

THE DAILY BEE.

OMAHA.

Tuesday Morning, July 31.

LOCAL BREVITIES.

The latest design out in railroad advertising is to be seen about the city to-day and represents the watering places and resorts on the Missouri Pacific, Iron Mountain and Wahab roads. It is scripturally introduced with the words, "And the leaves are for the healing of the nations." A palm tree rises from a bed of tropical plants and its broad leaves are lettered with the names of the various attractions. A monkey dangling from one of the limbs by his tail holds out a banner setting forth the watering places along the routes.

Edward Sutton was the name of the man recently captured in this city by Detective Neigh and his force. Sutton was accused of stealing a quantity of belting from the Calhoun mills and the charge made was grand larceny. He was taken up to Blair yesterday and on his examination before the county judge was bound over in the sum of \$500 to await the action of the grand jury. District Attorney Godwin prosecuted the prisoner, who was bold enough to ask—"Judge, will it do me any good to swear the other way from what the witnesses do?"

Trains from the south and east last night were generally late. The incoming U. P. train did not arrive until about 6 o'clock, while the K. C. train came in at 11, four hours late. The B. & M. trains were reported eight hours late and the Missouri Pacific was late also.

Miss Nellie P. Bangs, one of the most popular and accomplished pianists in this country, and John Skeleton, the famous cornetist, both of whom were with the company when it visited Omaha lately, have been persuaded by many friends in this city to come out and give a grand concert, the date of which cannot at present be definitely announced. They will be aided by some of the best local talent and will no doubt make the affair a brilliant one.

Eugene V. Debs, of Terre Haute, Ind., who is secretary and treasurer of the Brotherhood of Locomotive Firemen and editor of The Firemen's Magazine, has been in the city since Saturday and left last evening for Denver, where he goes to arrange some preliminaries concerning the approaching meeting of the Brotherhood, to be held in that place. On Sunday he met a large number of delegates from Nebraska lodges at Knights of Pythias hall and arrangements were made in regard to transportation to the convention. The railroads offered the most liberal rates.

The room in the Caldwell block, recently occupied by Bonner's furniture store, has been rented for a variety theater shortly to be opened by Jack Nugent and Harry Lucas, who will make a strong team. It will be called the Grand Central Theater.

A cow which was being led up Farnam street last evening, with a rope tied to her horns and one of her hind heels, grew obstreperous near Max Meyers, and making her escape from her owner, made for the store door, dashing straight through and out of the back door, to the dismay of the clerks and demoralization of all the goods which came in her way. It wasn't exactly a "bull in a china shop," but it was the next thing to it, a cow in a cigar store.

The U. P. base ball team leave for their long eastern trip on Friday. They take a strong team of 12 of the best, picked players. Two of the club remain at home.

The rain fall Sunday was over two inches in all according to the signal office report.

Hans Anderson, an insane man residing in North Omaha, was taken down to Lincoln yesterday by Deputy Sheriff Crowell.

Two well known admirers of "Bourbon" principles, who had been serving a term in jail for to close a deviation thereto, were released yesterday upon taking a pledge to drink no more in the year 1883.

The laying of the corner stone of the new German school on Harney street has been postponed to the same hour on Thursday, on account of the weather.

A lot of sticks and brush was found in one of the sewers yesterday as it was being pumped out to discover the cause of its stoppage and overflow. As long as people throw such things as these in the sewers they need not be surprised that water won't run through them.

The corner stone of the Lutheran church, 16th and Harvey streets, was not laid Sunday afternoon on account of the rain storm. The ceremony is postponed to half past six o'clock on Wednesday evening.

Saturday night was one of an unusual number of drunken rows. In one or two localities particularly it was fearful, and once fifty or a hundred men were struggling together, surging up and down the street and slugging each other for all they were worth. This should not happen every Saturday night.

There was a lively runaway yesterday morning. A baker's wagon, left standing a moment, ran up Douglas to 16th and then turned south. One of the horses fell but struggled up, and then ran a block further, when they were caught by a couple of colored men.

