THE DAILY BEE

Wednesday Morning Dec. 17

LOCAL BREVITIES.

—There are evidently great climatic preparations for an old time snowstorm.

—The equity docket was called in Judge Wakeley's branch of the district court yesterday.

—Both city and county treasurers are overrun with taxpayers, which is a promising sign of prosperity.

—The "Invincible Five" club will give their second annual ball at Falconer's hall on Thursday, December 18, and a gay time may be looked for.

—The receipts of the internal revenue office so far this month have been larger than any December for many years previous. Up to the 15th $126,063.69 were received.

—The Danish Lutheran Church will hold their fair, for the benefit of the church, at Falconer's Hall, on Friday and Saturday, Dec. 19th and 20th. All friends of the church are respectfully invited.

—The BEE was in error the other day in stating that a prominent dry goods merchant on Farnam street was swindled out of a large sum by the sharper from Des Moines. It now pans out that the Farnam street man was too sharp for the oily tounged fellow.

—The case of the state against William Boquet came up on a preliminary examination before Justice Bartlett yesterday. Boquet was charged with horse stealing on the complaint of George Burr, who not seeing fit to prosecute his case it was dismissed and the costs taxed up to complainant.

—In the case of Peterson vs Rasmussen and his bondsman a verdict was rendered in favor of the plaintiff for $2,000. This is the action under the Slocum law which has been occupying the attention of the district court for some days. George Shields the young attorney who made such a gallant fight for the plaintiff is to be congratulated on his success. In all probabilities the defendants will appeal In any event however the verdict will set the saloon keepers "a thinking."

☞Gents' Camels' hair Shirts and Drawers, $1 50, reduced from $2 00.

Map of Nebraska.

Just issued, in colors, showing cities, towns, railroads and counties. Mailed for 15c. J. M. Wolf, 120 S. 14th st., Omaha, Neb. d15-2w

☞Ladies' White Wool Vests, 67 cents; reduced from 87½ cents. Smith's, 1307 Farnam street.

PERSONAL.

M. A. Daugherty, of Crete, is registered at the Paxton.

Chas. E. Magoon, the well known Lincoln attorney, is in city.

C. F. Goodman has gone to Cleveland, Ohio, on business.

Dr. R. S. Gay, of Cherokee Springs, Iowa, is registered at the Millard.

General Surveyor Smith is at the Paxton. George is apt to be the last of his "line" of surveyors for some years.

John H. Donnelly, the well known cattle man, has returned to his Omaha headquarters, after a short trip in the east.

Mr. S. M. Desmond, one of the general western traveling agents of the Pennsylvania Central, is at the Paxton.

Mr. Will Cocke, and Miss Marshall, of Council Bluffs, attended the "E. H" club party at Masonic hall last evening.

J. D. Calhoun, "Topics" of Lincoln, paid a flying visit to Omaha yesterday. He is now called "Old course of empire" because he is continually on his way westward, having been a periodical visitor to our frontier country of late.

The many friends of Miss Annie Sayder soprano singer in the St. Mary's Avenue church, will be sorry to learn of her unexpected departure from Omaha, from whence she was called to her home in Illinois, on account of sickness in her family.

E. J. Davis, Hastings; F. J. Leach, Lincoln; C. Ohman, Pilger; B. L. Lilly, La Platte; J. S. Arthur, Oakland; Louis Thorman, Grand Island, Nebraska; A. Phillipps, Kansas City; M. R. Moyer, New York; George W. Turner, Denver; and A. S. Ball, of Worcester, Mass., are at the Metropolitan.

WANTED—To exchange wild or improved lands in Nebraska or Iowa for Hardware, or stock of general merchandise. Address J. Linderholm, Genoa, Nance county, Nebr. m-1m

☞Ladies' White Wool Vests, 98 cents; reduced from $1 25. Smith's, 1307 Farnam street.

POLICE POINTERS.

An Active Day in the Misdemeanor Market.

Judge Beneke had quite a number of cases before him yesterday, but none were of much importance. Nine members of the demi monde contributed to the school fund, and one being unable to produce the necessary $5, went to jail. Three Slocumbs were also fined, and a perigrinating "vag" was ordered to leave the city for the city's good.

