

## FINDS CIVIC CODE FAULTY

Lawyer Ca'ls Attention to Need of a Complete Revision.

State Receives Its Last Dividend from the Wrecked Capital National Bank, Amounting to \$1,678.27.

(From a Staff Correspondent.) LINCOLN, Feb. 18.-(Special)-An ineedings on file in the office of the secretary of state, made by an attorney this morning, disclosed that among the urgent needs of the state is a complete revision of the statutes insofar as the civil code and the general laws are concerned. This was done in 1866. The legislature of 1867 passed the following:

An act to amend the code of civil pro-cedure, passed at the cleventh session of the legislative assembly of the territory of

Passed, and took effect, February 13, 1867. Be it enacted by the council and house f representatives of the territory of Ne-

ction 1. That section 230 of the code of section I. That section 230 of the code of civil procedure as numbered in the original rools on file in the office of the secretary of the territory, which reads as follows, towit: "A person who has a direct legal interest in the suit is not a competent witness, unless called on for that purpose by the opposite party as benefite. by the opposite party, as hereafter pro-vided," also, sections 25 and 35 of said code, passed at the eleventh session of the legislative assembly, be and the same are

reby repealed. Sec. 2. Whereas, Certain discrepancies exist between the original rolls on file in the office of the secretary of the territory and the published laws of the eleventh session of the legislative assembly of this territory,
Be it further enacted, That whenever such discrepancies exist, the volume of laws published under the title of "The Revised Statutes of the Territory of Nebraska." in force July 1, 1866, shall be taken and received as the laws of this territory, until afterwards amended or recealed.

office of the secretary of State, in that the benefit of the government. office there is no document that can properly be called an enrolled bill of the ses-1886 would be vold, and the alterney in his search to find out what is the law would to the first session of the territorial legislature in 1855. The act, however, does not apply to the criminal code for the reason

that this was re-enacted in 1873. In the oriminal code, however, there are many defects; in fact, scattered through the statutes there are many laws in which discrepancies could be pointed out, this in most instances because the bills have not been enacted into laws according to the been tested, which is not saying that they will never be. The attorney this morning would not say that he intended to attack some of the laws in question, but he intimated that in the near future there might be something doing.

Hold Up Pay for Cells. \*

The claims of the Van Doran Iron works for putting in the new cells at the state ponitentiary will not be paid at least unambifier session of the legislature is Ole Larson, a Dane, living six miles northheld, unless the courts compel Auditor west of this city, met with a serious acci-

Weston to audit the claims. Today Mr. dent Monday afternoon from which he The voting was nearly unanimous in favor oldest settlers in Butler county, having re-Weston notified the company of his inten-tion to reject the claims. The work has not been completed and in all probability for the bottom to get a load of hay, and mandamus proceedings will be instituted was found after dark lying on the frozen draw interest at 5 per cent per annum and against the auditor.

AUDITOR HOLDS UP PAY FOR THE CELLS \$50,000 for the construction of 250 cells and lain there in the cold for seven hours.

\$50,000 for the construction of 250 cells and lain there in the cold for seven hours. The rapid growth of the sewerage, being at the rate of 2332,23% per cell. The contract was let by the board cell. The contract was let by the board called who discovered that his neck had modations so that the erection of the new serious. price of \$442.50 per cell, this being \$109.17 He lingered until early Wednesday mornin excess of the amount specified by the ing when he passed away. He leaves a

In the letter written by the company ask- stances, bug the auditor how he stood on the question it was stated that unless the account SQUATTERS ON "DEAD LINE" STRIP. | electrocuted yesterday at a tropic was audited work on the cells would at once stop. It is estimated that it will take Land Office Unable to Accept Filings, and was engaged in changing the wires on the fact that among the tens of thousands vestigation of the records of legislative pro- at least three months in which to com-

Last Capital National Dividend.

The last dividend to be declared by the Capital National bank was received by the state treasurer this morning. It was for 71-100 of 1 per cent and amounted to \$1,-678.27. This leaves the state out \$220,000, It having received from the bank in the neighborhood of \$43,000.

The first payment out of the assets of the bank was made September 12, 1900, amounting to \$23,636.18, or 10 per cent. The second payment of 5 per cent, totalling \$11,818.69. ater in the same year, and a third dividend of 2 per cent was turned over November 30, 1991, amounting to \$4,727.23, making with the last payment a gross sum of \$41.850.42 which the state had received out of the immense sum lost. In addition the state treasury is a loser by the amount of the interest which would have been received on the sum during the period which has elapsed since the fallure, January 21, 4893.

