

THE DAILY BEE

Thursday Morning, March 5

LOCAL BREVITIES.

A general cleaning of streets was in order yesterday. The west-bound train yesterday was delayed about one hour. A large flag and slight display of red light on Farnam street last night about 10:30 told of a happy political friend of our president.

AN ATTORNEY'S WRATH.

And his Cowardly Manifestation in Physical Force.

Lawyer Kyle's Attack Upon Mr. Gavin of the Times-Dispatch--The Wounded Man's Condition.

Yesterday afternoon, about half-past 12 o'clock, P. A. Gavin, of the editorial force of the Times-Dispatch, was assaulted in his office and brutally beaten by C. W. Kyle, the attorney.

The circumstances of the assault, both of an immediate and prior nature, are somewhat involved. Tuesday night there appeared in the local columns of the journal with which Mr. Gavin is connected, an article assailing Mr. Kyle, as follows:

"The 'attorney' for the complainant is C. W. Kyle, who as a constable made a notable record as a trouble-maker. He is now under indictment in the district court for obtaining money under false pretenses."

The "complainant" referred to is a young lady, Miss Maggie Walsh, Mr. G's sister-in-law. As already detailed in these columns, the young lady gained a suit in Judge Weiss' court against Mr. Gavin for the possession of a trunk which that gentleman was holding as her guardian. As a consequence of the defeat Mr. Gavin was feeling somewhat sore, and it is understood that the article in question attacking the attorney, was written at his dictation.

Yesterday morning Mr. Kyle called at the Times-Dispatch office and requested a retraction of the article, in last night's issue. He was told by Mr. Moore, one of the proprietors of the paper, that as the manager, Mr. Gordon, was in Lincoln he would have to see Mr. Gavin, who was conducting the editorial affairs of the journal, in Mr. Gordon's absence. Mr. Kyle, in pursuance of his determination went immediately to Mr. Gavin's private office in the Baker building, Fifth and Farnam.

He was received by that gentleman, who admitted that he was responsible for the article in question and that it corresponded exactly with his ideas upon the subject. Mr. Kyle then asked him to make a statement in retraction of the article, in the next issue of the Times-Dispatch. Mr. Gavin, as Kyle says, refused to make such a retraction, and gave orders, on the contrary, that nothing further be said on the subject in the columns to which he has access.

With this, a hot dispute arose between the two, in the course of which Kyle struck Gavin several severe blows on the head and face. In the course of the scuffle they approached the stairs leading from the office, when, it seems, Gavin fell or was thrown down the stairs. His assailant followed him down and commenced beating him about the head with a cane which he (Gavin) had had in his possession. Gavin was badly beaten about the face and head, receiving a cut two and a half inches in length, on the back of his head, in the left parietal region. So terrific was the force of the blows that the cane, about an inch and a half in diameter, of lignum vitae, was broken fairly in two.

The unfortunate man was borne in an insensible condition to the police court, where he was laid out upon a table. He fainted twice, and it was sometime before he could be taken to his home. His wounds were dressed by Dr. E. A. Kelley, who pronounced them of a serious, though not necessarily dangerous, or fatal character. It is impossible to determine the exact extent or consequence of the injuries. If rupture of any of the blood vessels connected with the brain, ensues, congestion, fatal in all probability, in its results, will follow. It is believed, however, that with care Mr. Gavin will recover, as there was no fracture of the skull.

A complaint has been filed against Mr. Kyle, the assailant, charging him with felonious assault. He has been released under the circumstances can not be too severe. The attack, whatever may have been the nature or extent of its provocation, was a cowardly and brutal one. Public opinion condemns the assault as outrageous in its high degree, and while Mr. Gavin may have been partially to blame, Mr. Kyle is regarded as worthy of the most bitter censure.

Incidentally it may be remarked that Mr. Kyle is under indictment in the district court for libel. Mr. Estelle says that he had intended to enter a motion to "quash" the indictment this afternoon but that now he will not do so.

LEGAL LOBE.

Matters of the District Tribunal--Divorce Suit--County Court.

