

Drainage Matters by R. E. Grinstead

The object of my letter this week, is to recount two historical transactions occurring in this county within the last thirty years, each contradictory of the other in facts and places of occurrence; each one very interesting because of the fact that the first one I shall recount is fiction, pure and unadulterated, without any truth whatever, and never occurred, except in the midst of two or three individuals and that very recently. The same purports to recall events which transpired twenty-five years ago and runs as follows to-wit:

Once upon a time, in the long ago, Falls City precinct issued and sold her own bonds, to aid in the construction of a county court house. Subsequently the legislature of Nebraska enacted a law, providing that Richardson county should assume payment of these bonds, and that Henry Moritz, who was then county commissioner, voted at a meeting of the county board to aid in the consummation of this scheme and that the county was thereby compelled to pay a debt, originally contracted by Falls City precinct.

Now this is the first story, being circulated by the few who are opposed to the drainage proposition and who are using the same in support of their opposition. This story is in every particular the exact converse of a true, or the second story, which I will now relate, which actually did occur and are facts of record.

In 1873 the legislature of Nebraska enacted a law, providing that Falls City precinct may issue and sell bonds, to aid in the construction of a county court house in pursuance of which Falls City precinct did issue and sell such bonds to St. Joseph investors the proceeds of which were used in the construction of such court house, and also levied a tax upon the citizens of said precinct, with which to pay the interest and principal of such debt.

Thereupon one Elmer Dundy, a taxpayer in said precinct, claimed that these proceedings were illegal and that the legislature could not, in harmony with the constitution, make such a law. He therefore enjoined the county authorities, whose duty it was to cause the collection of said taxes from such collection.

Dundy won the suit in the district court. Judge A. J. Weaver presiding, whereupon an appeal to the supreme court with the same result. See volume 8, page 508 supreme court report. Arti-

cle 4 of Syllabus: "The act approved Feb. 4th, 1873 to authorize Falls City precinct to issue bonds to aid in the construction of a court house for Richardson county, is in conflict with Sec. 1, Art. 8 of the constitution of 1867" Article 5, "Counties and precincts have no authority to issue bonds unless authorized to do so by express statutes."

The facts are, that instead of the first story being true, the bond holders paid for the court house and were never reimbursed for the same; the disgraceful part of which is that Richardson county permitted it to be done. So the original court house never cost the taxpayers of the county, nor Falls City precinct, one cent, not even an attorney's fee. Furthermore, there never was a proposition before Henry Moritz for his consideration of the character mentioned.

These two narratives, taken together, serve a good purpose; the first one shows that an imaginative fertile brain, when properly trained, has a possibility of creative power. It is also illustrative of the fact that it is not always the case that fiction is necessarily the attendant of evil, but may often be used to point a moral or adorn a tale. In this case it is used most potently to exemplify the truth, that the supreme court of this state has already, in the case quoted forever inhibited the possibility of a state or counties, assuming the debts of minor municipalities, within its own territory.

I have previously called attention to this same well known fact more than once, in former article, upon this last named point of the subject which applies equally to the drainage question. It is to be hoped that it will be unnecessary to refer to these facts again to satisfy the public, that only the owners of wet lands can be taxed, for the expense of reclaiming the same. All citizens, however, will share in the common benefits to be derived from the same, among which are: the enhanced value of land, as it will appear upon the assessor's rolls for taxation. The improvement of county roads across the bottoms, but the lowering of the water line from 6 to 8 feet at the expense of the owners of wet land only, instead of the more doubtful method of raising the grade line, with the expense of proper waterways through the same to the same height above the present water line, which

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some are thinking of doing, at the expense of the general county road fund, the latter as I believe being absolutely impractical and almost impossible to do.

In addition to the advantages enumerated in the practical method suggested, I would call attention to the fact that in the future many of the county bridges to be built may be much shorter and expense of repairs to all bridges would be greatly diminished.

Your truly,
R. E. Grinstead.

Missouri Pacific Railway Time Table, Falls City, Neb.

NORTH	
No. 51 Omaha and Lincoln Express	A 2:25 a m
No. 9 Omaha and Lincoln	8:35 a m
No. 57 Omaha and Lincoln passenger	A 2:48 p m
No. 233 Local Freight, Auburn	A 1:10 p m
SOUTH	
No. 52 Kansas City and St. Louis and Denver	A 3:47 a m
No. 58 Kansas City and St. Louis and Denver	A 2:48 p m
No. 50 Worlds Fair special	8:45 p m
No. 232 Local, Atchison	10:30 a m
No. 220 Stock Freight, Hiawatha	A 9:52 p m
A. Daily. B. Daily except Sunday.	

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