The sum which was lost in the bank was in sight, if not something more serious. placed there by J. S. Bartley, at that time the state treasurer, and it was greatly in excess of the statutory percentage as determined by the capital stock of the bank. One Jury Falls to Agree and Another deposited, whereas under the statute it was

allowable to deposit only 30 per cent. Assessors Asking Questions. Sceretary Bennett of the State Board of

for information in conducting their assesstwithstanding.

the new revenue law, section of appears the new revenue law, section o e in force from and after its passage,
Approved February 13, 185.

Works for irrigation purposes shall be exthe attorney questions whether the title empt from all taxation, whether state. is broad enough for the act. As there are county or municipal." Another request was two questions involved, is not the act whiether Indians should be taxed. While clearly unconstitutional? If this act were the board has said nothing of this, it is held to be void then the court must revert more than likely that the red men will have

Dr. McLeod, Dr. Loughridge and Dr. Reynolds have finally prevailed against their of 1886. Consequently the statutes of former colleagues in the Lincoln Medical college of Cotner university, now the Linoin Medical college, and by a decree of the compelled to go back to the original supreme court, just rendered, the transfer enactment, even though it took him back of the property of the old institution to the

new one is declared void. Court Takes New Tack.

In a number of decisions handed down by opinions are cited by the court in arriving conclusions which lawyers construe to the past this has not been done, the unre-

It was stated that the opinions will be used as good law except in cases where they conflict with official decisions of the ourt heretofore rendered.

Accident Results Fatally. OAKLAND, Neb., Feb. 18.-(Special.)

ASHLAND, Neb., Feb. 18 .- (Special.) Before a crowd of 123 members, twenty candidates were initiated, one lapse was reinto the Ashiand lodge, Ancient Order of United Workmen, Tuesday night. Deputy Grand Master Phillips of Table ing the buildings and the fire conditions in

Will Build New School House. the purpose of building a new school house. except the oldest daughter. They are the Co.

ground near the hay stack, where he had to mature in twenty years with the option In his letter to the company Mr. Weston fallen from the load of hay. He was in- of paying the same, or any multiple of tated that "the legislature appropriated sensible when found and had doubtless \$1,000 thereof, at any interest payment date bruised about the head and body yesterfor 156 cells, to cost \$69,030, or an average been dislocated and his skull fractured. building will be timely. wife and six children in moderate circum-

but Land is Being Occupted. HAY SPRINGS, Neb., Peb. 18 .- (Special.) fro the present rate promises to be entirely seems remarkable. taken up by March 1. The Alliance land office received notice from the Land department at Washington less than ten the streams is very valuable as alfalfa foining counties have resorted to the latstreams and are constructing dugouts and parts of the designers. shacks as places of abode and are holding down their claims in the primitive way. As on some claims there are more than one "squatter." some spirited litigation is

CRIMINAL DOCKET UP AT COLUMBUS.

Brings in Verdict of Guilty. COLUMBUS, Nab., Feb. 18.-(Special.)-The jury in the case of Ida Lutzke against Steinback was discharged by streets. Judge Hollenbeck in the district court last night at 8 o'clock after having been out these days from county assessors asking for twenty-six hours and failed to agree with bastardy and the plaintiff sought whether irrigation property is taxable. In damages. This forenoon the fury in the case of the State against Mike Mostek, returned a verdict of guilty as charged. Mostek was charged with criminal assault Mostek is a Pole and has lived in this ounty for a number of years and always was in more or less trouble. The offense for has now subsided. which he has fust been convicted occurred last August at Humphrey. The complainto the original encolled bill on file in the to come up with their little donation for ing witness was a married German woman Mostek broke jall in September and was captured again early in January. It is not thought that a new trial will be naked

SUIT AGAINST BUTCHERS' UNION.

Discharged Employe of Packing Company Seeks Damages. NEBRASKA CITY, Neb., Feb. 18.—(Special Telegram.)—John D. Sutton today brought suit against the Morton-Gregson the supreme court this morning unreported Packing company and the local Butchers' union in the district court for \$12,000. There are altogether about 106 defendants to the mean that hereafter these unreported de- suit. The plaintiff alleges that by con- to be held March 15. The committee fixed islons will be accepted as good law. In spiracy between the defendants he lost his position at the plant of the Morton-Gregconstitution. Many of these have not yet ported opinions merely being cited in speci- son company and was thereby deprived of or cases, but in two of the cases in which the necessary supplies for his family. The the opinions are cited it is said to have suit is the outgrowth of the strike at the paved the way for a general use of the packing plant here two years ago and raises points of law never before passed upon in this state.