Before Judge Wakely yesterday the case of Mette vs McGuckin was on trial. Mette, a liquor dealer outside of the state uses for a bill of whiskey sold to defendant. McGuckin sets up in defense for non payment of the bill that Mette was a liquor dealer and a non-resident of the state, and hence in accordance with the terms of the Slocumb law, not qualified to sell liquor in Nebraska. The plaintiff on the other hand sets up in contradiction that the Slocumb law was unconstitutional in itself, and in its bearings, and hence that it did not affect the validity of the bill. This point, a most important one, was argued at length, and yesterday Judge Wakely rendered his decision.

He held first, that the Slocumb law of Nebraska is constitutional. Second, that the facts in the case govern the application of that law. That the place of the delivery of the goods in controversy governs the question involved, the delivery being the consummation of the contract. If, therefore, the goods were to be delivered in the city of St. Louis the law of Missouri governs. If the goods were to be delivered in Omaha, the law of Nebraska governs.

The case was given to the jury and a verdict for the defendant was returned. The case of Thomas vs. Thompson, a suit brought by Mr. T. to secure dissolution of marriage contract, on the ground that the wife has already a first husband living, is now on trial.

In this case, Mrs. Wilkie began suit against Julius Treilack, the Thirteenth street liquor dealer, with his bondsman, for \$5,000 damages incurred in her defense as a result of selling liquor to her brother, David Wilkie. The plaintiff, Mrs. Wilkie, admitted in her petition that her husband is actually a good and honest workman, but through his being addicted to drink he has become careless and negligent, failing to furnish proper support for his family and indulging at times in extremely evil conduct. For these reasons she seeks to recover \$5,000 damages.

A BRUTAL MANAGER.

Another Sample Slice of the Buckingham's Policy--Belaboring an Actress.

May Brown, one of the thin clad fairies who prance on the boards of the Buckingham, went to the police court yesterday afternoon to file a complaint against His Sluggishship John Nugent, in charge of the proprietary affairs.

"I came to this town," said May in response to the question of a reporter, "supposing that the Buckingham was a half-way decent place. I was fooled as I understand other girls have been. Jack Nugent promised to pay me a certain salary a week and he has utterly failed to keep his word. I have been asking him to square up with me, and last night I went to him again. He refused to pay me and commenced to insult me grossly. He grew abusive and finally knocked me down and beat me. He is a brute and I propose to make him suffer. So now--"

And May's eyes suffused with tears, and she fell to vigorously chewing tulu to keep down rising emotions.

All the Latest Styles in Hats now ready at Saxe's.

A Pleasant Surprise Party. The numerous friends of Mr. John N. Westberg, the well known dry goods merchant tendered him a pleasant surprise at the residence of Mr. and Mrs. Warwick, No. 1014 Mason street Tuesday evening.

The evening was very enjoyably passed, with various games, etc., dancing being the main feature. At 11:30 an elegant lunch was prepared by Mesdames Warwick and Cahill, which was partaken of and relished by all present among whom were:

Mr. and Mrs. Warwick, Mr. and Mrs. Cahill, Messrs Dr. Luke, Harmon, Meyers, Alexander, Mulvihill, Andrews, Lane, Balch, Hayes, Jones, Bennett, Meyers and the Misses Cyphers, Mills, Fagan, Ross, Sampson, Lane, Booth, Fagan, S. Weisberg and others.

John Benton, one of the four parties engaged in the Thirteenth street row Monday night, pleaded guilty to disorderly conduct and received a fine of \$5 and costs. The other three principals in the fracas were discharged upon payment of costs.

S. C. Hartman was an individual whose fondness for drink had overpowered his discretion. Judge Benke administered a corrective in the shape of \$5 and costs. E. D. O'Hara for a similar offense received a like fine.

James McCarthey had also been lolling in the arms of Bacchus and allowed his winking influence of that divinity to steal over his senses. The usual fine was suspended because Mr. McCarthey had been making every preparation to go to Wyoming, and had already shipped his goods thither.

Pat Kearney, shoemaker with an unlimited knowledge of Shakespeare and whiskeys pleaded tearfully for discharge. "It's me that's in competition with O'Connell, McGee, but be jabbers it's the poorest toime in six months, so it is." He was released, on a promise of an unlimited amount of good behavior.

