morning of heart disease. He was an old citizen of Lincoln and a prominent temperance reformer. He will be buried at Geneva, Ill. to-morrow, and his friends are respectfully invited to be present at the funeral services.

Hon. W. Sawyer was an Omaha visitor yesterday. He visited the metropolis in the interest of the republican party and to transact business designated by the central committee. It is the purpose of the committee to make a heavier draft upon the oratorical talent of Omaha during the rest of the campaign.

The special committee appointed by the council refused to accept the proposition of Major Kleutgen, made by him to the council, for the damages he received in raising the floor of his business room from the sewer to the Rosewater grade, and he says that the only thing that left him is to sue the city and he will proceed to do it.

Pleasant to the taste, surprisingly quick in effect and economical in price—no wonder that Dr. H. Cough Syrup is the leading preparation of the kind.

"Oh! woman, in thy hours of ease, uncertain joy and hard to please." With children to cherish and a household to spend. Do try Saviour Oil, the liniment.

PRE-EMPTING THE STREET.

Arguments in the Bee-Life Insurance Company Injunction.

Judge Wakely listened to arguments in the injunction proceedings of the Bee Building company against the New York Life Insurance company yesterday. The case was submitted at noon and the court will render its decision Friday.

Contrary to expectations, the several suits in the district court Monday morning all day. Yesterday verdicts were given to the defendants in two cases. Kalish vs. Kaimbach, and Davis vs. Solomon. Judge Doane resumed the trial of Goldard vs. Sweezy.

Judge Hopewell took up Daniel J. Selden vs. Martin Edgar, contending a suit to partition a brickyard and its brick at South Omaha. Selden had bought a half interest in the property of Marcus McPherson. Subsequently it was conveyed by McPherson to Selden, and is still held. Selden asks for \$100 damages.

Judge Graft began the hearing of the suit of Peter Smith against John M. Wilson for \$5,000 damages. The plaintiff was at work in the boiler works of the defendant in October, 1887. A heavy iron fell upon his foot and broke his leg, making him a cripple for life.

Thomas G. Hultin has asked the aid of the court in annulling a real estate trade with J. P. Finley. He agreed to give an Omaha lot for a quarter section of land in Webster county. He also agrees that Finley represented his farm to have a new house, an orchard, and to be good, tillable soil. Hultin made a deed of his lot and placed it in the hands of Alfred H. Graft.

Dr. Isidor Gluck has filed his answer to the petition of his late partner, Dr. George P. Wilkinson. The latter charged Gluck with appropriating the funds of the firm with which he was connected to practice medicine in Nebraska. Dr. Gluck answers that he is a graduate of the College of Physicians and Surgeons of Chicago, and of the Chicago Ophthalmic college and studied in Vienna, Austria. On the other hand Gluck says that "plaintiff was wholly incompetent in the practice of medicine and in business matters." Gluck denies that he mutilated the books or even had charge of them, or that he took any firm money without the knowledge of Wilkinson. He makes general and specific denials to all of the plaintiff's charges.

County Court.

The Tullish Spring company has sued the Omaha Carriage and Sleigh company for \$25 for goods furnished.

Pleasures, while they flutter, sting to death. One is deprived of all pleasures and in danger of death while that racking cough lingers. Cure it with Warner's Log Cabin Syrup, the only remedy, the old-fashioned, reliable, grand-mother's cure.

The Sage Family.

Albany Journal.—The estate of Russell Sage is carefully estimated at \$90,000,000. Mr. Sage has no children, and should he die his twenty-eight relatives in Troy would no doubt be well provided for. They are nearly all children of Mr. Sage's two brothers. Some of them are: James H. Sage, a produce merchant; Sarah M. Sage, who married Charles H. Gardner; Elizabeth Sage Geer, Julia Sage Baxter, Albert Sage and their children. Charles H. Sage of Troy, one of Russell's nephews, is a teamster by occupation and has five children. His niece, Martha Ann Sage, is a widow, whose husband was killed during the war. She is a very worthy person and does a dressmaking business on Seventh street, being known as the Widow Fryer. Mr. Sage is very liberal with his relatives, and helps many of them right along. Mr. Sage has relatives in Onondia, in Chicago, and in Iowa and Wisconsin, who are not so closely related to him as those in Troy.