> Workman Lodge Booming. nstated and two were received by card tresces were made by Grand Master Work- cial)-State Labor Commissioner Bush has man Jacob Jaskulek of South Omaha and been here for the past few days inspect-Rock. Refreshments were served at the this city. He praised the local fire departonclusion of the ceremonies. This is the ment and stated that the fire conditions

> BLOOMFIELD, Neb., Feb. 18.-(Special.) At a special election Bloomfield yesterday James Blair celebrated their fiftieth annivoted bonds to the amount of \$15,000 for versary, all their children being present

Electrician Injured in Accident. the switchboard when the ladder slipped throughout this country who use Chamber-The "dead line" strip in the north part grabbed hold of a primary wire, which case of pneumonia has ever been reported. of the county just south of the Pine Ridge was charged with 1,200 volts of electricity. which shows conclusively that this remedy reservation that was but lately opened to His right hand and left wrist were fright- is a certain preventive of pneumonia settlement by presidential proclamation, at | fully burned, and his escape from death | Chamberlain's Cough Remedy has gained

Masked Ball a Winner.

SCHUYLER, Neb., Feb. 18 .- (Special.) days ago that the strip was open to ret- The masked ball of the Tel Jed Sokol on dement, but received no plats and cannot February 18 was one of the most successaccept fillings, consequently those wishing ful affairs of the kind ever held in the to secure land have either to wait until city. The attendance was such as to make plats are received or hold the land by getting about a matter of trial and the FORECAST OF THE WEATHER 'squatter's right. As the bottom land along | maskers had difficulty in getting room to land scores of people from this and ad-representations. Some of the representations were especially noteworthy and ter method and have settled along the showed great ingenuity and skill upon the

Sues City for Damages. ASHLAND. Neb., Feb. 18.-(Special.)-Sheriff J. Richard Webster was down from Wahoo this week serving papers on the city officials in the case of Mrs. Anna Keys against the City of Ashland, now pending in the district court of Saunders | winds. county. Mrs. Keys sues to recover \$19,000 damages alleged to be due because of personal injuries sustained June 26 last from a fall on the crossing of Fourth and Silver

Woods Case on Again. NEBRASKA CITY, Neb., Feb. 18 -- (Special )-In the district court today the case of the State against John Woods was called trial. Woods was charged with attempted assault on the daughter of S. T. Williamson. Woods was tried for this offenms last winter and the jury falled to agree. The case caused a good deal of excitement here at the former trial, but this

Reward for Murderer of Child. FREMONT, Neb., Feb. 18 - (Special)-The ounty board has offered a reward of \$100 for information leading to the arrest and i onviction of the party who abandoned a roung baby by placing it in a stock car on the Northwestern tracks here last week. The officers have several parties under suspicion and sensational developments are likely to occur at any time.

Call Gage Convention BEATRICE, Neb., Feb. 18 - (Special Telegram.)-The republican county central committee met here this afternoon and lecided on March 22 as the date for holding the county convention, the primaries the basis of representation for the con-

vention on the vote of Judge Barnes. BEATRICE, Neb., Feb. 18 .- (Special.) Twenty-seven of the thirty-four deputy assessors of Gage county met yesterday afternoon at the court house with County Assessor W. W. Scott, perfected plans for the year's work and discussed the application of the law as regards assessments. Another meeting will be held here March

Bush Inspects Nebraska City. NEBRASKA CITY, Neb., Feb. 18.-(Spestrongest lodge in Ashland, numbering were far better here than in most other about 175 members, which will be increased cities in this state.

Celebrate Golden Wedding. LINWOOD, Neb., Peb. 18.—(Special.)— On Tuesday, February 16. Mr. and Mrs.

Farmer Hurt at Beatrice. BEATRICE, Neb., Feb. 18.-(Special.)-William Barnard, a young farmer who lives northeast of this city, was badly

Pneumonia in Chicago.

Over 3,000 people died of pneumonia in BEATRICE, Neb., Feb. 18,—(Special.)— Chicago last year. In every case the disease C. E. Hain, an employe of the Beatrice resulted from a cold. Had the cold been Electric company, came very near being promptly and properly treated at the outset almost every one would have recovered. under him. In falling Mr. Hain lain's Cough Remedy to cure their colds, no its wide reputation and enormous sale by the prompt and effectual cures of colds and can always be depended upon.

Go to Adler's auction sale of unredsemed

S. E. Cor. 12th and Parnam sts.

appear, especially those with extensive Fair and Warmer in the East Portion of Nebraska and Colder

in lowe. WASHINGTON, Feb. 18.-Forecast; For Nebraska-Fair Friday and Saturday; warmer in east portion.

For Illinois-Fair Friday; Saturday, fair and warner, with fresh north to east

For Iowa-Colder Friday; warmer Satur-

For Kansas-Fair Friday; Saturday, fair and warmer. For Missouri-Fair Friday; Saturday, fair and warmer. For Montana-Fair Friday and Saturday.

except snow in northwest portion; warmer Friday in east and south portions; cooler Saturday. For Wyoming-Fair and warmer Friday, followed by snow in northwest portion;

Saturday, fair, except snow in northwest For North and South Dakota-Fair and warmer Friday; Saturday, fair.

Local Record.

