THE DAILY BEE.

Tuesday Morning October 7.

LOCAL REVITIES.

—Invitations to the wedding of Miss Bessie Spiegle to Mr. Isaac Levi were issued yesterday.

—David F. Mook and Miss Anderson were married at the First M. E. church on Sabbath evening, October 5th, by the pastor, Rev. C. W. Savidge.

—A complaint was filed in police court yesterday by Ed. Clarks against John May charging him with assault with intent to murder. The case will come up for hearing to morrow.

—Officer Nightingale, who has been roundsman since Mr. Cummings was appointed marshal, has been put upon a beat and Officer Michael Whalen will now officiate as roundsman.

—Regular monthly meeting Hooks, Tuesday, October 7, 8 p. m. Every member both active and honorary must be present. Last call for delinquants. Per order of the company. E. G. RYLEY, Sec.

—News was brought to this city by a traveling man yesterday that an Omaha man had been found dead in his bed in the railroad hotel at Eelham, a little village in Iowa on the Northwestern road. The dead man's name could not be learned.

—Sunday night W. J. Usher a gentleman in the employ of Paxton & Gallagher, was attacked by robbers at the corner of Twelfth and Jackson streets. Mr. Usher made it decidedly interesting for one of them for a few moments, but they finally made their escape.

—The beautiful Storms farm in Saline county sold at foreclosure sale in the United States Court by special commissioner and purchased for $1,100, was paid for yesterday by Mrs Storms by money received on a policy on the life of her husband who died only a short time ago.

—It is stated that at the democratic powwow in the First ward Saturday night a number of kegs of beer were on tap and a large crowd of small boys got beastly drunk off of the stuff. After that they shouldered torches and marched as best they could in the procession.

—The transcript in the noted case of Little in the United States Circuit Court against Giles involving a large amount of both business and residence property in Lincoln has just been completed at a cost of over $300. It will be filed in the United States Supreme Court in time to come up at the October term.

—The Second ward Blaine and Logan club will hold a meeting in Cunningham's hall, corner of Thirteenth and Jackson, next Saturday evening. The A. O. H. band will furnish music for the occasion. W. J. Connell, Esq., will be the principal speaker of the evening.

—In the game of ball played Sunday afternoon, at the barracks, between the soldiers and the Sherman Avenues, the score stood 24 to 13 in favor of the soldiers. The visiting club enjoyed themselves immensely and say they were never better treated than during this game at Fort Omaha yesterday.

—The bones of the Chinaman, who died here several years ago, were exhumed yesterday and shipped back to China for final interment. The ceremony was performed by a score of almond eyed celestials and a grand war dance was held around the bones after they had been resurrected. The bones were wrapped in canvass and then placed in a valise and shipped in that manner.

—Go to the Omaha Nurseries for furn shade and ornamental trees. Also smal fruit and strawberry plants. Now is the time to plant all such trees and plants. This nursery was established early n 1882, and has a fine stock of hardy two and three year trees. Nursery located two miles northwest of post-office near Ittner's brick kiln. Office N. W. 13th and Farnam streets. R. W. DAY, Prop.

Planting fruit, shade and ornamental trees a specialty. oct 1-10t-m&e-eod.

—Yesterday afternoon, as Mrs. Peter Chambers and Mrs. Judge Lippincott were riding together down Thirteenth street, their horse became frightened and started to run. The buggy collided with a coal wagon, and both ladies were thrown out. Mrs. Lippincot escaped with slight injuries, while Mrs. Chambers was quite seriously hurt. Dr. Neville was called in, who stated it would be several weeks before the last-mentioned lady would fully recover.

Seal of North Carolina Smoking tobacco is the best.

Saratoga Notes.

Mr. S. Avery has just returned home after an extended visit east.

Mr. Cole, of Champaign, is here on a vist and will remain the guest of Mr. Avery during his stay.

On Saturday last a Band of Hope was organized in this precinct. About twenty members were enrolled.

Credit is due Master Calvin Page for the part he took in enlisting so many in the cause. This little band will shortly be incorporated with temperance organizations in this state, when they will be supplied with banners, etc.