Mr. Toft has purchased several lots on Saunders street near the corner of Caldwell, on which he will proceed to erect a business block with stores below and suites of rooms above. This will supply a long felt want in that part of Omaha and should any one wish to open a grocery store, drug store, butcher shop or bakery in this locality, they would undoubtedly be well patronized.

The low price made this month by S. P. Morse & Co. have attracted crowds of customers even in the dullest days, and our readers will be consulting their own interests in examining Morse's stock, now the largest offered at retail in the west; the system of direct exports and taking advantage of every cash discount is one of the secrets of Morse's success.

Attention of those who want to become borrowers of money on real estate and become members of the Loan and Building association, is called to the following order of the board of directors—"Whereas the profits of the association amount to over 75 cents per share, it is ordered that from now and until further notice the members shall pay a premium of 75 cents on each share bought after August 1st."—Those who want to join the association should do so at once because they will save money. The office is open every evening between five and six o'clock and Tuesdays, Thursdays and Saturdays evening between 7 and 8 o'clock at 312 South Fourteenth street. Those who will subscribe before the 1st of August, will pay 25 cents in initiation fee on each share and monthly dues for May, June and July. After the 1st of August there will be a premium of 75 cents on each share.

THE PEOPLE'S PLEA.

Concluding Arguments in the Injunction Suit.

A Masterly Speech by George W. Doane.

The Rights of Popular Sovereignty Eloquent Vindicated.

Who Have Defied the Law?

The hearing in the injunction suit to restrain the mayor and city council from entering into contracts to pave Fifteenth and Eleventh streets with sandstone against the protest of the tax-payers, was resumed Saturday afternoon in the District court before Judges Neville and Wakely.

J. C. Cowin made the closing argument for the defense. He argued the constitutionality of the charter, and insisted that although assessments of special taxes must be upon the property benefited and according to benefits, the charter was clearly within that provision of the constitution as construed by the decisions of the Supreme court, and that the city council was the tribunal to declare and determine what property was benefited and the extent of the benefits to make the assessment accordingly. That the council having ample power to pave and assess and levy a tax to pay therefor, the question was, has it pursued, in the premises, the provisions of the law in that behalf provided.

The council has authority to pave on its own motion, and when petitioned by a majority of the property in a paving district were required to pave, provided it could do so in the manner provided by law. He considered, conceding the constitutionality of the act as contended for, that there were but two questions in this case. First, has a majority of the abutting feet front, or the property represented in the paving district, petitioned in writing to the council by the owners thereof, as provided by the law; and second, if not, has the council exceeded its authority or abused its discretion in ordering the district to be paved with Colorado sandstone.

JUDICIAL EXPLANATIONS.

Judge Neville—I wish here to state that there seems to have been some misapprehension of my remarks on Saturday upon this point. I said that construed alone the portion of sec. 4 relating to petitions would seem to imply that a majority of property owners in a paving district must petition; but I distinctly stated that this view must be modified by that portion of the statute relating to the discretion which the council may exercise in extending the area to be taxed for the cost of improvement. I had not and have not formed any opinion that can not be changed by argument, and I am sorry if my words gave any such impression.

Judge Wakeley.—It is my present impression that it is not a condition precedent to the exercise of their powers by the council, that there should be a petition of a majority of the property owners. I think the council has the right to order paving. But when the people have petitioned under the law the council must use the material petitioned for. At the close Colonel Burk was introduced to many present.

Secondly, is the material suitable selected by the council. He was surprised that after all the denunciation of Colorado sandstone, and now when the opportunity was fully presented to test the matter, and when it should be done in justice to the council, the public and the court, not one single line of proof, oral or written, was offered in evidence against the Colorado sandstone and not a particle of evidence that the council acted otherwise than for the best interests of the city, and had not exercised its authority or abused its discretion. He insisted that the showing gave the court no justification.