OFFICE OF THE WEATHER BUREAU, OMAHA, Feb. 18.—Official record of tem-perature and precipitation compared with the corresponding day of the last three years; Maximum temperature 1904 1903 1902 1901 Minimum temperature 18 8 28 39 Minimum temperature 2 -15 17 26 Mean temperature 10 -4 22 32 

Omaha for this day and since March Reports from Stations at 7 P. M.

CONDITION OF THE WEATHER.

hicago, snowing

T indicates trace of precipitation. Indicates below zero. L. A. WELSH. Forecaster.

Don't Lose a Meal

Through dyspepsis and indigestion. Take Electric Bitters. They cure stomach troubles or no pay. Only 50c. For sale by Kuhn &

Business Men to Organize and Control Routing of Shipments.

by Stickney and Backed by

the Leading Wholesale Denlers. Omaha business men are said to have

against the commercial and industrial interests of this city. A plan is on foot among several of the leading Jobbers and heaviest shippers of Omaha to perfect an organization for the purpose of controlling the routing of shipments of freight in and out of Omaha. As near as can be ascertained, when the plans are completed the routing of all ship-

ments will be placed in the hands of one This man, it is said, is prominent in the Omaha Grain exchange. It is reported that John Utt, secretary of the commercial club, will be employed to perform the active work of looking after the routing. It is said Mr. I'tt was engaged for this purpose before he recigned from the secretary-

ship of the Commercial club. Stickney Back of It.

President Stickney of the Great Western is given credit for originating the scheme, which he will, it is reported, support with all the energy and tenacity which has characterized his former fights for a grain

market in this city. So far the parties interested in the deal have been very secretive and very little of the actual plans under consideration has

leaked out. The association is being formed for the purpose of fighting those railroads which have been unfavorable to the building up of a grain market in this city. It is said the plan is to direct the fight against the Northwestern and Burlington, with the ob-

ject in view of forcing them into line with their grain rates. A man who is very well posted on the situation locally said:

"If twenty of the leading shippers of this city will stand together to enforce their demands against the Northwestern we can get what we desire from that line inside of thirty days. What we want is rates on grain favorable to this city. If the lines which have been fighting Omaha will grant that, of course the fight will be off by Kohn & Co. and the organization would probably be disbanded."

SHERIDAN, Wyo., Feb. 18.-(Special.)-

TO COMBAT THE RAILROADS Typian were in Sheridan the early part of the week for the purpose of selecting a suitable site for the new state hospital to be crected here the coming season. Several locations were looked over and the one finally relected comprises a block of ground on Fifth street, just five blocks west of the TIRED OF DISCRIMINATION IN RATES Sheridan inn. This property is at present owned by the Sheridan Land company and its agent, H. C. Alger, has submitted the scheme Said to Have Been Launched proposition to the board of directors, and as soon as a decision is made the deal will be closed by the committee of the Commercial club which has the matter in hand. The site is to be donated by the city, the same as the one at Rock Springs. State Auditor Grant made the assertion that about \$24,000 would be available for the erection and furarisen at last to the necessity of forcing planing of the institution, and work will certain railroads to cease discrimination probably be commenced within the next thirty days on the building.

## NO GAMBLING IN WYOMING

Law of 1901 is Sustained in Decision Rendered at Cheyenne by Supreme Court.

CHEYENNE, Wyo., Feb. 18.-The antigambling law of 1901 is sustained by a decision announced by the supreme court today. The law was attacked on the ground of irregularities in the house proceedings and the legality of all the nots of the sixth legislature involved in the case,

Fast Mail Train Wrecked.

CHEYENNE, Wyo., Feb. 18 .- (Special Telegram.)-No. 101, the Union Pacific fast mall, westbound, was wrecked near Bitter Creek station, in the Red desert, at an early hour this morning. The engine and two mail cars remained on the track, but the balance of the train of four care left the track. No one was injured and the damage to property was not great. The accident was caused by spreading ralls.

Awful Loss of Life

Follows neglect of throat and lung disases, but Dr. King's New Discovery cures such troubles or no pay, 59c, \$1.00, For sale by Kuhn & Co.

Cattle Drifting Badly.

STURGIS, S. D., Feb. 13.-(Special.)-Paries up from the Belletourche river state that a large number of cattle have drifted in there from the northern ranges, quite a number of which are dying for want of feed. It seems the ranges are covered with snow, so that the cattle cannot get at the feed.

The Signal of Distress.

Whites of eyes and skin yellow show liver trouble and jaundice. Dr. King's New Life. Pills cure or no pay. Only fic. For sale

Resume Work on Claims,

STURGIS, S. D., Feb. 18.-(Special.)--It is reported that work is to start at once on the Rupe group of claims at Roubaix. The Governor Chatterton, State Treasurer Ir- works have been shut down for some time vine. State Auditor Grant and State Super- pending the incorporation of the company,