10,000 bushels Choice Winter Apple for sale in car lots or less. Your business solicited.

J. G. WILLIAMS & Co.
s27-1m Nebraska City, Neb.

Smoke Seal of North Carolina Tobrco.

A BUSINESS FAILURE.

The Well-Known House of Shreve, Jarvis & Co. Suspends.

Yesterday afternoon the well-known wholesale firm of Shreve, Jarvis & Co., dealers in men's furnishing goods, and doing business at 1107 Harney street, failed, and assigned to David N. Miller, sheriff of Douglas county, under the new assignment law passed at the last session of the legislature. Their assets will probably amount to $30,000 and their liabilities to $33,000. A great many of their creditors are eastern houses, but large amounts are owing by them to a couple of business houses in this city. It is said upon good authority that they are the debtors of the Omaha National bank in a sum exceeding $10,000. The members of thas firm were James R. Shreve and William R. Jarvis, and have been doing business in this city since July, 1880. They were rated at between ,000 and $7,000, with moderate credits

The cause of their failure was their nability to make their outside collections and a too small capital for the business

DISTRICT COURT.

The October Term Begins with Judge Wakeley on the Bench.

The Grand Jury Instructed and the First 200 Cases Called.

The district court for the October term convened yesterday morning with Judge Wakeley on the bench. Hon. James Neville, his associate, having been called east the latter part of last week was not present.

The forenoon was spent in disposing of ex-parte matters and the delivering of the opinion, by the court, in the case of Birkett against the city of Omaha.

In the afternoon, the clerk called the grand jurors chosen for the present term's panel. For good cause shown Fred Subendorf, H. T. Clark, Thomas Collins, C. W. Kitchen and Albert Foll were excused from serving and their places were filled by James G. Mageath, H. D. Shull, William J. Mount, William H. Shields and John Drexel. The court appointed James G. Mageath foreman after which Judge Wakeley proceeded to them upon their duties.

JUDGE WAKELEY'S INSTRUCTIONS.

He first statedof the different ways in which they should prosecute their investigations. He also enjoined secrecy upon them, and admonished them to divulge nothing of their deliberations except in a court of justice. They should make presentments against no one through hatred or illwill, but if a crime has been committed to prosecute it impartially and allow no guilty one to escape through fear, favor or hope of reward.

He had often congratulated grand jurors in the rural counties upon the observance of law in their jurisdictions. But it is the misfortune in this county where there is a large and growing western city, that crime is constantly being committed and juries in Douglas county have, always in later years, find offenses to investigate and make presentments against.

Of late the crime against the lives of persons has constantly been increasing not only in this county and state but elsewhere. A morning paper can scarcely be read now, one day in a year, that does not contain the details of one or more murders. The cause of this is the growing tendency of men to carry the deadly revolver by which means are placed in the hands of ruffians to commit crimes, compared with those against property sink into insignificance. But this is more a matter of legislative interference, but all infractions of the law as it now is should be investigated with scrutiny.

Much has been said of late about the management of municipal affairs, and witn respect to this he had but one suggestion to offer. If these rumors are simply public clamor, they should find no place in the panel. If found to be true those committing the offenses should be dealt with the same as in other cases. He admonished them to season justice with mercy, and to presume no man to be guilty.

The Court then turned his remarks to the subject of gambling, which he characterized as the most ruinous and destructive of vices. Although experience has shown there is a deep-rooted propensity in man to gamble, it should be frowned upon and prosecuted, nevertheless. Of all vices, there is none so pernicious as this one, and he would say to all young men to shun the gambling table as they would the gates of death or hell itself. These remarks, the Court continued, might not be called for, but he would leave that matter for the jurors to decide.

He then instructed them upon their duties respecting ferries and the county jail, duties especially enjoined on them by statute.

The jury then retired to its room and after a half hour's deliberation adjourned for the day.

The court then called the first 200 cases on the docket and adjourned to 9:30 o'clock this morning

DISTRIBUTING THE PASTORS

The A. M. E. Conference Makes Its Appointments and Adjourns.

