New Laws for Nebraska Epitomized for the People

(Continued from Eighth Page.)

pensation of examiners shall be fixed by the board at not more than $15 a day and railroad fare and expenses, to be paid out of the fees. Certificate from said board does not give to the osteopath the right to prescribe or use drugs in the treatment of disease.

H. R. 131, by Bowman of Nuckolls—Making it unlawful for any employer to threaten to discharge an employe in an effort to influence his vote. Penalty $100 fine or imprisonment in the county jail for thirty days or both.

H. R. 242, by McVicker of Dodge—Any treasurer of a political committee must before election file with the county clerk fifteen days before election all campaign contributions amounting to $25 or over and also in case a number of smaller sums from one person amounts to this sum, they shall also be published; penalty is provided.

S. F. 58, by Ollis of Valley—Stock trains on branch lines of 125 miles in length shall travel fourteen miles an hour. When the train is less than six cars in length, the railroad may designate three days in a week as stock shipping days. A combination coach, with toilet rooms shall be furnished shippers of stock. Railroad employes must keep shippers informed how long the train stops at stations, must call the trains before departure and pilot the passengers to the train, which must not leave from a point further than half a mile from the waiting room.

S. F. 98, by Wiltse of Cedar—Railroads must settle claims for loss or damage to property in shipment of overcharge for freight within sixty days if shipment is wholly within the state or ninety days if shipment is interstate. If not adjusted within that time common carriers are liable to 7 per cent interest on the claims and a reasonable attorney's fee, to be fixed by the court. If suit is brought and judgment rendered does not exceed the tender of the railroad company, attorney's fees cannot be recovered.

H. R. 98, by Boelts of Merrick—Roads that have been in use ten years shall be declared public highways and shall not be vacated without consent of a majority of the voters residing within two miles of the road not living in any city or incorporated town or village and the bill does not apply to a road with a bridge or sixty feet long.

H. R. 26, by Sunk of Hall—Buildings of more than two stories, including every hotel, boarding house, store house, tenement building, public building, public or private institution, office or store building, school house, theater, public hall, place of assemblage or public resort more than two stories high and containing above ground space for the occupancy of fifteen persons or more shall be equipped with fire escape chutes or toboggans, and such shall be equipped with fire pipe at least three inches in diameter to fit the appliances of the fire department in the city. The labor commissioner shall inspect the places coming under the act at least once a year, the expenses to come out of the general appropriation for the labor commissioners department.

H. R. 263, by Eastman of Franklin—On petition of not less than one-fourth of the legal voters the county board shall submit at a general or special election a proposition for the levy of an annual tax of not over 5 mills on the dollar for the erection of new court houses, jails, or other public buildings. The tax shall not continue for more than five years.

H. R. 9, by Taylor of York—The county board shall divide the county into road districts, except in cities and villages. In no case shall one road district be in two voting precincts or townships in counties under township organization. If additional road districts are formed, the county board shall appoint road overseers, but the existing overseers shall serve until their terms expire.

H. R. 192, by West of Hall—Widows and dependent children of employes of railroads dying in the service may receive free transportation from railroads.

H. R. 245, by McVicker of Dodge—The town board shall consist of the assessor, the town clerk and the justice of the peace receiving the highest number of votes at the election if there is more than one.

H. R. 372, by Griffin of Burt—The county board shall furnish supplies for the offices, including stationery to the county surveyor.

H. R. 375, by Pool of Johnson—Salaries of sheriffs as follows: In counties up to 6,000, not over $1,000; 6,000 to 10,000, $1,200; 16,000 to 20,000, $1,500; 20,000 to 25,000, $1,750; 25,000 to 35,000, $2,000; 35,000 to 50,000, $2,200; 50,000 to 100,000, $2,500; over 100,000, $4,000.

H. R. 86, by Leidigh of Otoe—Clerk of supreme court and office force placed on salary as follows, out of fees: Reporter and clerk, $2,500; deputy reporter, $2,500; assistant reporter, $1,200; second assistant reporter, $1,000; deputy clerk, $2,500; two assistant clerks, $1,000 each; deputy librarian, $1,600; stenographer, $840; clerk permitted to employ extra help to get out transcripts to United States supreme court. Must deposit all fees in the state treasury. In addition the clerk is allowed $1,500 under the constitution.