The General said that the condition of our streets had for years been a great drain upon our prosperity, and that the court could not, without a clear case, re-tard by injunction these improvements. If allowed upon the showing here, then any property owner in any paving district may absolutely prevent any paving.

MR. DOANE'S ARGUMENT.

Mr. Geo. A. Doane began the concluding argument for the petitioners at 10 o'clock yesterday morning. He said that this court had been listening to elaborate arguments and learned counsel and that his own curiosity had been awakened to know what interested they represented. He could understand who Mr. Connell represented. As city attorney whatever his sympathies, he was bound to defend the city officers assailed by the suit. The interest represented by Mr. Cowin was also known. He appeared on behalf of the sandstone contractors to defend their pecuniary interests. But how is it that Judge Thurston comes here. Who and what does he represent? I see by the resolution of the city council that Mr. Thurston had volunteered his services "without pay." It is plain, therefore, that Mr. Thurston's interest is not pecuniary.

PAVING AND TAXING DISTRICTS.

He is not here for pay, like Mr. Cowin. He is here to represent a power that is attempting to take out of the hands of these citizens a power that belongs to them, for the benefit of another power that is endeavoring to rule over this people. This interest is perfectly understood. It hides behind no mask. It is here trying through its attorneys to force upon this people something they do not want, and have expressly repudiated. It is here attempting by attenuated technicalities and monstrous propositions and distortions of the law to cloud the real issue and to commit a grave wrong against this community. Authorities are ignored, the plainest principles of elementary and constitutional law are rejected and the ears of this court are wearied by the advancement of theories of government that are denied by every interest of good government and pronounced against by an overwhelming mass of the best legal authority.

Mr. Doane then took up and examined what he termed

A MONSTROUS PROPOSITION,

laid down by Judge Thurston, that the powers of the city council are to be construed liberally, and the right of the people strictly. He insisted that the converse was the truth, that it is laid down by all authorities and is the foundation of popular liberties that when any legislation affects adversely the rights of the people, the presumption is always that the legislative body has exceeded its powers. A second monstrous proposition advanced is that the city council is a legislative body and has supreme legislative power and that all

the presumptions are in favor of its supreme power. This, too, is denied by all the authorities. The city council when it exercises its power, must keep strictly within the law granting its powers, and those powers coming from the people must be rigidly construed under the statute that grants them. Every intention is against the exercise of an assumed power until the contrary is proved. [71 N.Y., 1 Dillon, Sec. 55] These authorities plainly show that all the intentions are in favor of the people and not of the council.

THE JURISDICTION QUESTION.

But the jurisdiction of this court has been challenged because it is asserted that the petitioners have an adequate remedy at law. We are told that we should have waited until the contracts have been let and the paving done, and that then the court should have been appealed to against levying the requisite tax. But what remedy is there at law against the Seitzer Association? The Seitzer Breakfast, IMMEDIATELY DISPEL ALL FEELINGS OF HEAVINESS, REMOVE GENTLY THE STUFF FROM THE SYSTEM AND TURN IT INTO HEALTHY ACTION EVERY FIFTH OF THE SYSTEM. FOR SALE BY ALL DRUGGISTS.

After expressing his pleasure at meeting his many western friends, he said that it was his purpose to put his own personal feelings aside and deal simply with facts. The Irish problem was a national question and the sides presented by England were false. Notwithstanding the assertions made there is no conflict between Ireland and the English people, but against the aristocratic English government. It had left no measure untried to kill Ireland's industries in every way. Not only through the press but by sending her literary men—Goodwin Smith, Froud, Dickens and others to this country, has she tried to mould public opinion in her favor. Her statesmen say they have exhausted all their means to improve the condition of Ireland, but her people are to-day more dissatisfied than ever.

Among the measures adopted is the dis-establishment of the Irish church, which is not so. Another was the ballot act, but a clause was made providing for a returning officer before its passage, so while appearing on the surface, similar to this country it was very different, there being no secrecy whatever. The speaker here explained the matter fully. The system was entirely wrong.

