

The Omaha Bee.

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OMAHA PUBLISHING CO., Prop'rs E. ROSEWATER, Editor.

John H. Pierce is in Charge of the Circulation of THE DAILY BEE.

LAPHAM expects to come in on the home stretch.

THIS is a raw time for stalwarts. They are as sensitive as a vaccinated atom.

DR. BLISS is blissfully exuberant over the improved condition of the president.

HASTINGS, one of the most enterprising and promising of Nebraska's cities, has been visited by a \$40,000 fire.

WHILE our citizens are sweating under the heat the farmers are exulting over the prospects of a fine corn crop.

THE hot weather is largely responsible for the ungodliness of our city. With 35,000 inhabitants we have only 3,000 church-goers.

Now the United States senate will have two "Millers"—both republicans and neither responsible for the Millerman of the Herald.

THE spring chickens are already beginning to roost high since they heard about the compact among the governors to set apart a day for thanksgiving.

It is suggested that if the rival doctors at Washington must fight a duel, they should be compelled to take each others medicine and see which can stand it the longest.

AFTER the first of January 1882, postage in all parts of France will be reduced to two cents. Just as soon as Postmaster-General James, waddles out the baronies in the postal service, enforces the honest performance of contracts and stops frauds in the weighing of mails, he can reduce the American letter postage to two cents.

It is generally understood among Chicago railroad officials that the position of general manager of the Atchison, Topeka & Santa Fe railway, recently made vacant by the elevation of Mr. W. B. Strong, has been tendered to Manager A. E. Touzalin, of the Burlington & Missouri. There are many reasons for believing the rumor well grounded. Mr. Touzalin was connected for a number of years with the Atchison, Topeka & Santa Fe line, and in his position as land commissioner contributed greatly to the growth and prosperity of that corporation.

As a railroad manager Mr. Touzalin is the peer of any in the West. He possesses many qualities which especially fit him for the position of chief executive of large property interests. To a clear head he unites a judgment of men and a power of rapid decision upon pressing questions of policy, which is by no means common even among railroad officials. In addition he is the possessor of a happy faculty of making friends of those with whom he comes in contact, and of retaining the good will even of those who differ from him. Mr. Touzalin is largely interested in the growth of this city and is a heavy property owner. His departure would be a serious loss to Omaha, and on this account it is to be hoped that the report of his removal may be premature. In this hope the BEE will be joined by a host of Mr. Touzalin's friends in Omaha.

KASSON'S BOOM.

The Des Moines Register is getting up a Kasson boom for the Iowa senatorship.

It admits that Jim Wilson has talent and capacity, but his long service in the employ of railroad corporations, as an attorney in the courts and a lobbyist at Washington and at state legislatures, in opposition to all measures which railroads sought to defeat, renders him unfit to represent Iowa in the senate. On the other hand, while admitting that Governor Gear has sided with the people as legislator and executive, and, in fact, has made the best governor Iowa ever had, he lacks the ability that would satisfy the pride of the people of

Iowa. The only man, according to the standard of the Register, that can fill this measure is Mr. Kasson. He is preeminent among Iowa public men as a statesman of whom they could feel proud, and having been absent from the state during the railroad controversy, is not identified with either side. He is a western man and his sympathies and interests are with Iowa. Translated into plain Anglo Saxon, the men who are behind this Kansas boom, present as their candidate one of those lofty statesmen that always make it convenient to be away from home when there is a great issue to be fought over and return just in the nick of time to put in their claim for high honors because they have taken no part on either side. These eminent straddlers, trimmers and time servers have no principle they are not willing to sacrifice, and no convictions they would not cheerfully abandon.

We doubt very much whether this is the ideal senator for the people of Iowa. What they want above all things is an honest man who has been tried in public life and has never betrayed a trust; a man who is not afraid to express his sentiments on every vital issue, and above all things on the issue between monopolies and the people at all times and in all places; a man who would scorn the imputation that he is on both sides of any question. Such a man may be hard to find, but the great state of Iowa, with her 80,000 Republican majority certainly has many able, honest and fearless men whose views on the vital issues of the day are sound and unequivocal.

AN IMPORTANT DECISION.