S. F. 71, by Banning of Cass—Reciprocal demurrage bill. Shipments must go forward at the rate of fifty miles each twenty-four hours except live stock shipments. For failure to meet this requirement railroad companies shall pay to the consignee $1 per car per day on all carload lots. In less than carload lots railroads shall pay not more than 1 cent per hundred pounds per day, or fraction thereof, with minimum 5 cents, as damages, together with all other damages that may result. In computing the time of freight in transit, there shall be allowed twenty-four hours at each point where transferring from one road to another is involved; at division and junction points, while the car or shipment is required to be changed to another train; and an additional twenty-four hours on all cars weighed in transit and carload shipments shall not be considered tendered to the railroads until lorded. Railroad companies must notify consignee twenty four hours after arrival of freight, giving the freight charges due; when requested by consignee shall also state the weight, nature of the shipment, point of origin, name of consigner, and when in carload lots, the number and initials of car or cars and if transferred in transit, the number and initials of the car or cars in which originally shipped, when such information is noted on the billing. Penalty, $1 car for a day's delay or fraction thereof, and 1 cent per hundred pounds. When shipping instructions are noted on the billing, it shall be sufficient to give notice in accordance with said instruction. Notice of time of entry into the state must be given on interstate shipments. Railroads shall put loaded cars in an accessible place for unloading within twenty-four hours after arrival, computing from 7 a. m. of the day following. Penalty, $1 per car per day. Where car is partially unloaded and immediately reloaded, time is allowed. Forty-eight hours given for the disposition of coal cars and twenty-four hours for all other cars, twenty-four hours free time allowed for reswitching to minor railroads or industrial plants, in addition to regular time allowed for switching, loading or unloading. Cars containing less than 60,000 pounds have thirty-six hours for loading and unloading and sixty hours for cars of more than 60,000. Penalty $1 per day. If shipper does not begin to load at that time, railroads may consider cars released and collect $2 demurrage. When elements interfere, this may be a defense in the suit brought. Sunday is a legal holiday not counted. Declared to be supplemental to railway commission act, though it repeals all acts of the railway commission that conflicts.

H. R. 172, by Shoemaker of Douglas—Joint resolution for a constitutional amendment providing that foreigners who fail to take out their second papers after five years shall be denied the right of franchise.

H. R. 202, by McVicker of Dodge—County board shall determine the cost of location and construction of ditches or drains and damages occasioned by construction. If cost is greater than levy of single year permits on lands benefited, they may issue drainage bonds, not over 6 per cent interest, not to run longer than fifteen years. Property owners may pay out full assessment before same falls due. Bonds not to deed the benefits assessed. Refers to county drainage of swamp lands.

H. R. 136, by Bowman of Nuckolls—Owners of swine dying of disease shall burn the carcas within forty-eight hours. Penalty $10 fine. Road overseer to file complaint.

H. R. 169, by Bushee of Kimball—Service may be secured by publication in district court vacation when proper showing is made.

H. R. 155, by Raper of Pawnee—County commissioners upon a petition of five freeholders in a precinct or municipality mark graves of veterans of the civil war with metal markers.

H. R. 329, by Pool of Johnson—State Board of Health shall designate hospitals to care for indigent consumptives who are curable. County judge on hearing shall approve application for admission and county board shall send applicant to such hospital and pay expenses including board, lodging and medical care not to exceed $10 a week. Treatment must be by modern method of vaccine therapy.

H. R. 347, by Scheele of Seward—Where drainage ditch has been laid through land belonging to other than party whose land is drained and has been in constant use for ten years, without legal attack the right of use shall be vested in owner of land drained.

H. R. 1, by Humphrey of Lancaster—Candidates for the legislative nominations may include in the application to have name go on primary ballot any one of the following statements. If he does not do so, his name shall not be denied a place on the ballot. Statement No. 1—"I hereby state to the people of Nebraska as well as to the people of my legislative district that during my term of office I will always vote for the candidate for United States senator in congress who has received the highest number of the peoples' votes for that position at the general election next preceding the election of the senator in congress without regard to my individual preference." Statement No. 2—"During my term of office I shall consider the vote of the people for United States senator in congress as nothing more than a recommendation which I shall be at liberty to wholly disregard if the reason for doing so seems to me to be sufficient."

That part of the official primary ballot containing names of candidates for legislative nominations shall have printed thereon immediately following the names of those candidates signing statement No. 1, the following words:

"Promises to vote for peoples' choice for United States senator."

Following the names of those signing statement No. 2, shall be printed the following:

"Will not promise to vote for peoples' choice for United States senator."

H. R. 13, by Taylor of York—County court may at any time after three years from appointment of executor or administrator or before three years have expired, if all debts and legacies have been paid, under direction of legal representatives of deceased or interested party order executor or administrator to file his final account and make final settlement. Permits continuation of executor under a trust.