A Double Help for the Bilious.

In addition to that chief remedial measure—the use of Hostetter's Stomach Bitters—persons suffering from an acute bilious attack, will facilitate recovery by the use at first of milk and lime water and thin gruels, and by a very gradual return to the use of solid foods. Fatty substances should be excluded from the diet. Blue pills is a remedy of doubtful safety, particularly if there be nausea, and vomiting, frequent concomitants of liver trouble. The Bitters, provided its restorative action be not retarded and marred by gross indications in diet, will soon restore the equilibrium of and action of the liver, stomach and bowels, all three disordered by biliousness. In all forms of malarial disease, which in every one of its phases presents indications of liver trouble, Hostetter's Stomach Bitters is the foremost of specifics. The light of over thirty years' experience also shows it to be a fine remedy for rheumatism, kidney troubles, dyspepsia, nervousness and debility.

The Wealth of Presidents.

The American Statesman series shows no more interesting data than the comparative wealth of the presidents of the United States on leaving office. Washington left office worth \$800,000, but no one ever accused him of either parsimony or of dishonest methods. John Adams had but little property, although by no means poor. Jefferson was absolutely impoverished, and was obliged to beg of congress to relieve him by purchasing his books. Madison was well off, but Monroe, like Jefferson, was miserably poor. John Quincy Adams was, for those days, wealthy, and Jackson was at least comfortably fixed. Van Buren and Polk were in moderate circumstances, and Taylor was worth \$150,000. Fillmore left a fine estate in Buffalo, which was quickly scattered. Pierce was worth \$15,000; Buchanan, \$200,000; Lincoln, \$50,000; and Johnson the same. The times considered, Washington was the wealthiest. Grant's circumstances are well known.

"Regulate the regulator." The blood must be good or the health will be bad. Warner's Log Cabin Sarsaparilla purifies the blood. 120 doses for \$1. Try it.

Culture's Cost. Chicago Tribune: Fond Father—I declare; Aggie, you are a perfect facsimile of your mother when she was your age.

Aggie just home from a boarding school—Please call me Agonies, papa. As you say, I presume I am a fair simmel of mamma in her younger days.

Fond father (commencing with himself in the woodshed a few moments later)—Papa mamma! Aggie! Pah simmel! Jumpin' Jerusalem! Is that what I pay \$150 a term for?



An Important Announcement

About six weeks ago while at business, I was suddenly attacked with excruciating pains in my feet, knees and hands. So severe was the pain that I could not bear to stand and in two or three days my joints were so swollen that I could not move. I was unable to get up and I was obliged to use crutches. I was in this condition for several weeks and I was unable to get up and I was obliged to use crutches. I was in this condition for several weeks and I was unable to get up and I was obliged to use crutches.

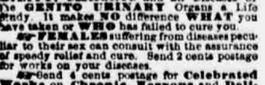
Why don't you get Swift's Specific and use it. It will cure you, and it is the only medicine that will cure you. I used it and I was cured in three weeks. I was in this condition for several weeks and I was unable to get up and I was obliged to use crutches.

Dr. C. H. Clark, a Grandly letter of call may be had from Dr. C. H. Clark, 132 So. Clark St., Chicago, Ill.



EXHAUSTED VITALITY

A Great Medical Work for Young and Middle-Aged Men. New Edition, Revised and Enlarged.



Young and middle-aged men who are suffering from the indications of youth, exhausted vitality, nervous and physical debility, and all who are sick and suffering and do not know what ails them, can be cured without fail by following the instructions in this Science of Life or Self Preservation. Price only \$1 by mail postpaid, sealed in this book, for every man, 200 pages, full gilt.

Dr. F. D. Clarke, M. D., 132 So. Clark St., Chicago, Ill.