A very important decision, affecting the rights and duties of railroads as common carriers, was rendered last week by Judge Geo. W. McCrary, of the United States circuit court, for this circuit. The suit was brought by the Southern Express company to restrain the Iron Mountain railroad from charging the complainants higher rates on express matter than its charges on similar express matter received from or delivered to itself or the Pacific Express; also from discriminating against plaintiff in favor of itself or any other express company or person in the matter of rates. A temporary injunction was granted, which the respondent prayed dissolved. By consent the case was submitted to Judge McCrary, the main points of whose decision was as follows:

1. The railroad company is a quasi public corporation, and bound by the laws regulating the power and duties of common carriers, persons and property. 2. It is the duty of such company, as a public servant, to receive and carry goods for all persons alike, without injurious discrimination as to rates or terms. 3. The business of express has grown into public factor. It is the means whereby articles of great value may be carried over long distances with certainty, safety and celerity, being placed in the hands of a special messenger who is to have the charge and care of them en route. The railroad companies must, in common with the public, recognize the necessity for this mode of transportation, and carry express packages, and a messenger in charge. Therefore all express companies that apply are on the same terms, unless excused by the fact that so many apply it is impossible to accommodate all. This state of things is not likely to occur. If it is as said, this is giving to express companies privileges not afforded to other shippers, the answer is, native express business makes special facilities for its transaction necessary, and the case, therefore, is properly exceptional. 4. It is not necessary now to determine whether a railroad company may under its charge engage in express business, and undertake to carry and deliver packages beyond its line. Enough for the present to say, if it possesses the right to engage in business at all, it must do so on terms of perfect equality with all other express companies, and the court will see it does not take to itself any privileges it does not extend to complainant. The motion to dissolve the injunction is overruled. In conclusion Judge McCrary said the railroad company is bound to carry for the express company for reasonable compensation, and must not discriminate against it. Court Chancery has power to decree a compliance with this whole regulation. This court cannot for a moment sanction the proposition. The railroad company may by extortion or unjust discrimination exclude the express company from the right to conduct its business upon the railroad. I am not prepared now to fix the maximum rates to be charged for the transportation of express matter, but I have no doubt of the power, of course after investigation, to do so. An order for this purpose should not as a rule be made until after a reference to master and report by him after hearing. For the present the injunction, hereinafter alluded to, will be modified so as to enjoin and restrain respondent from charging complainant for transportation of express matter, closed packages, more than fair and reasonable rates, such charges in no case to exceed rate charged on similar express matter to itself or to any other express company, or for similar express matter received from or delivered to Iron Mountain and Southern Express Company or Pacific Express. Now this decision confirms what the people have been contending for, viz: that railroads are public carriers, that as such they are bound to carry all goods offered them by any party at reasonable rates; that they have no right to discriminate in favor of preferred patrons or against individuals or corporations that are compelled to patronize them; that in cases where

extortion has been practiced they may be compelled to disgorge. Judge McCrary goes even further than any so called Granger has ever dared to go. He asserts the power of the court to fix a maximum rate where no such rate is fixed by law. In this he even exceeds the requirements of the Doane law, against which Nebraska monopolies are now howling so vigorously. In this case the Pacific express organized by an inside ring of railroad officials contracting the Union Pacific, Wabash and Jay Gould's southwestern system have undertaken to monopolize the entire express system of the west to the exclusion of rivals. If the courts did not interfere and enforce the principles of equity which bind common carriers, all competition would be destroyed. No doubt this decision will be affirmed by the supreme court.

THE PRESIDENTS RECOVERY.

The recovery of the president may now be considered as reasonably certain. The bulletins of the physicians during the past week have been uniformly encouraging and indicate a decreasing pulse, a nearly normal temperature, and a generally convalescent condition. Every one, doctors included, feel hopeful that President Garfield will recover and the nations heart is as full of joy over the prospect as it was lately depressed by the discouraging news from the White House. On a number of accounts the nation's sorrow may prove to be the nation's joy. The attempt on the president's life has consolidated party feeling. Personal animosity has been changed to friendly anxiety and partisan rancor to sympathetic solicitude. The recovery of President Garfield will do more to break down the distinction between stalwart and administration republicans than ten legislative victories, and the sterling qualities of the highest type of manhood exhibited by the patient sufferer will add such an increase of popularity to the president as will make his administration invincible to the sneers of faction, or the attacks of opposing party leaders. But if the recovery of the president will do much in consolidating party sentiment, it will do still more in eradicating sectional estrangement. One of the most pleasing incidents of the anxious weeks of waiting has been the cordial expressions of sympathy which have come from the South. No more tender expressions of solicitude or more heartfelt hopes of recovery have been received than from the state against whom the president not many years since fought on many a bloody field. The southern people through its press has expressed a hope, which we are sure will be reechoed by every citizen of the north, that the president's wound may be the means of healing the wounds of the civil war and uniting closely in the bonds of friendship two portions of a common country with common hopes and common interests.

STATE JOTTINGS.

