

**CITY IS BACK OF ALL SPECIALS**

So Declares A. L. Reed, Who Declares They Are General Lien.

**MATTER BEFORE COMMISSION**

Butler Has Plan to Cut Down the Interest on Bonds and Thus Make a Big Saving to the City.

Dan B. Butler, city commissioner of finance and accounts, in a communication to the city commission, accompanied by recommendations from City Treasurer W. G. Ure, urges the city to "put its faith and credit" back of the improvement district bonds. These bonds are not guaranteed by the city and the result is a high rate of interest and frequent difficulty in selling.

Commissioner Butler said: "We could cut down the interest on these bonds and facilitate business if the city put its faith and credit back of them."

City commissioners took no action on the request. Treasurer Ure, in a letter to the council, asked that his office be permitted to pool district improvement funds and pay warrants on any district out of this fund. Concerning this Butler said: "Under the present law we cannot do this, but I find this very thing provided for in the home rule charter. As soon as the new charter is adopted the difficulty will vanish."

Butler submitted a table showing the amount of money the city would save by guaranteeing the payment of district improvement bonds, placing them on the same footing as general city bonds.

A. L. Reed of the Byron Reed company says: "Elliott, Thompson & Clay of New York have, since a decision in 1905 in a District case, gone on the assumption that the general faith and credit of the city was back of these district improvement bonds. These bonds constitute a general lien," said Mr. Reed, "and all such bonds issued since 1905 are secured by the sinking fund and the general faith and credit of the city is back of them."

**Dahlman Starts Move to Do Away With Street Poles**

The first move in what may be a campaign to eliminate unsightly poles from the streets of the city was made by Mayor James C. Dahlman, when he introduced an ordinance at a meeting of the city commission, which orders all poles within fifteen feet of gas lamps removed. Franchise corporations and other corporations which may be entitled to the use of the streets are forbidden to erect poles within this limit, and those now standing are to be removed within sixty days from the passage of the ordinance. The measure was referred to the committee of the whole for discussion.

**Hummel Will Have Coasters in Parks**

J. B. Hummel, park commissioner, has arranged for the purchase of six American coasters for the parks this winter. The city clerk has been instructed to advertise for bids for the coasters. Commissioner Hummel has other improvements in mind which will add to the youngsters' enjoyment of the parks this winter. As soon as the appropriation of funds is made in the spring, Commissioner Hummel will begin construction of contrivances for summer sport in the parks. These will include swimming pools and arrangements for all kinds of outdoor games.

**Calvary Baptist to Welcome New Pastor**

A reception was tendered Rev. J. A. Maxwell, new pastor of the Calvary Baptist church last evening by the members of that congregation. Rev. Mr. Maxwell has been occupying a pulpit at Philadelphia and preached at the local church about three months ago, after which he accepted a call from the congregation to become pastor. There was a big dinner served. It started at 6:30 o'clock and there were fully 200 in attendance. After the meal there was music and singing and a general welcoming of Rev. Mr. Maxwell.

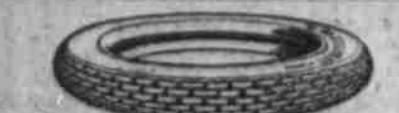
**DRAMATIC CLUB AT OMAHA UNI ELECTS OFFICERS**

The Dramatic club of the University of Omaha elected the following officers: Miss Waters, president; Miss Della Nelson, vice president; Oldham Paisley, secretary; Clinton Halsey, treasurer. The object of the club is to interest students in amateur dramatics and to develop dramatic appreciation and power of expression. Entertainments will be given from time to time by the members of the club. The following were selected as a committee of three to draw up a constitution to be presented at the next meeting of the club: Dorothy Scott, chairman; Effie Cleland and Miss E. Berryman.

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Key to the Situation—See Advertising

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**"Water Board Cannot Exact Unreasonable Rates," Says Judge James P. English**

Victor Rosewater, Plaintiff, vs. The City of Omaha, a Municipal Corporation, the Water Board of the City of Omaha, and Robert Beecher Howell and other Members of Said Board, Defendants.