S. F. 345, by Bartos—Hotel keepers are not responsible for loss of money, bank notes, jewelry, etc., by guests not to exceed $200. Guests may make special arrangements for keeping of valuables upon which the innkeeper shall be liable. Liability for baggage limited as follows: Trunk and contents, $150; valise and contents, $50; each box bundle or package and contents, $50; unless a written consent to greater liability has been entered into. After relation of guest and innkeeper has ceased, property is kept at risk of owner. Hotel keepers shall have lien on baggage of guest, which shall be exempt from other attachment, and may sell baggage in ninety days after advertising same ten days in some newspaper; if proceeds of sale amount to more than debt, the over amount shall be paid to county treasurer and the owner may reclaim the same in three years. Any person who shall obtain boarding or lodging with intent to defraud the hotel keeper, shall be fined not more than $200 or imprisonment in the county jail for not more than three months. Evidence of fraud, display by false or fictitious show of baggage, refusal or neglect to pay for such accommodation on demand, giving in payment paper which cannot be negotiated, absconding without paying or offering to pay. Shall not apply where there has been an agreement in writing for delay in payment for a period to exceed ten days.

S. F. 101, by Tanner of Douglas—South Omaha charter.

S. F. 152, by Miller of Lancaster—Permitting the regents whenever they may deem it advisable, to establish a school of citizenship at the State university.

S. F. 260, by Banning of Cass—The food commissioner shall have two drug and food inspectors and not to exceed four dairy inspectors who shall receive $3 a day for their services to carry out the provisions of the dairy inspection act. The present law is changed to provide for a test of milk and cream shipments at the shipping stations. Testers must take out a permit from the food commissioner and be instructed by him to use the Babcock test for milk used for commercial pruposes. Six-inch bottles may be used.

S. F. 137, by Buhrman of Howard—Amends the law relating to regulation of soldiers' homes by providing veterans may pay a portion of their board in the homes if desired and the amount of the pension they receive shall not be taken into consideration in the qualifications of a member. The law specifies that no rule of the homes shall deprive any person a member of any portion of their pension money.

S. F. 123, by Volpp of Dodge—Mutual benefit associations may pay policy holders at the age of seventy as an old age benefit one-tenth of the sum due at the time of their death as an annuity for ten years provided the same shall be taken from the face of the policy at death.

S. F. 408, by Ransom of Douglas—Corrects defect in Omaha charter bill by which section relating to firemen's salaries was not repealed.

H. R. 18, by Bushee of Kimball—Appropriating $5,000 for an experimental farm located west of the 102d meridian. Board of Regents to have supervision.

H. R. 418, by Brown of Sherman—Authorizing the county of Sherman to pay $512 to W. T. Gibson for building a bridge.

H. R. 419, by Brown of Sherman—Authorizing Sherman county to pay W. T. Gibson $566 for building another bridge.

Bills in Governor's Hands

These Bills Were Passed by the Legislature, But Have Not Yet Been Acted Upon by the Governor, Who May Sign, Veto or Allow to Become Laws Without Signature.

S. F. 100, by Donohoe of Holt—All supreme, district and county judges, regents of the university, state superintendent and county superintendents shall go on the ballot at the general election without being nominated at the primaries and without party designation by petition which, in the case of the supreme justice and supreme judges, shall contain 5,000 names; district judges and other state officers, 1,000 names. In each instance not more than 500 names shall be from one county. None of the officers mentioned shall be eligible to run on any party ticket for any office during the term for which they have been elected.

S. F. 109, by Ollis of Valley—Primary bill.

H. R. 125, by Holmes of Douglas—Mayor of Omaha shall appoint a fire warden, approved by the fire and police board, to be paid $1,500 a year.

H. R. 509, by Humphrey of Lancaster—Legalizing the Nebraska Corn Improvers' association and appropriating $1,000 for the publication of its reports.

H. R. 66, by Wilson of Polk—Provides for the calling of annual grand jury unless the judge otherwise orders.

H. R. 271, by Young of Madison—Appropriates $18,000 for the completion of buildings already begun at the Norfolk Insane asylum.

H. R. 153, by Taylor of Custer—Land commissioner has authority to appoint deputy state surveyors when application is made to him by parties desiring a survey of land. Parties making application pay the cost.

H. R. 359, by Bates of Cass—Governor, auditor and secretary of state constitute the state printing board. Governor has power to appoint secretary.

H. R. 399, by Groves of Lancaster—Governor appoints board of secretaries of the board of health, consisting of two members of the regular school, one eclectic, one homeopathic physician.

H. R. 515, by Connolly of Douglas—Husband or father who refuses to support his children and is convicted thereof may give bond for the support of such wife and children and secure his release.

S. F. 94, by Randall of Madison—The plaintiff in suits in district courts, shall have power to designate in what newspapers notices by publication shall be printed. Same shall apply to publications in matters of settlement of estates.

S. F. 325, by Raymond of Scott's Bluff—Provides for the publication of the proceedings of irrigation district boards.

S. F. 240, by Majors—The state shall publish the proceedings of the encampment of the Grand Army of the Republic in the official state records. They shall be made a part of the military archives of the state.