The annual session of the Kansas conference of the A. M. E. church concluded its labors last evening with the following appointments.

DENVER DISTRICT.

James H. Hubbard, Presiding Elder.
T. N. Triplett, Denver, Col.
J. P. Howard, Wyandotte, Kan
Wm. Harwell, North Lawrence, Kan.
H. H. Lucas, North Topeka, Kan.
F. M. Dale, Manhattan, Kan.
R. Jackson, Boulder, Col.
A. E. Jackson, Leadville, Col.
J. E. Weir, Junction City, Kan.
Matthew Jones, Tonzanonie, Kan.
Chas. H. Lewis, Tihlen, Kan.
S. W. Byrd, Cheyenne, Wyo.
Leavenworth district—James W. Branton, presiding elder, Leavenworth.
B. F. Watson, J. L. Griggsby, Atchison, Ks.
P. A. Hubbard, Omaha, Neb.
W. A. Moore, Lincoln, Neb.
A. W. Ramsay, Nebraska City, Neb.
J. H. Walton, White Bend. Ks.
J. B. Wallace, Hiawatha, Ks.
Henry W. King, Holton, Ks.
To be supplied—Troy, Ks, Blue Rapids, Ks.
C. H. Brown, Big Bend, Ks.
Benj. Cyrds, Oaksloosa, Ks.
St. Joseph, Birl Mitchell.
S. Rice, transferred to the Missouri conference.
Obadiah Sommers transferred to California conference.
John Spence transferred to the South Kansas conference.

WILL NOT HAVE TO PAY.

Judge Wakeley Decides the Case of Birkett Against the City in Favor of Defendant.

Hon. Judge Wakeley yesterday morning upon the convening of court for the October term rendered his decision in the celebrated case of Mary A. Birkett against the city of Omaha. The suit was instituted to recover damages against the defendant in the sum of $6,283. The petition sets up in the first count that the plaintiff is the owner of lot 6 in block 248 in this city, fronting on Pierce street. In 1878 the grade of this street was established and in 1883 the plan as proposed was carried out, the fill in front of plaintiff's property, caused by the proposed grade being eleven feet nine inches.

To this count a general demurrer was interposed, on the ground that the city is not liable, under the present charter except where there is a change of grade. The following is the conclusion of Judge Wakeley's somewhat voluminous, and very able decision:

"The result of my reflections and study of the authorities is that my mind rests satisfied with the conclusion, that this city by obtaining in whatever lawful manner the fee or easement in its streets acquired, as incident thereto, and inseparable therefrom the right to grade them and fit them for the municipal uses for which they were designed. If this be so the damage sustained by plaintiff, unless from the defendant's trespass or negligence was, under the present, as under its former constitution, damnum absqui injuria.

It is needless, except to avoid possible erroneous inferences to say that this conclusion in no way applies to cases of change of grade provided for in our present charter and in which changes are allowed. This provision is based on an underlying principle of justice often recognized by courts when powerless to enforce it that he who has improved his property or expended his money on the faith of a grade once established has a peculiar equity to be indemnified against changes, even if there be a lawful right to make them. Nor is it intended to say that there may not be a remedy in the courts for a spoliation of property or abuses of discretion in the exercise of the grading power by municipal authorities.

If I am mistaken and this action can be maintained on its full extent the consequences are startling. This, and every city in Nebraska, besides the great and enormous expenses of bringing its streets to grade, must virtually grade all the lots within it. Between doing this and paying verdicts for the cost of doing it by the owners there is no practical difference. Upon this condition it would accept the dedication of streets in every plat of outlying broken and uneven ground put upon the market for speculation. Whether it has even the privilege under present laws of refusing so disastrious a gift would become a momentous question. As, however, the petition contains allegations which I think show a trespass, and from which, perhaps, negligence should be inferred, I think it proper to overrule the demurrer. And I think it better, also, that the case be finally determined upon all the facts, which in respect to some matters that may be material are not shown.

Dedication at Bellevue.