The land question, the speaker said, was the most important one. The soil should be cultivated to feed the people. He then explained the old Irish land law, which was the same as now in Russia and also the feudal system. He read a number of extracts from enactments passed to restore grazing lands to tillage. England asserts that Ireland has the same legislation as England and Scotland. For an illustration a Cork merchant is obliged in purchasing goods in New York to have them shipped to Liverpool and then reshipped from there, thus being obliged to pay double freight. Again during the last fifty-one years, fifty-one specially enacted acts have been enacted. England's advocates say that the population of Ireland is too large for the happiness, having 162 to the square mile, while India has 406 and England 480. Again they claim that England is no richer with Ireland. If that is so why don't we let us have it. Twenty years ago Ireland paid England £4,000,000 a year, while to-day she pays £8,500,000. Many other statistics were given in proof of the arguments. The speaker closed by advising his hearers to join hands with the national movement. He urged them to be patient and calm. He hoped that the Irish cause had received some measure of strength from his remarks.

The city approached in general will be improved, South Omaha creek obliterated forever and other eye-sores like it done away with. Jones street will become one of the prettiest streets in the city and the locality will be immeasurably benefited.

SEWERS.

THE BEE reporter learned from City Engineer Rosewater, in this connection, that the contract for the extension of the North Omaha sewer, from Twentieth street to the west side of Twenty-third, has been let to Win. Fitch & Co.

STREET PAVING.

The Douglas street pavement being completed by the Barber asphalt company, the city engineer is now engaged in making his final estimates on the work.

It is reported that the council in its committee meeting last evening decided to allow the paving of Sixteenth street to proceed without further obstruction, so to be ready for the state fair.

Work is now going on the Jones street sewer, which is to be extended to the east side of Seventh street, a large force of men being already put on. Wm. Fitch & Co. are the contractors.

Work is actively progressing on the Sixteenth street water sewer.

Brick is being put in St. Mary's avenue for the extension of the sewer which runs from there to Farnam and Twenty-second street. Two branch sewers will be built to connect with this, one on Farnam street and one for storm water end sewerage combined, on St. Mary's avenue.

BROWNELL HALL.

Formal Acceptance of the New Site—Preparations for Building.

The board of trustees of Brownell hall met last evening and transacted some very important business.

Some time ago Hon. J. M. Woolworth offered to donate a very handsome and valuable site for new college buildings under certain conditions, and while the offer was a magnificent and generous one, time was taken to consider the possibility of accepting the offer. This was done last evening.

The plan and specifications must be prepared within the next year, and the buildings must cost not less than \$60,000. Work on the same must be begun within another year and the first building shall not cost less than \$30,000.

A true assistant to nature in restoring the system to perfect health, thus enabling it to resist disease, is Brown's Iron Bitters.

LAYING THE CORNER STONE.

The corner stone of the School and Gymnasium Building, which is being erected by the "German Association" of Omaha, on Harney St., bet 18th and 19th, will be laid on Thursday, Aug. 2d, at 5 o'clock p. m.

Addresses will be delivered by Mr. G. H. Hoarman, (in German), and Hon. Edward Rosewater, (in English). Members of the "Association," the "Concordia" and the "Maeennerchor," and all others desiring to participate, are requested to meet at the building at the stated time above.

CHAS. E. BURMEISTER, Secy. "German Association."

SKINNY MEN.

"Well's Health Renewer" restores health and vigor, cures Dyspepsia, Impotence, Sexual.

ARMY ORDERS.

Recruit John McGrath, enlisted at Fort Omaha, Neb., is assigned to the 4th Infantry.

Leave of absence for one (1) month, to take effect September 1, 1883, and with permission to apply for an extension of one (1) month, is granted 2d Lieutenant Zerah W. Torrey, 6th Infantry.

Leaves of absence for one (1) month, to be granted to the following officers:

1st Lieutenant John C. McLean, 1st Cavalry.

2d Lieutenant John C. McLean, 1st Cavalry.