S. F. 335, by Brown of Lancaster—Indeterminate sentence of convicted persons the governor shall appoint a physician, a lawyer, who, with the warden, shall constitute a prison board. Clerk of the board of charities and corrections shall be the secretary. Attorney and physician shall be paid $10 a day when actually employed. Board shall establish rules under which prisoners may be paroled. No parole shall be granted until the minimum term for his crime has been served. All paroles shall be approved by the governor before they shall be valid. Third termers cannot be paroled.

S. F. 181, by Brown of Lancaster—Any time after complaint has been filed in justice or county court against a husband or parent for non-support of wife or child, defendant may be released upon giving a bond for their support. Limits the bond from $200 to $1,000.

S. F. 368, by Gammill of Frontier—Permits villages and cities to issue bonds for the construction of electric or gasoline railroads. Emergency.

S. F. 314, by Howell of Douglas—Repeals the law which created the office of county comptroller of Douglas county. Present incumbent shall retire January 1, 1910. Emergency.

S. F. 303, by Klein of Gage—Cities of 5,000 to 25,000 population may issue bonds not to exceed $150,000 for water works. Election called on petition of fifty voters. Requires three-fifth majority to carry.

S. F. 288, by Banning of Cass—Road overseers are authorized to mow weeds on railroad right-of-way when railroad neglects to do it. Wages for man, $2; team, $1.50; mower, $2.

S. F. 321, by Tibbets of Adams—Provides foreign corporations, except insurance beneficiaries and railroads, to appoint an agent and file the name with the secretary of state and with the register of deeds in the county in which the principal place of business is located. Service shall be secured on said agent or the state auditor. Secretary of state shall charge a fee of $50 for keeping record of such agent. Penalty $25 fine. Agents must be appointed within thirty days. Emergency.

S. F. 122, by Randall of Madison—County depositories may guaranty county deposits with farm mortgages or other securities equal to the deposits.

S. F. 117, by Randall of Madison—State depositories may deposit securities for guaranty of state funds instead of giving surety bonds.

S. F. 318, by Miller of Lancaster—All postage or delivery stamps used in any department of the state government shall be perforated with the letters "NEB." Use of such stamps for other than state business shall be punishable by a fine of $25 to $100.

S. F. 283, by Wiltse of Cedar—Saloons shall close on primary day and on every day of the week in the state of Nebraska at 8 o'clock p. m., and remain closed until 7 o'clock in the morning.

S. F. 115, by Myers of Rock—It shall be unlawful for any person to drain any natural lake where the same is twenty acres in extent at low stage or where the furtherance of fish culture would result by not doing so or where the hunting would be destroyed in a greater degree than the benefit to agriculture would result, unless by application to the State Board of Irrigation, the approval of which is necessary (without charge). Provision is made for an appeal to the courts.

S. F. 140, by Randall of Madison—Places bakeries, confectioneries, canneries, packing houses, slaughter houses, dairies, creameries, cheese factories, restaurants, hotels, groceries, other apartments used for the preparation, sale or distribution of any food under the jurisdiction of the Pure Food commission.

S. F. 174, by Raymond of Scott's Bluff—Permits the condemnation of private reservoir sites when the same is for the public good for the purpose of their enlargement.

S. F. 175, by Raymond of Scott's Bluff—Permits issuance of refunding bonds for irrigation districts. Emergency.

S. F. 225, by Howell of Douglas—Prevents fire, fire and marine, tornado, hail, rent, accident, health, casualty, liability, boiler, flywheel, profits, credits, elevator, disability, plate glass, burglary, bonding, title, surety or fidelity insurance companies to place any contract or policy of insurance on any property or persons except through a legally authorized agent within the state; prohibits agent from paying commission, brokerage or rebate on business written to any nonresident of the state or to anyone not authorized to do business in the state; prevents them from assuming liability by way of reinsurance.

S. F. 247, by Raymond of Scott's Bluff—Provides for a report from irrigation districts to the State Board of Irrigation.

S. F. 339, by Besse of Webster—Provided that irrigation boards may arrange for the extension of laterals and their construction and may exercise their right of eminent domain.

S. F. 302, by Miller of Lancaster—Stock insurance companies must deposit with the state auditor securities to the value of their policies not to exceed $100,000.

S. F. 353, by Miller of Lancaster—Creates a school for dependent children in the Home for the Friendless at Lincoln. Governor appoints board of control of three members. All dependent children of the state eligible to enter. Children are to be provided for at the home. Expenses of transportation are to be paid by the county. Board has authority to place children in homes and adopt them. Board of control to be appointed within thirty days. Members receive no pay except expenses when meeting three times a year.