From a review of the authorities cited by counsel for both parties, I reach the following conclusions:

1. It is not within the power of the legislature to confer upon a board or commission the sole and final right to fix water rates and to take from the courts the right to inquire as to the reasonableness of the rates. I do not think the statute in question attempts to give the Water board such arbitrary and final power, but grants to the board the right to fix the rates in the first instance, exclusive of interference on the part of any other municipal board or commission, and leaves the question of the reasonableness of the rate open to judicial determination.
2. While there are some decisions apparently to the contrary, it is generally held by the courts that where a practical monopoly is obtained of a public commodity, which cannot be conveniently obtained from any other source, and when that commodity is one of the recognized necessities of life, the public has a right to receive it and pay no more than a reasonable charge therefor; and where no other procedure is supplied by the legislature, any individual consumer who feels himself aggrieved by an unreasonable rate may appeal directly to the courts for redress.
3. The court finds that the allegations of the petition are sufficiently broad to put in issue the question whether the rate complained of is so plainly unreasonable as to call for the interference of the court.
4. The demurrer will be overruled and defendant given an exception and ten days to answer.

JAMES P. ENGLISH, Judge.

**BEE WINS OVER WATER BOARD**

Its Claim to Divine Right Rejected by Judge English.

**TO BE TRIED ON ITS MERITS**

Victor Rosewater's Suit to Force Down Water Rates Is to Be Answered Within Ten Days by Defendants.

The contention of the Water board that rates fixed by it are above questioning in court by patrons of its service and not subject to judicial determination as to reasonableness was overturned when Judge English of the district court overruled the demurrer of the board in the suit brought by Victor Rosewater, editor of The Bee, in force water charges down to 25 cents per 1,000 gallons.

The court gave the Water board ten days in which to answer the petition of Mr. Rosewater, the overruling of the demurrer meaning that the case will be tried soon on its merits, unless the board delays by appeal, and that the elusive Water board at last will have to defend its excessive price for water.

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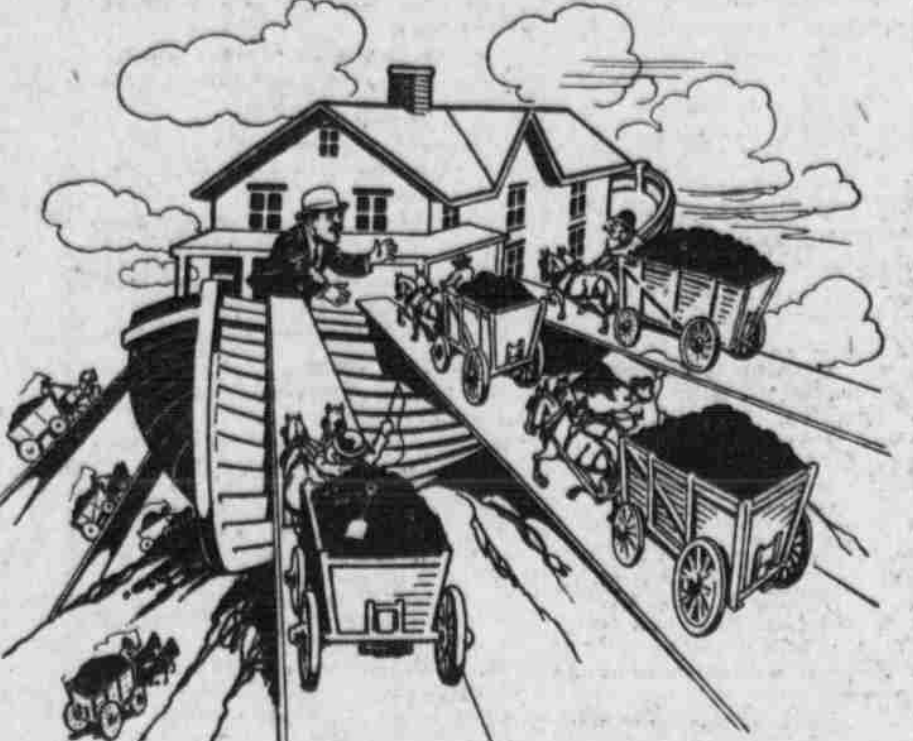
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Being strongly made of new, laboratory-tested iron, without any thin or riveted parts, an IDEAL Boiler will not spring apart, warp, burn-out nor break down—lasts as long as the house will stand. With IDEAL Boilers and AMERICAN Radiators you go through the Winter in constant comfort and safety with no Fall or Spring over-hauling, repacking, blacking, storing, etc.

Compared with old-time ways, you have no ash-dust, soot or coal-gases blown into your rooms—your furnishings last twice as long, and house-cleaning labor not half as much. In a half-million buildings IDEAL-AMERICAN outfits have replaced stoves, grates and hot-air furnaces—supplied all the heat needed in all rooms and halls with less coal than the old-outfit burned to half-heat the building.

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