

SUPREME COURT SYLLABI

In the supreme court of the state of Nebraska, the following opinions were filed December 26, 1905.

1218. *Clara against Anderson*. Error from Dawson. On rehearing former judgment vacated. Judgment of district court reversed, cause dismissed as to Anderson. Reversed as to Anderson.

1219. *Clara against Anderson*. Error from Dawson. On rehearing former judgment vacated. Judgment of district court reversed, cause dismissed as to Anderson. Reversed as to Anderson.

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requires authority in writing, those dealing with him are charged with notice of that fact and of any limitation or restriction on the authority of the agent contained in such written authority, and a contract beyond the scope of such authority, whether limited or restricted, is not binding on the principal.

Original Writ allowed. Sedgwick, J. dissenting. Error from Dawson. On rehearing former judgment vacated. Judgment of district court reversed, cause dismissed as to Anderson. Reversed as to Anderson.

the guilt of the accused sufficient to acquit him, which, without such proof, would not have existed. A verdict of good character is always admissible as a circumstance favorable to the accused, to be considered by the jury in connection with the other evidence bearing on the question of guilt or innocence, and given such weight as the jury believes it fairly entitled to, and when so considered it may be said to create a reasonable doubt when, without it, none would exist.

Under section 600, Annotated Statutes, 1905, the auditor is not authorized to issue a certificate of organization to a society whose name or title so resembles a title already in use in the state as to have a tendency to mislead the public.

Under the law prior to the act of 1901 the district court of the county of the conviction and sentence of a person charged with a capital offense had jurisdiction, independent of statute, to investigate the question of insanity in such convict; that jurisdiction has by the statute been transferred to the judge of the district court of that county, which the penitentiary is situated.

Under section 27 of the laws of 1905, it is the duty of the warden if a convict confined in the penitentiary under sentence of death appears to be insane, to give notice thereof to a judge of the district court of the county in which the penitentiary is situated.

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