S. F. 3, by Bick of Otoe—Provides that when a deposit is made in any bank in the names of two or more persons, the same may be paid to either of the parties or their survivors.

S. F. 366, by Howell of Douglas—Adding to fees of coroner for viewing body of persons supposed to have died of unlawful means, by suicide or accident, when no inquest is needed, $5; and 5 cents mileage. For removing body to morgue, $5.

S. F. 729, by Ollis of Valley—Providing that motor cars, other than street railways, shall provide in the coach a smoking compartment and toilet room.

S. F. 81, by Randall of Madison—Making it unlawful for any person to drink liquor on any train; duty of trainmen to eject such person or an intoxicated person; person guilty of such is punishable by a fine or a jail sentence not to exceed ten days. Railway commission to enforce act and railroads to post notices of the law in each coach.

S. F. 304, by Laverty of Saunders—Where the title to a drainage ditch is vested in the county the county may lay out a road along the ditch. Petition for road must be filed with the county board by the majority of property owners along the proposed highway.

S. F. 28, by Fuller of Seward—Providing that the State Board of Equalization cannot increase the aggregate assessment returned by the county assessors unless the board gives the county officials a hearing.

S. F. 330, by Miller of Lancaster—Giving authority to street railway companies to extend their lines ten miles outside of the city limits, providing they can secure a right-of-way. Street railways may purchase or lease interurbans not to exceed ten miles to serve the suburbs of a city.

S. F. 196, by Ransom of Douglas—Providing a system of fees for district clerks. Emergency.

S. F. 193, by Brown of Lancaster—Giving greater power to cities of the second class in the matter of forcing the building of permanent walks.

H. R. 232, by Chase of Dawes—Appropriating $25,000 for a state normal school to be located in the Sixth congressional district.

H. R. 233, by Baker of York—The town meeting shall be held on the first Tuesday in March.

H. R. 273, by Hospodsky of Saline—The state institution in Omaha shall be known as the Nebraska School for the Deaf.

H. R. 72, by Brown of Lancaster—Creates the office of fire commissioner, who shall be the governor. He shall appoint three deputies for a term of two years, one of which shall be the chief and devote his entire time to the office. Salary, chief deputy, $2,000, and assistants, $1,500 a year. Tax levied on fire insurance companies to pay the cost, equal to 1 per cent on gross premiums. The duties shall be to investigate the origin of fires.

H. R. 139, by Pilger of Stanton—Appropriates $80,000 to buy for the state the Nebraska Normal school at Wayne, consisting of eight buildings and a heating plant, to be used, under the direction of the State Normal board, for a normal school. The college campus consists of ten acres.

H. R. 465, by Clark of Richardson—Appropriating $998,640 for the payment of salaries to state officials and employes.

H. R. 516, by Committee on Deficiencies—Defraying claims, appropriations for state, including $30,000 for bounties on wild animals.

H. R. 464, by Wilson of Polk—Creating board of three members, one of whom shall be the state auditor and two to be appointed by the governor to license state accountants. Board shall prescribe rules for examinations and those passing shall be entitled to use the letters C. P. A. (certified public accountant) after their names. Members of the Nebraska State Association of Public Accountants shall be recognized as certified public accountants. Penalty fine of $50 to $100 or not over six months in jail. Emergency.

H. R. 163, by Nettleton of Clay—Attorney general shall give opinions to all state officers when the same are requested. County attorneys to aid the attorney general upon request.

H. R. 529, by Snyder of Harlan—Miscellaneous claims bills.

H. R. 463, by Clark of Richardson—Appropriating $2,289,918 for current expenses of the state government for the biennium.

H. R. 358, by Wilson of Polk—Establishing maximum rates for oil. Applies to residuum fuel oil and crude petroleum in car lots.

H. R. 486, by Smith of Cass—Requires the net weight of contents to be stamped upon all food packages put up by a wholesaler or manufacturer except meat products, canned corn, canned and preserved fruit. Applies to lard, codoline or anything sold as a substitute for lard. Permits bleached flour.

H. R. 468, by Brodrock of Clay—Appropriates $50,000 for a building for the Nebraska Institute for the Deaf at Omaha.

H. R. 224, by Noyes of Cass—Open season for squirrels, October and November. Open season for jack snipes September 15 to May 1. Open season on plover July 15 to August 31. On ducks September 15 to April 15. On prairie chickens and grouse October 1 to November 30. No open season on quail, doves, swans, white crane. Open season on bass not less than eight inches June 1 to September 15. Trout not less than eight inches long April 1 to October 1. Carp, buffalo, suckers catfish may be taken during June, July, August, September and October, with seine of two-inch square mesh only in such waters as may be designated by the game warden.