Ord is to have a new paper. It cost Humbolt \$500 to celebrate. Osceola has got the incorporation fever. Utica is to have a new Methodist church. A new hotel is being erected in Stanton. Fremont no longer boasts of a brass band. Polk county's court house will cost \$8,000. North Bend's new school house will cost \$4,500. The spire of Wahoo's new M. E. church is completed. It will cost North Bend \$4,000 to replace her bridges. The iron bridge south of Wahoo will be put in again soon. Hooper has organized a choir and literary association. All city barbers have struck for higher wages on Sunday. West Point's match factory will soon be in operation. The corn crop in Burt and Washington counties is immense. Thirty nine and a half mills is the levy of Cummaury county. A movement is on foot to organize a militia company in Grafton. The number of saloons in Crete has diminished thirteen to four. Ralph Welchman, residing near Hooper, was drowned in the Elkhorn last week. The Mormons of Nebraska City have been holding their quarterly conference. Herds of Texas ponies are now invading the state, mostly via the Republican valley. Pawnee county has 60 school districts, 56 school houses and 2,779 children of school age. In point of assessed valuation Saline county retains the seventh place in the state, \$2,530,968 76. Lincoln will vote on the 22nd upon the proposition to issue \$75,000 in bonds for a system of waterworks. Charlie Swan, a sixteen year old boy, was drowned in Beaver creek, Dawson county, last week while bathing. The residence of Mr. Schneider, of Nickerson, was struck by lightning last week. Mr. Schneider was rendered unconscious for several days. York county has accepted the proposition of Nobes & Stout to furnish rooms in their new brick building at York, for the use of the county officials. The Ponca Indians will have \$10,000 distributed among them this week, being divided among the 4000 or 5000 children. One family will get about \$1,000. Andrew Youngman, living near Chapman, Merrick county, suicided last week by shooting himself with a shot gun. Cause, family trouble and financial difficulty. Steel rails are being laid between Columbus and Central City. By the end of this year the U. P. will have almost a continuous line of steel track from Omaha to Ogden. At Tecumseh last week the two sons of John Waldern attempted to kindle a fire with kerosene. The eldest died from injuries; the younger is in a fair way to recover. Mr. Norris, the founder of Elna City, Cedar county, has died ten acres of ground, and \$1,000 in cash, to any one who will build an institution of learning at that place. The government engineers are busily engaged in building a trestle bridge in making river matting, with which to make the necessary change in the course of the river above this city. They will use their every means to turn the river down the slough. Nebraska City News. Fall wheat that was not winter killed is well filled and will yield well, though not heavy on the ground. Spring wheat is sorely afflicted with disease, more particularly those complaints and weaknesses so common to our female population. Every woman should know that Electric Bitters are woman's true friend, and will positively restore her to health, even when all other remedies fail. A single trial will always prove our assertion. They are pleasant to the taste and only cost 50 cents a bottle. Sold by Ish & McManis.

made similar mistakes or committed similar errors, and was it any wonder that many protested against such acts? But what ought to be done now is to speak of his virtues, and to cast a veil over his defects, if any, and not to try to open up a wholesale system of warfare upon all who may have differed politically or otherwise with our late distinguished fellow citizen. I hope we shall see no more of such stuff published as that we had in yesterday's Republican.

JUSTICE.

The August number of the North American Review devotes a liberal share of its space to a political editorial on the subject of the great exponent of the intellect of the day, and Judge Jeremiah S. Black, the eminent jurist, Col. Ingersoll is master of some of the most effective arts of the rhetorician and the popular orator. As an assailant of revealed religion he has more chance of success in confirming the skeptical and carrying away the wavering than perhaps any other infidel of modern times. He is engaged in constant aggressive attack, and the audience which applaud him afford evidence that he is producing effect. Judge Black is distinguished alike for his steadfast faith in orthodox Christianity and for the power and skill with which he is able to sustain any cause in which his convictions are enlisted. He is, like the challenger, a man of the world in his serious occupations and modes of thought. He is accustomed to contests in the arena of public discussion and to the use of all the weapons of controversy by which men are convinced; he is familiar with the arguments that have been used by the defenders of the cause, and he has the nerve and vigor of a born disputant. Col. Ingersoll has made his attack in the Review and sustained it with all his force as an aggressive assailant. Judge Black has taken up the challenge as the champion of Christianity. It is well that the daring infidel should be called out and that he should be met by such an antagonist. The cause of the truth can have nothing to fear from a contest of this kind. Of the merits of the battle it is for an interested public to judge. Other articles in the August number of the Review are: "Obstacles to Annexations," by Frederic G. Mather, "Crime and punishment in New York," by Rev. Dr. Howard Crosby; "A Militia by the Sea," by John Roach; "Astronomical Observations," by Prof. Simon Newcomb; and "The Public Lands of the United States," by Thomas Donaldson.