Complaint was made in the police court this morning that Charley O'Connor had been doing a little confidence business down near the depot, and the police are on his trail. It will be remembered that he was arrested a short time ago for till-tapping in company with a man named Gardiner. He had just been bailed out when he fell by the wayside again.

NEBRASKA MAP.

Just issued, showing cities, towns, rail roads and counties. Mailed for 15c Nebraska State Gazeteer and Business Directory, last issue $5 00, mailed. Address J. M. Wolf, 120 S. 14th St., Omaha, Nebr.

The Organ-Grinder's Punishment.

Boston Courier.

"Yours is a hard life," said a commiserating philanthropist to a hand-organ man

"Eat ees," replied the musician, sadly.

"Obliged to be out in the cold all day," continued the philanthropist.

"Dat is not de worst of est," was the melancholy rejoinder.

"No!"

"No, de misoree ees dat I am obliged to listen to de music of my own instrument."

The philanthropist was so overcome with this view of the matter that he gave the organ man a dollar.

THE MUNICIPAL MILL.

The Council Grinds Out Its Usual Grist of Business.

The Thompson-Houston Electric Light Ordinance Passed.

Attorney Connell Gives His Opinion of the City's Title to the Court House Lots.

At the regular meeting of the city council last evening, President Murphy in the chair, Members Anderson, Woodworth, Bechel, Hascall, Furay, Behm, Leeder, Ford and Thrane were present. The president reported he had read the minutes of the meeting of December 2d, and found the same correct. On motion he was directed to examine the record of the meetings of December 9th and 11th, and report at next meeting.

PETITIONS AND COMMUNICATIONS.

From the mayor, giving notice that he returned without his approval the ordinance transferring $1,200 from the special cash fund to the general fund, for the reason that there is not money to that amount in the first mentioned fund. Veto sustained.

From same, giving notice that he had approved certain ordinances passed at the last meeting. Filed.

From Jerry Mahoney and others, protesting against the paving of the street between blocks 195 and 200. Referred,

From C. Jordan and others asking that the grade of Cuming street from Charles to Brown be changed and that an ordinance to that effect be passed by the council, providing the expense incurred by such change be paid by donation and without cost to the city. Referred.

From Harry P. Dewel asking that that part of the resolution ordering a sidewalk between Eighteenth and Twentieth on Clark street be rescinded. Granted.

From Elmer S. Dundy and others, asking that street lamps be erected on Sherman street to where it intersects Park avenue. Referred.

From M. Donovan, protesting against the passage of the ordinance granting the right of way to the Union Pacific of alley between Nicholas and Izard until he shall have been paid for damage done. Referred.

From W. J. Mount, calling the attention of the council to the fact that his lot in John I. Redick's addition had been assessed at $600, while others adjoining his, of the same size, have been assessed at $400. Referred.

The city physicians report for November was referred.

A number of bills were referred without reading.

From George C. Ames and J. A. Wakefield from the board of trade, offering $13,000 for lot 1 in block 140, the property of the city. Referred.

From Belinda Curtis and others, petitioning the council to grant to the U. P. R. R. the right of way to construct a line to connect the Fourteenth street track with the river track through the alley between Nicholas and Izard. Referred.

From Clerk Ijams, certifying to judgment of Jetur R. Conkling against the city for $516 43. Approved.

From the city treasurer, stating that the city should pay the tax on certain lots assessed for paving purposes and cancelled on account of irregularities. Opinion sustained.

From gas inspector, stating that certain bills of the gas company referred to him were correct and others incorrect. Referred.

From Hugh M. McCaffery and others, asking that the alley between Farnam and Harney and Twenty-second and Twenty-third be filled up to abate nuisance. Referred.

From Alvin Saunders, asking that the grade of Eigteenth street, between Farnam and Dodge, be established. Referred.

From Clerk Ijams, certifying to judgment of McHugh & McGavock against the city for $3878 82. Approved.

From same, certifying to judgment of Patrick Mears against the city for $947 12. Approved.

From Omaha Barb Wire Co., protesting against the payment by them of the costs in their suit against the city. Filed.