H. R. 130, by Kraus—Authorizing persons or corporations engaged in the business of storing goods for profit, to issue warehouse receipts on the goods so stored, to regulate the issuance, negotiation and transfer of such receipts. Called the warehouse receipts act.

S. F. 275, by Bartos of Saline—Persons destroying or injuring the mechanisms of electric safety signals or stealing brasses from the journals of railroad cars shall be subject to the penalties of the train wrecking act, and if death results from their deeds they may be convicted of murder.

S. F. 204, by Brown of Lancaster—A village of 1,500 population shall be one school district and come under the provisions of the law now relating to incorporated places of the same size.

S. F. 133, by Ollis of Valley—Physical valuation bill. The Railway commission shall have power to ascertain the physical valuation of common carriers, telegraph, telephone and express companies, and of the switching department of stock yards, including the viaducts and pens for unloading stock. The value July 1, 1909, shall be determined, including all actual property of whatever description, the companies own. Final report of the work shall be made to the governor in the annual report in 1910. The commission, with the consent of the governor, shall appoint experts who shall undertake the work. In the current expenses bill an appropriation of $40,000 is made to carry out the provisions. Emergency.

S. F. 109, by Ollis of Valley—The primary ballot shall be on the open plan, with all tickets on one sheet, the voter to select the party in the booth, but to vote only one. The ballot shall be rotating by voting precincts, that the names shall be arranged in a different order in each voting precinct of a county. The date of the primary is fixed for the third Tuesday in August.

H. R. 69, by Taylor of Custer—If a school district is not able to maintain nine months of school by levying the full amount of the school levy and with the aid of the entire state school money, the district shall not be liable for the tuition of pupils in free high schools of the county.

H. R. 514, by Snyder of Harlan—Applications for pardons made to the governor may not be made oftener than once a year.

H. R. 478, by Bygland of Boone—Repeals law for bounty on wild animals.

H. R. 53, by Taylor of Custer—Damages for laying out, alteration and vacation of roads shall be paid out of the county general fund.

H. R. 474, by Connolly of Douglas—The dental secretaries of the State Board of Health may issue licenses to licentiates of other states having the same standards as Nebraska laws impose.

H. R. 284, by Henry of Holt—It shall be a felony to sell or give away liquor to Indians, either of full or mixed blood.

H. R. 171, by Gerdes of Richardson—The auditor must issue licenses to insurance agents and shall have authority to revoke the same for good and sufficient cause.

H. R. 578, by Ransom, on request of the Governor—Common carriers and public service corporations may issue stocks, bonds and notes payable at a time more than a year distant on the order of the Railway commission when it shall be shown the same is reasonably required. Full authority for hearings is given. The law specifies there shall be no refunding of indebtedness without permission and corporations shall not have the right to capitalize franchises. The capital in a merger or consolidation shall not exceed the capital of the consolidating companies. No contract shall be capitalized and no bonds shall be issued against any contract for merger. A penalty of $5,000 fine is imposed and officers of corporations violating the law are made subject to imprisonment for from one to ten years.

Vetoed by the Governor.

H. R. 65, by Gates of Sarpy—Permiting the establishment of a saloon within two and one-half miles of a military post. Vetoed.

New York Central Files Claim.

BUFFALO, N. Y., April 2.—A claim for $36,554 has been filed against the United States government by the New York Central lines to reimburse the road for disinfecting stock cars at Buffalo and other places during the cattle quarantine. The railroad contends that its cars were found to contain no germs of the disease.

Lifelong Bondage

to dyspepsia, liver complaints and kidney troubles is needless. Electric Bitters is the guaranteed remedy. 50c. For sale by Beaton Drug Co.

Supreme Court Syllabi

15444. Miner against Morgan. Appeal from Webster. Affirmed. Rose, J.

1. Where a petition to quiet title states that defendant has no interest in the land, but claims an unfounded dower interest therein, a reply alleging the claim is unfounded by reason of defendant's nonresidence does not introduce a new cause of action.

2. A defendant who submits his defense to the court on issues raised by the reply, without attacking it in any form, waives the objection that it introduces a new cause of action. Gregory against Karr, 36 Neb. 533.

3. On appeal from a decree in a suit against a widow to quiet plaintiff's title to land, her homestead interest cannot be considered on a record which fails to disclose either by pleading or proof that the land had ever been occupied or claimed as a homestead.

4. "Where a husband conveys lands in this state while his wife is a nonresident thereof, she has no dower interest in the lands thus conveyed." Atkins against Atkins, 18 Neb. 474, followed.

5. Proof that a man left his wife in Wisconsin, came to Nebraska in 1870, never lived with her afterward, concealed his residence from her for nine years, represented himself to be a single man and conveyed land as such, moved in 1888 to Kansas, where he died in 1902, his wife never having lived in this state until after his death, held sufficient to sustain a finding that she was a nonresident, within the meaning of the statue limiting the dower right of a woman living out of the state to lands in which her husband died, seized.