John Joseph Travis is a very imposing name. But his owner is not so imposing. He is a very wicked little boy, accused by his mother of stealing \$5 from the family bank. John Joseph pleaded guilty, and as he was under age Judge Benke bound him over to the district court for sentence.

IN THE POLICE COURT. In the police court yesterday afternoon, Thomas O'Brien who savagely assaulted Roach Tuesday night, appeared and requested a continuance of his case.

A. F. Kullner against L. Setty, is the name of a case in which defendant, a hackman, was charged with willfully backing his team into plaintiff's horse, so as to injure them. After trial, he was discharged.

The complaint against John Blojek, charged with stealing cigars, was withdrawn by plaintiff, John Teas, the case being amicably compromised.

John Kosky, the 65 year old family hackman, was charged with willfully backing his team into plaintiff's horse, so as to injure them. After trial, he was discharged.

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1312 VICTORY IS OURS 1312 AS THE VOICE OF THE PEOPLE

Has made the Misfit Parlors, 1312 Douglas street, most popular for the sale of Merchant Tailor made clothing, of which are received daily from their many agents throughout the country, who are employed in securing Misfits and garments which have been uncalled for by the tailor's customer, bought up at such sacrifices that the Misfit Parlors are dressing their patrons so artistically and at such prices that the natives of Omaha and vicinity are surprised. Three new shipments opened for sale to-day, comprising the following:

PRICE LIST.

Table with columns for Suits, Overcoats, and Pants, listing prices for various items like Merchant-Tailor made suits, overcoats, and pants.

N. B. Thanking the citizens of Omaha and vicinity for their liberal patronage since our opening, and with the hope of securing their liberal support for the future, we are respectfully:

THE ORIGINAL MISFIT CLOTHING PARLORS! 1312 DOUGLAS ST., UP-STAIRS.

Open until 9 P. M. Saturdays until 10 P. M. N. B. Merchant tailors with misfits and uncalled for garments to dispose of will confer favor by addressing Original Misfit Clothing Parlors, 1312 Douglas street, Omaha, Neb.

Proposals for Subsistence Stores. OFFICE PURCHASING AND DEPT. COMMISSARY OF SUBSISTENCE, Omaha, Neb., February 21st, 1885. Includes details about bids for flour, sugar, and other supplies.

MISFITS.

Having quite a number of Misfits and Uncalled for Suits From our Merchant Tailoring department, we offer them to all purchasers at about one-half of their actual value. These are no Ready Made Goods, advertised as Custom Made, but Real Merchant-Tailor work. GIVE US A CALL. B. NEWMAN & CO. RELIABLE ONE PRICE Clothiers and Merchant Tailors, 1216 Farnam Street.

DR. PRICE'S BAKING POWDER. Absolutely Pure. TEST YOUR BAKING POWDER TO-DAY. DOES NOT CONTAIN AMMONIA. ITS HEALTHFULNESS HAS NEVER BEEN QUESTIONED.

DR. PRICE'S LUPULIN YEAST GEMS. For Light, Healthy Bread, The Best Dry Hop. FOR SALE BY GROCERS. CHICAGO. ST. LOUIS.

TIMKEN SPRING VEHICLES. Best riding and driving vehicle made. Includes details about the vehicle's features and availability.

COLLARS AND CUFFS. BEARING THE MARK ARE THE FINEST GOODS EVER MADE. Includes details about the quality and variety of the goods.

Omaha Medical & Surgical Institute. 13th St., Cor. Capital Ave. Chronic and Surgical Diseases. Includes details about the institute's services and location.

Himebaugh & Taylor. LARGEST STOCK OF FINE BUILDERS' HARDWARE In the State. Includes details about the store's inventory and services.

CONTRACTORS' & BUILDERS, ESTIMATES FURNISHED. Buy your Fine Bronzed Hardware at Home for less than Eastern Cities Can Deliver it. Send for Our 250 Page Catalogue. only one issued in Nebraska.

ONE HUNDRED VARIETIES BUFFALO U.S. STANDARD SCALES. Counter, Hay, Stock and Railroad Track. ADOPTED BY THE UNITED STATES GOVERNMENT. Includes details about the scales and their use.