From the mayor, appointing W. P. Marrow special policeman on his own petition. Confirmed.

From Mrs. Fanny Goldsmith, protesting against the payment of tax for grading Twentieth street in front of her property. Referred.

From George S. Hoagland, presenting list of city warrants held by him, and stating suit had been entered to enforce their payment. Filed.

From A. Kuhn and others, asking that the grade of Jefferson street between Farnam and Capitol Avenue, be established. On resolution of Redfield, the city engineer was directed to establish the same, provided the one prayed for is found to be proper.

From Ferdinand Schubert, asking the appointment of himself as policeman. Referred.

The city attorney's opinion upon the city's title to the two court house lots was referred to the committee on judiciary.

From James Creighton, presenting approved estimate of R. H. Walker for work done. Approved.

From same, presenting estimate of grading done on Farnam street for the month ending December 8. Approved.

RESOLUTIONS.

By Hascall, that the mayor furnish the board of trade committee the facts and statistics to enable it to make its proper report. Adopted.

By same, that the city attorney confess judgment in favor of W. O Bartholemew for the damage done him from opening north Seventeenth street. Adopted.

By Behm, for sidewalks. Adopted.

By Anderson, that the owner of lot 3 in block 190½ be given further time to lay sidewalks. Adopted.

By Furay that that part of resolution ordering sidewalks in front of lots 1 and 16 in E. V. Smith's addition be rescinded. Adopted.

REPORTS OF COMMITTEES.

Streets and grades, recommending that the plat of Paulsen's addition be approved. Adopted.

Same, recommending that the petition of G. C. Metcalf & Co. for opening Irene street be referred to city attorney. Adopted.

Judiciary, recommending that city attorney confess judgment for $100 in favor of William Kolbe against the city to settle his suit now pending. Adopted.

Police, exhonerating Officer Sigwart of the charges made against him by S. J. Broderick. Adopted.

Gas and electric light, recommending that a gas lamp be erected at Nineteen and Leavenworth, and a second between Leavenworth and Jackson, as per resolution. Adopted.

Paving, curbing and guttering, recommending that $1,178 77 be deducted from the final estimate of $13,213 62, and a levy be made against the adjoining property for the balance, for the cost of curbing and guttering St. Mary's avenue. Adopted.

ORDINANCES.

Levying a special tax to cover the cost of curbing and guttering St. Mary's avenue. Passed.

Transferring $400 from the special cash fund to the general fund. Passed.

Appropriating moneys out of various funds to pay for public work. Passed.

Granting right of way to the new Thomsen & Houston Electric Light Company and regulating the same.

Considerable debate ensued upon the final passage of this ordinance. Mayor Vaughan of Council Bluffs, who is interested in this company was present at the meeting and was asked to address the council upon the question before it. Mr. Vaughan said all his company wanted was the same rights other companies of this kind had here and he would be satisfied. Passed.

A resolution by Bechel that the city attorney confess judgment in favor of $954 81 in favor of C. A. Jensen and against the city for grading on West Farnam was passed.

The council then adjourned for two weeks.

☞Gents' white Merino Shirts and Drawers, 75 cents, reduced from $1.00. Smith's, 1307 Farnam street.

Union Pacific Railway Company,
Omaha, Nov. 29th, 1884.

Cross Ties.

The Union Pacific Railway Company will receive tenders up to the 31st of December for 250,000 Oak and 50,000 Cedar Cross Ties, to be delivered in lots of not less than twenty thousand each. Ties to be delivered at Council Bluffs, Iowa, or Kansas City, Mo., not later than April 30, 1885. For specifications and other particulars apply to Mr. J. J. Burns, Gen'l Storekeeper, Omaha, Neb.

S. R. Callaway, Gen'l Manager.

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☞Gents' Scotch wool Shirts and Drawers, $1 00, reduced from $1.25. Smith's, 1307 Farnam street.

THE COURT HOUSE SITE.

City Attorney Connell Files an Adverse Opinion to Gen. Cowin's.