6. A statute limiting the dower right of a nonresident widow to lands of which her husband died, seised and extending the dower right of a resident widow to other lands, held not inhibited by constitutional provisions relating to due process of law and to distinctions between resident aliens and citizens in the possession, enjoyment or descent of property.

15445. Shelley against Tuckerman. Appeal, Lancaster. Affirmed. Letton, J.

1. In an action in equity by a landlord to establish a lien by contract upon the proceeds of the sale by the tenant of certain crops in the hands of a grain dealer, evidence examined, and held to sustain the finding of the trial court that the buyer paid the purchase money to the tenant without notice of the plaintiff's claim.

15448. Armstrong against Greenwood. Appeal, Otoe. Affirmed. Epperson, C.

After making his final report and securing and order approving the same and discharging him from his trust, an executor filed a petition to permit him to account for mortgages, which he held in a trust capacity under the will, whereupon legatees objected in general terms to his discharge as executor for the reason that the charges made by the executor are excessive and not according to law. Held that such objections were insufficient to require the county court to reopen the former proceedings for the purpose of reviewing the expenditures and charges contained in the final report of the executor.

15463. Larsen against Sansieri. Appeal from Douglas. Affirmed. Root, J.; Fawcett, J., not sitting.

In 1893, L., by virtue of an executory contract with P, entered into possession of five acres of land; for ten years L. made payments thereon and then received a deed from P. for said five acres only; when L. took such possession the five acres were part of a larger tract, all of which was uncultivated and covered with brush; by mistake L. encroached on a strip of P.'s land adjoining said five-acre tract, cleared and cultivated it and received the exclusive benefit therefrom for more than ten years. L. testified that he discovered his mistake within a year and held possession adverse to P. Held, in ejectment by P.'s grantee against L.'s grantee, that as the court had instructed the jury that unless L.'s possession was hostile in its inception, they should find for defendant, and no exception was taken thereto, a verdict for defendant was sustained by the evidence.

15464. Ord Hardware Company against Case Threshing Machine Company. Appeal from Valley. If remittitur of all of the judgment rendered in the district court except $287.05 is filed by plaintiff within forty days, judgment affirmed. If remittitur is not filed, cause reversed and remanded. Barnes, J.; Reese, C. J., not sitting.

1. It is reversible error to instruct a jury on an issue not sufficiently raised by the pleadings, and which is unsupported by the evidence, were it is apparent that such instruction has resulted in an excessive verdict.

2. Where in an action by an agent against his principal to recover money alleged to be due on commissions it clearly appears that the parties have adopted a fair and reasonable construction of their contract, and have acted thereon for a number of years, the court will also adopt such construction.

3. Where the adoption of such construction results in reducing the question of the amount of plaintiff's recovery to a mere matter of computation, this court may make such computation and require the plaintiff to file a remittitur of the excess of the judgment rendered in the trial court over the amount he was entitled to recover or submit to a reversal of his judgment.

15493. Smith, administrator, against Chicago, Burlington & Quincy Railroad Company. Appeal from Furnas. Affirmed. Root, J.

1. A railway company in constructing its road filled in a ravine and substituted another way for flood waters that would otherwise have passed down said water course. Subsequent to such construction it became apparent that the artificial water course did not have the same capacity as the natural one. Held that the railway was bound to know that excessive rains might occur at any time and company damage result as a consequence of the inadequate provisions made by it as aforesaid.

2. That a lessee of the original owner and builder of said road is also charged in law with notice of said conditions and liable for damages resulting from its failure to exercise reasonable diligence to protect adjacent land owners from the consequences of its neglect.

3. A new trial will not be granted because instructions are somewhat confusing and contradictory, where they are favorable to the defeated litigant, and evidently did not mislead the jury.

15772. State against Dudgeon. Error from Lancaster. Letton, J.; Fawcett, J., not sitting.

1. The police judge of the city of Lincoln has jurisdiction in cases of violations of the rules of the excise board of that city.

2. The jurisdiction of a police judge under section 18, article vi of the constitution, section 260 of the criminal code and section 9,343 Annotated Statutes, 1907, in relation to misdemeanors, is concurrent with that of a justice of the peace and where the punishment may be a fine of over $100 he can only sit as an examining magistrate.

3. Insofar as rule 27 of the excise board of the city of Lincoln authorizes a fine of over $200 for a violation of the excise rules, it is beyond the power conferred by the legislature and is void, but to that extent the penalty may be enforced.

4. Rules of the excise board within its authority, duly adopted and published, are of like force and effect as ordinances of the city adopted by the city council.

15840. Smullin against Wharton. Appeal from Douglas. Reversed and remanded. Reese, C. J.; Letton, J., and Root, J., dissenting.