IOWA BOILED DOWN.

Prairie chickens are not ripe until August 15. Flax promises a heavy yield in Clay county. The army worm is creating and havoc in Shelby county. Aurelia is growing in business and buildings very fast. Over 150,000 bushels of old corn are still in crib at Avoca. The Muscatine board of trade is moving to secure a glass factory in that city. Down in Wayne county last week they showed cornstalks nine feet and five inches tall. Etherville expects to get two railroads this season, the Burlington and the Milwaukee. There were 536 patients in the insane asylum at Independence on the last day of June. The first week in August is the time fixed for harvest to begin in Plymouth county. A illicit whisky still was discovered and seized near Lavermore, in Humboldt county, on the 12th. Immigrants seem to be scattering small-pox through the interior towns too freely to please. The new library building at Keokuk, the cornerstone of which was laid on the 4th, will cost about \$15,000. The new state capital at Des Moines was struck by lightning the other night, and a portion of the slate roof torn up. One year ago, Humboldt, on the Iowa division W. St. L. & P., had 200 inhabitants, and its population is now over 700. The contract for Burlington's new opera house, a fine structure to cost \$75,000 to \$85,000, has been let to a Chicago builder. There will be a reunion of the surviving members of the old third Iowa infantry at Des Moines, during the state fair in September. At Cedar Rapids, up to the 8th, T. M. Sinclair & Co. had cured 103,429 hogs this season, as against 144,136 for the same time last year. To some of the railroads, the Northwest especially, the late heavy rains have proved a serious disaster than the snow blockades of last winter. The flood in Des Moines is so serious that it is proposed to raise a fund for the relief of the poor families driven from their homes by the high water. The B. C. R. & R. H. R. will soon put on an emigrant train between West Liberty and Albert Lea, for the purpose of catching a share of the large trade now going into northwestern Iowa. The Muscatine cattle company has filed its articles with the secretary of state. Its capital is \$400,000, and has for its objects the breeding, rearing and dealing in cattle, sheep, swine, horses and other stock. An inter-state fair for Iowa, Missouri and Nebraska will be held at Hamburg September 19-24. Heavy purses are offered for speed, and the mile track is claimed to be the best in the west. Mitchell county is out of debt and has a balance of \$15,000 in the treasury, exclusive of school funds. Hancock county also has no outstanding, unpaid warrants, bonds or other indebtedness, and is entirely out of debt. James A. Cavanaugh, of Adel, met with a singular accident the other day. He was riding in the car and fell asleep with his foot on the window sill. An American fashion. As he slept he gradually extended the leg further out of the window until it struck a bridge and was broken off.

A Life Saved.

He wanted legal advice, and when the lawyer told him to state his case, he began: "About two years ago I was fool enough to fall in love." "Certainly—I understand." "And for a year past I have been engaged to her." "Of course." "A few months ago I found upon analyzing my heart, that I did not love her as I should. My affections had grown cold." "I saw her pug-nose in its true shape, and realized that her shoes were No. 6." "Exactly, and you made up your mind to break off the match? That was perfectly proper." "Yes, that was my object; but she threatens to sue me for breach of promise." "Certainly she does, and she'll do it, too. Has she any love letters from you?" "That's the hang of it. She tallies up \$36." "And do they breathe your love?" "I should say they did; but I think I've got her tight. All them letters are written on wrapping paper and with pencil, and I've come to ask you if such writing as that will stand law."

A Friend in Need.

Time over and again THOMAS' ELECTRIC OIL has proved a salutary friend to the distressed. As a reliable carrier for cramp in children, sore throat and bronchial affections, and as a positive external remedy for pain, it is a never-failing agent.

WOMAN'S TRUE FRIEND.

A friend in need is a friend indeed. This none can deny, especially when assistance is rendered when one is sorely afflicted with disease, more particularly those complaints and weaknesses so common to our female population. Every woman should know that Electric Bitters are woman's true friend, and will positively restore her to health, even when all other remedies fail. A single trial will always prove our assertion. They are pleasant to the taste and only cost 50 cents a bottle. Sold by Ish & McManis.