The following is the text of City Attorney Connell's opinion upon the city's title to the property now occupied by the county for court house purposes:

It cannot be doubted that the title to these lots and all others in block 118, which was known as "Washington Square" was originally in the city.

While possessed of such title on the 18th of March, 1857, the city council of Omaha entered into a written contract with the county commissioners of Douglas county whereby it was agreed between the parties that the two lots now comprising the court house property in block 118 should be leased and let to the county commissioners for the purpose of a court house and yard, the county commissioners to have the right to sell the remaining lots in said block for the purpose of building said court house and jail, and that when the county commissioners should cease to use the said property as a court house and jail then the said property together with all buildings thereon should revert to the city and the title vest in the city as though the said contract and agreement had never been made.

It was further expressly stipulated in said contract that the county should provide for the use of the city four rooms in the then proposed house building, two of said rooms to be or watch houses and such other purposes as the council might direct.

Under and in pursuance of the agreement last referred to, I am credibly informed that the rooms for watch houses and jail purposes were furnished by the county to the city as agreed, and that the city from the time of the completion of the old court house to the present time, has continued without interruption or molestation, to occupy said rooms, in no way recognizing any right of the county to said property except as existing under the terms of said agreement, It is clear that if the contract and agreement to which reference has been made is still in force, and that no other transfer or agreement has been made, that the court house property would immediately revert to the city and the full, absolute title immediately vest in the city, upon the county ceasing to use the said property as a court house and jail. This point of time, if not already reached, is close at hand, for it is now only a question of a few weeks when the county will cease to occupy the property as a court house, and it is well known that it has already ceased to occupy the property as a jail.

It is claimed, however, by the county authorities that the title to the property in question was transferred to the county by a certain deed executed by George Armstrong, mayor, January 10th, 1859.

This deed purports to be a deed of the city council of the city of Omaha, signed by George Armstrong as mayor, and is made in consideration of one dollar.

In my opinion this deed is without authority and void. Had the county been in the absolute and exclusive possession of the property from 1859, claiming under said deed, it would probably now have a good title.

But such is not the fact The city during all the time mentioned has had possession as actual and as notorious as the county.

The elements of exclusive possession which is necessary to give any rights under claim of title is absolutely wanting. Therefore, in my opinion, the county has no better right or greater claim to the property than it would have if the deed referred to had been executed within the past ten years in place of more than twenty years ago.

And, as in my opinion, the deed under which it claims is without authority and void, the title as well as right of possession is now vested, or as soon as the county ceases to occupy the property for court house purposes, will be vested, absolutely and unconditionally, in the city. Respectfully submitted,

W. J. CONNELL,
City Attorney.

☞Ladies' White Merino Vests and Pants, 37 cents; marked down from 50 cents. Smith's, 1307 Farnam street.

An Enterprising Real Estate Firm.

Although all parts of Nebraska are rapidly becoming thickly settled no part has developed more rapidly than that known as the Republican River valley, in the southwestern part of the state. Mess. Irwin, John & Co., of Cambridge, and Stratton, Neb., deal largely in lands in that section of the state. They make out papers for persons taking out homestead or timber claims, pay taxes, and attend to all branches of business that comes in the line of first class real estate dealers. They have on their books stock ranches and deeded lands which they offer for sale on very reasonable terms. This enterprising firm have recently issued 10,000 copies of a real estate journal which gives the Free Land laws, Timber Culture laws and much other valuable information for persons desiring to take up a claim in the west.

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Smoke Seal of North Carolina Tobacco.

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A holiday season without an extra fine display at Falconer's would be like a Christmas without its turkey, its plum pudding, the festive holly and the merry children. Ever since he has been in business in Omaha he has spared no expense to make the temporary reign of Kris Kringle exceedingly joyous for his patrons and the public generally. This year Mr. Falconer set aside his entire down stairs department for a fittly toy world in which buoyant hearted lads and lassies could roam at will and find at every turn of the eye something to please and many things to instruct. Never was there such a display of all kinds of toys of foreign and domestic make as that seen in Falconer's "Magic Cave." The fairy tales of the nursery books and the wonders of the Arabian Nights were here practically illustrated and it is really surprising how so many commercial wires were pulled to bring together such a various collection of the handiwork of two continents. No wonder the eyes of the thousands of little ones who had gathered on the opening night, fairly stood out of their sockets, and even the old folks who accompanied them had to openly express their surprise and admiration. We do not believe that there is a toy known to inventive genius from the cheapest to the costliest kind that cannot be found amid the glitter and glare of Falconer's Magic Cave and certainly no one in the city should fail to make their own children or some friend's children happy by a visit to this veritable Temple of Fancy.