1. As construed upon a final adjudication, the will of G. B. bequeathed and devised a portion of his estate to a trustee, the income and if necessary, a portion of the body of the trust estate, to be applied to the maintenance and support of I. B., his wife, the surplus of the income to be divided between his collateral heirs, and upon the death of I. B. the whole of the trust estate to pass to and be divided between such heirs. There was nothing in the will fixing the amount which I. B. might receive and retain annually for her maintenance. In an action seeking a decree fixing such sum as she might retain and for an accounting, the district court by its decree fixed the amount at $5,400 per annum. Held, that the legal effect of the decree was the same as though that sum had been written in the will and should take effect from the date of the death of the testator but subject to the deduction of all sums received from the trust estate by said I. B. And for the purpose of ascertaining the amount due, if anything, an accounting should be had and decree rendered in favor of I. B., or against her, as the balance might appear; but that in rendering such account neither party should be entitled to interest upon annual balances.

2. Where there was a contest of such will, the contestants seeking to prevent the probate thereof and which contest caused long and expensive litigation, the will being finally admitted to probate, the reasonable and unnecessary attorneys' fees and expenses in defending against such contest should be charged to the estate devised and bequeathed by the will, and the fact that other property, named and specified in the will, was devised and bequeathed to I. B. but which was, after the making of the will and before the death of the testator conveyed and transferred to her personally would not affect her rights, as the title to such property was not involved in the contest of the will.

3. On the trial of an action against I. B. and the trustee for an accounting and which trial necessarily resulted in the decree fixing the amount to which I. B. was entitled to retain, annually, from the trust fund in her hands for her maintenance and support, under the provisions of the will as construed, there being no other method of ascertaining and fixing such amount, the same not having been previously ascertained, the taxable costs should be charged to the estate and not against I. B. personally. The language of Letton, J., quoted in the opinion had no reference to the accumulation of costs in subsequent proceedings.

15,492. Taylor against Austin. Appeal from Cass county. Affirmed. Duffie, C.; Root, J., not sitting. Commissioner's department.

1. A public highway regularly established by the county authorities under the law of 1867 must be regarded as taking in land to the full width required by the statute defining the width of public highways, and the fact that the petition for the highway and the order establishing the same does not mention the width of the road is immaterial.

2. One, who petitions for the establishment of a highway, as well also as his grantees, cannot complain that the notice provided by statute of the time when the petition will be presented to the county board was not given.

3. A party cannot acquire prescriptive title to a public roadway by possession and use of the ground included therein, however long continued.

15457. Kirkpatrick against Kirkpatrick. Appeal from Custer. Reaffirmed with leave to defendant to apply for modification. Duffie, C.; Dean, J., not sitting. Commissioner's department.

1. Erroneous rulings of the court which work no prejudice to the complaining party do not call for a reversal of the judgment.

2. Where the transcript of the record contains only the pleadings and record of the entry of judgment which latter conforms to the pleadings and in which no error appears, the judgment will be affirmed.

15683. South Omaha National Bank against McGillin. Appeal from Chase. Affirmed. Calkins, C.

1. Where successive chattel mortgages on a specified number of cattle out of a greater number are given to the same mortgagee, such mortgagee acquires a right of selection, and where the mortgagee assigns the prior mortgages, it only retains the rights of selection, subject to the right of the first assignee. If he afterwards assigns the second mortgage, the second assignee takes the same subject to the right of the first assignee. South Omaha National Bank against McGillin, 77 Neb., 6 followed.

It is immaterial that the second mortgages were renewals of prior mortgages satisfied of record, or that there was an oral agreement between the motgagor and the mortgagee that the releases placed upon record should not take effect according to their terms.

15557. Pallard against Corner. Appeal, Wallace. Reversed and remanded. Good, C. Department No. 1.

1. Village warrants drawn in excess of 85 per centum of the current levy for the purpose for which they are drawn unless there shall be sufficient money in the village treasury at the credit of the proper fund for their payment are void, and their payment will be enjoined at the suit of a resident taxpayer.

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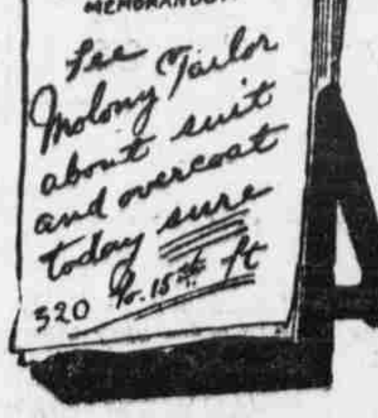

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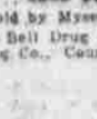

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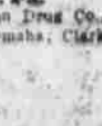

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