UNPRECEDENTED ATTRACTION

OVER A MILLION DISTRIBUTED!

L.S.L.

Louisiana State Lottery Company.

Incorporated by the legislature of 1886, for Educational and Charitable purposes, and its franchise was extended by a vote of the people. Its GRAND EXTRAORDINARY DRAWINGS take place monthly, and the prizes are of the most valuable character. The GRAND SINGLE NUMBER DRAWING takes place on each of the other ten months of the year, and are all drawn in public, at the Academy of Music, New Orleans, La.

We do hereby certify that we supervise the arrangements for all the Monthly and Semi-Monthly drawings of the Louisiana State Lottery Company, and in person manage and control the drawings themselves, and the same are conducted with honesty, fairness, and in good faith toward all parties, and we authorize the company to use this certificate in all advertisements of our drawings.

W. WALMSLEY, Pres. Louisiana Nat. Bank. PIERRE LANAUX, Pres. State Nat'l Bank. A. BALDWIN, Pres. New Orleans Nat'l Bank. CARL KOHN, Pres. New Orleans Nat'l Bank.

GERMANIA

Life Insurance Co.

HUGO WESENDONCK, Pres't. CORN. DOREMUS, Sec'y.

Assets and Surplus of the Company. DECEMBER 31st, 1887. Assets, \$260,885.43. Surplus, \$210,158.97. DECEMBER 31st, 1887. Assets, \$18,073,347.37. Surplus, \$1,836,630.62.

GRAND MONTHLY DRAWING.

In the Academy of Music, New Orleans, Tuesday, November 13.

CAPITAL PRIZE, \$300,000.

100,000 Tickets at Twenty Dollars each. Halves \$10; Quarters, \$5; Tenths, \$2; Twentieths \$1.

LIST OF PRIZES. 1 PRIZE OF \$300,000. 1 PRIZE OF 100,000. 1 PRIZE OF 50,000. 1 PRIZE OF 25,000. 2 PRIZES OF 10,000. 3 PRIZES OF 5,000. 10 PRIZES OF 1,000. 100 PRIZES OF 500. 100 PRIZES OF 200. 100 PRIZES OF 100. 100 PRIZES OF 50. 100 PRIZES OF 25. 100 PRIZES OF 10. 100 PRIZES OF 5. 100 PRIZES OF 2. 100 PRIZES OF 1.

APPROXIMATION PRIZES. 100 do \$50. 100 do \$25. 100 do \$10. 100 do \$5. 100 do \$2. 100 do \$1.

TERMINAL PRIZES. 100 do \$50. 100 do \$25. 100 do \$10. 100 do \$5. 100 do \$2. 100 do \$1.

Prizes, amounting to, \$1,054,800. Note.—Tickets drawing Capital Prizes are not entitled to terminal prizes.

REMEMBER That the presence of German's Biliousness is a sure sign of a bilious condition of the system, and that no one can possibly derive any benefit from the use of any other medicine until the biliousness is removed. German's Biliousness is a sure sign of a bilious condition of the system, and that no one can possibly derive any benefit from the use of any other medicine until the biliousness is removed.

CALIFORNIA!

THE LAND OF DISCOVERIES.

THE ONLY GUARANTEED CURE FOR CATARRH

ABETINE MED. CO. OROVILLE, CAL.

BETTER THAN GOLD

THE KING OF CONSUMPTION

CURES ASTHMA, COUGHS, BRONCHITIS, AND ALL DISEASES OF THROAT, CHEST, AND LUNGS—SOLD BY GUARANTEE.

Send for circular, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

Santa Abie and Cat-R-Cure For Sale by Goodman Drug Co.

OUR NEW ADDITION

Is being rapidly pushed to completion and we hope to open the same by the 15th inst. The changes and improvements which we are also making in the old store extend to every floor and department. We propose to have not only the largest, but also the best arranged and best lighted Clothing Establishment.