The main store always in advance of the town in quality and variety of stock, is furnished with a superfine holiday supply. The large collection of miscellaneous books is particularly observable, especially when their unusually cheapness is concerned. So it is with the toilet sets, albums and kindred articles. The array of gents' furnishings comes in for its full share of praise, and in fact each and every department from where you can purchase a toy for a dime to the second floor where there are the latest Parisian cloaks valued among the hundreds, has been completely restocked for the holiday season, and sales are being made in full harmony with the economical spirit of the times. Certain it is that no mercantile mart in Omaha to-day so forcibly proves the metropolitan character of our business pursuits than Falconer's, and it is no wonder that his grand aggregation of novelties has enjoyed crowded houses ever since this ney-day of display dawned. It is well well worth any one's time to visit Falconer's and if keen enjoyment is not the result then we have but little faith in the appreciation of our citizens for the rich, rare and beautiful.

☞Gents' all wool scarlet Shirts and Drawers, 50 cents, reduced from $1.00. Smith's, 1307 Farnam street.

Try "Union Pacific" flour made here at home from Minnesota hard wheat and guaranteed by its manufacturers, J. E. McCray & Co., corner Seventh and Jones streets, to equal either the Pillsbury or Washburn brands. Ask your grocer for "Union Pacific." d13-m&e

A Well Known Agency.

Mr. John Hockstrasser, the efficient manager of the Brunswick, Balke, Collender Co., of this city, at 509 South Tenth street, has also accepted the agency for the Standard Saloon Fixture Co. of Chicago, who are, without a doubt, the largest manufacturers of saloon, office and bank fixtures in the world. Mr. Hochstrasser is prepared to furnish designs for any of the above goods to order, and on billiard and pool tables he can offer the trade as good bargains as can be secured anywhere in the United States. m&e

☞Ladies' Extra Heavy White Wool Vests and Pants, $1 17; would be cheap at $1.50. Smith's, 1307 Farnam street.

SMITH SPEAKS.

An Epistolary Parry From the Ring Artist.

O'NEIL, Neb., December 13, 1884,

To the Editor of The BEE.

DEAR SIR: I saw an item in your issue of the 13th inst, that I left for Chicago and had been worsted in a glove fight at O'Neil.

Be kind enough to allow me space in your columns to deny both these charges. I am at present stopping in this city and have no intention to go to Chicago. As to my being worsted in the glove fight, I deny that also, although the referee, who was by the way, a brother of opponent's second and an old friend and former tutor of McNally's (my opponent) decided against me. I can bring some of the best posted and most responsible men of this place who will say that the referee was entirely wrong.

Am waiting here trying to arrange a bare fist fight with this man McNally and if successful, I will show my friends that I am still on top. Your obedient servant,

O. H. SMITH.

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PURE CREAM TARTAR.
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If alum or any injurious substances can be found in Andrews' Pearl Baking Powder. It is positively PURE. Being endorsed, and testimonials received from such chemists as S. Dana Hayes, Boston; M. Delafontaine, of Chicago; and Gustavus Bode, Milwaukee. Never sold in bulk.

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AND THE QUALITY OF

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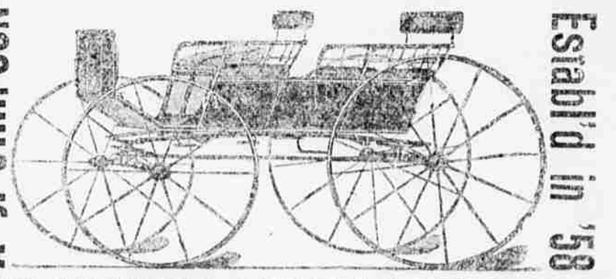

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