AND STILL THE LION HARNESS AND SADDLERY. 404 South 13th Street, Omaha, Neb. I have adopted the Lion as a Trade Mark, and all my goods will be STAMPED with the LION and my NAME on the same. NO GOODS ARE GENUINE WITHOUT THE ABOVE STAMPS. The best material is used and the most skilled workmen are employed, and at the lowest prices. Anyone wishing a price-list of what will confer a favor by sending for one.

DAVID SMITH MOORE. AND DON'T YOU FORGET IT WHEN IN NEED OF BOOTS AND SHOES

To examine the stock of BASWITZ & WELLS, House 1422 Douglas St., near 15th

BOGGS & HILL, REAL ESTATE BROKERS. No. 1508 Farnham Street, OMAHA, - - NEB.

Business College. THE GREAT WESTERN. GEO. R. RATHBUN, Principal.

Creighton Block, OMAHA, NEBRASKA. Send for Circular.

PROPOSALS For curbing and gutting Dodge street, and doing the necessary grading, from the east side of 13th street to 20th street.

C. F. Manderson, ATTORNEY - AT - LAW. 142 Farnham St., Omaha

The Oldest Established BANKING HOUSE IN NEBRASKA. Caldwell, Hamilton & Co., BANKERS.

M. R. RISDON, General Insurance Agent. PHOENIX ASSURANCE CO., of London, cash assets, \$5,107,127

Dexter L. Thomas & Bro. WILL BUY AND SELL REAL ESTATE

NOTICE TO NON-RESIDENT DEFENDANTS. E. D. Lane (full name unknown) will take notice that he has been sued by Dudley M. Steele, Samuel E. Johnson and Sanford W. Spradlin, co-partners, doing business under the firm name of Steele, Johnson & Co., in the District Court of Douglas county, Nebraska, to recover \$2,081.29, and interest from October 18, 1880, due them on a promissory note bearing date April 23, 1878.

FOR SALE 100 acres, 9 miles from city, and twelve months, bearing interest, or on demand without interest.

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CHEAP LAND FOR SALE. 1,000,000 Acres OF THE FINEST LAND IN EASTERN NEBRASKA.

SELECTED IN AN EARLY DAY—NOT RAIL ROAD LAND, BUT LAND OWNED BY NON-RESIDENTS WHO ARE THIRD PAYING TAXES AND ARE OFFERING THEIR LANDS AT THE LOW PRICE OF \$6, \$8, AND \$10 PER ACRE, ON LONG TIME AND EASY TERMS.

WE ALSO OFFER FOR SALE IMPROVED FARMS

Douglas, Sary and Washington COUNTIES. ALSO, AN IMMENSE LIST OF

Omaha City Real Estate

Including Elegant Residences, Business and Residence Lots, Cheap Houses and Lots, and a large number of Lots in most of the Additions of Omaha.

Also, Small Tracts of 5, 10 and 20 acres in and near the city. We have good opportunities for making Loans, and in all cases personally examine titles and take every precaution to insure safety of money so invested.

How we offer a small list of SPECIAL BARGAINS. BOGGS & HILL, Real Estate Brokers, 1408

FOR SALE A beautiful residence lot on California between 22nd and 23d streets, \$100. BOGGS & HILL.

FOR SALE Very nice house and lot on 4th and Webster streets, with barn, coal house, well, etc. A desirable piece of property, figures low. BOGGS & HILL.

FOR SALE Splendid business lots S. E. corner of 16th and Capital Avenue. BOGGS & HILL.

FOR SALE House and lot corner Chicago and 21st streets, \$200. BOGGS & HILL.

FOR SALE Large house on Davenport street between 11th and 12th. Good location for boarding house. Offer will sell low. BOGGS & HILL.

FOR SALE Two new houses on full lot in Kountze & Ruth's addition. This property will be sold very cheap. BOGGS & HILL.

FOR SALE A-top phonon. Enquire of Jas. F. Stephenson. 994-4.

FOR SALE Corner of two choice lots in Shain's Addition, require only at ones submit best cash offer. BOGGS & HILL.

FOR SALE A good desirable residence property. BOGGS & HILL.

FOR SALE A fine residence—Not in the market Over will sell for \$6,500. BOGGS & HILL.

FOR SALE 4 good lots, Shinn's 3d addition \$10 each. BOGGS & HILL.

FOR SALE A very fine residence lot, to some party desiring to build a fine house, \$2,300. BOGGS & HILL.

FOR SALE About 200 lots in Kountze & Ruth's Addition, require only at ones submit best cash offer. BOGGS & HILL.

FOR SALE 10 lots, suitable for fine real estate, \$450 to \$700. BOGGS & HILL.

FOR SALE Some very cheap lots in Lake's addition. BOGGS & HILL.