We have to apologize to our patrons for the present condition of our store, but it is unavoidable; we are not only crowded with goods but crowded with buyers at all times, and customers may find it a little inconvenient but they will find themselves amply repaid by the low prices we are making throughout our entire stock and the many bargains we are offering.

Our stock of Overcoats is enormous and the change in the weather has created quite a demand for them. We have everything imaginable, or at least desirable, and among our stock will be found many lots which are marked in price far below their intrinsic value.

The Mens' Suit stock is the biggest ever shown and its variety warrants the assertion that whoever buys a Winter Suit without at least looking here, fails to consult his own interest. There is not an establishment in the west that offers the selection or names the prices we do.

Boys and Children are as amply provided for we still have some of the special bargain Knee Pant Suits at \$2.50 a suit, which would be cheap at \$5.00. We want every mother to look at this suit. In long Pant Suits and Boys' and Children's Overcoats we offer great inducements.

Underwear you can buy of us at lower prices than the regular retailers pay for them. Gloves, Hosiery, Neckwear and all other Mens' furnishings at lowest possible prices.

Hats are almost given away, at least you would think so if you look at the constant rush in our Hat Department. The quantities we handle of these goods, and the way we buy them puts all competition out of the question.

ONE PRICE ONLY.

Nebraska Clothing Company

Cor. 14th and Douglas Streets, Omaha.

JOSEPH GILLOTTS

STEEL PENS

GOLD MEDAL PARIS EXPOSITION 1878. Nos. 303-304-170-504. THE MOST PERFECT OF PENS.

RUPTURE

Always cured in 60 days by Dr. J. C. West's Nerve and Brain Tonic. A guaranteed specific for Hernia, Displacement, Obstruction, etc.

FOUNTAIN

BRANDS FINE CUT AND PLUG incomparably the Best.

Tansill's Punch Cigars

21,828,850 Tansill's Punch Cigars were shipped during the past week from our factory in Chicago.

Nebraska National Bank.

U. S. DEPOSITORY, OMAHA, NEB. Paid Up Capital \$400,000 Surplus 50,000

THE IRON BANK.

Corner 12th and Farnam Sts. A General Banking Business Transacted.

FARM AND OMAHA CITY LOANS.

The Kansas City Investment Co. 36 Chamber of Commerce, OMAHA, NEB.

PEERLESS DYES

ARE THE BEST. Sold by Druggists.

Health is Wealth!



DR. J. C. WEST'S NERVE AND BRAIN TONIC.

A guaranteed specific for Hernia, Displacement, Obstruction, etc. Always cured in 60 days by Dr. J. C. West's Nerve and Brain Tonic.

WE GUARANTEE SIX BOXES

To cure any case of this nature we will send the purchaser our written guarantee to refund the money if the treatment does not effect a cure. Guarantees issued only by J. C. WEST'S NERVE AND BRAIN TONIC.

THE PERKINS MILITARY ACADEMY

Peekskill-on-Hudson, N. Y. Send for catalogue. JNO. M. TILDEN, M. D., M. A., Principals.

Advertisement for Misfit Clothing Parlors. A Superb and Extensive Line of Merchant Tailor's Misfits and Uncalled Suits and Overcoats, at 1119 FARNAM STREET, 1119 Three Doors East of 12th Street. A WORD TO THE WISE IS SUFFICIENT!

THE SUPREME COURT.

The following gentlemen were admitted to practice: Charles W. Haskin, William W. Keyser, Byron G. Burbank, George F. Wittum, T. Hoadly Wetmore, Gay V. Shover, dismissed. Gasntner vs. Omaha Belt railway company, continued. Roads vs. Estabrook, continued.

CITY NEWS AND NOTES.

The following cases were argued and submitted: State ex rel Anderson vs. Cheyenne county, Bierbower vs. Singer, motion, Callaghan vs. Powers, Mador vs. Maurer, Slaven vs. Hollman, Muldon vs. Lovi, Tex vs. Pflug, Latham vs. Schaaf, Galt vs. Jones, Hoyce vs. Jones, Gilbert vs. Jones.