On Thursday morning, October 9th, Clarke Hall, at Bellevue college, Bellevue, will be formally dedicated. On that occasion will be observed the following

PROGRAMME:

Music.
Address and delivering of the keys, by Hon. H. T. Clarke, of Omaha.
Response on acceptance of the keys, by Rev. W. J. Harsha, D. D., president of the college.
Music.
Dedicatory prayer by Chaplain Wright, Plattsmouth.
Music.
Address by Rev. Herrick Johnson, D. D., LL. D., chairman board of aid for colleges, Chicago.
Music.

COLLATION.

At 2 o'clock p. m. it is expected that a large delegation of Omaha Indians will be present and re-inter the remains of their ancestors formerly buried on the site now occupied by Clarke Hall. These ceremonies will be in charge of the Rev. W. Hamilton, who, for about half a century, has been missionary to the Indians.

N. B.—A special sleeper will leave Bellevue at 6:31 p. m. for the meeting of the synod at Hastings.

BASE BALL.

The Third Evansville Game of the Present Series and Another Home Victory.---Score 9 to 2.

Yesterday's game was a brilliantly played one and the defeat of the Evansvilles was the fruit of the hard luck, which seemed to cripple their every effort. Time and again they filled the bases but sure as fate some ill-starred slugger would face Sailsbury and fan out. In the field their work was faultless, the errors charged to Rafferty being excusble, Hillery changed with Marr in the fifth inning and his playing behind the bat, was thorough. Thompson made some excellent one-hand catches in the left field, one in particular winning the applause of the audience. Goldsby distinguished himself at center by his fine playing. The work of the U. P's was of the usual splendid character

The attendance was ridiculously small, which is but final proof that Omaha is unworthy of a good ball club. Further appeals to the public to support this, the only summer pleasure offered here, are vain and useless. With the disbandment this fall the existence of the Union Pacific base ball club doubtless ends. All those of its membership who are not tied down in Omaha by inseparable business or family ties will sign for the next season with clubs abroad, where their professional skill entitles them to play. Even if Omaha meets its present promises of future growth, it will be a full decade before she will support as good a club as the Union Pacifics of the past.

The Evansville games are continued today.

Following is the official score for the game yesterday:

UNION PACIFICS.

	R	1B	PO	A	E
McKelvy, 2b	1	0	4	1	0
Sneed, r. f.	1	1	0	1	0
Visner, l. f.	1	1	1	0	0
Funkhouser, c. f.	2	3	2	1	0
Dwyer, 1b	1	1	10	0	0
Walsh s. s.	0	2	1	1	0
Whitney, 3b	1	1	0	0	0
Cavanaugh, c.	2	2	9	4	0
Salisbury, p.	0	0	0	9	2
Totals	9	11	27	17	2

EVANSVILLES.

	R	1b	PO	A	E
Sowders, 1b.	0	1	13	1	0
Thompson, l. f.	0	0	2	1	1
Marr, c and 3b.	2	1	0	2	0
Beard, s. s.	0	1	1	5	1
Goldsby c. f.	0	1	2	0	0
Hillery, 3b and c.	0	1	5	0	0
Rafferty, 2b.	0	1	2	4	3
Crowell, p.	0	0	2	6	2
Saunders, r. f.	0	0	0	0	1
Totals	2	6	27	19	8

BY INNINGS.

	1	2	3	4	5	6	7	8	9	
Union Pacifics.	0	1	0	1	4	0	2	1	0	—9
Evansvilles.	0	0	0	1	0	0	0	1	0	—2

Three-base hit—Beard.
Two base hits—Funkhouser, Sowders.
Struck out—Visner, Sowders, Thompson, Marr, Goldsby, Hillery, Crowell, Saunders.
Left on bases—Union Pacific 6; Evansville 3.
Wild pitches—Salirbury 1, Crowell 3.
Passed balls—Marr 2.
Umpire—Rockwell.
Time of game—1 hour and 40 minutes.

THEY KEPT HER HOT.

The Convention of Locomotive Firemen at Toronto.

The western delegates to the convention of the Brotherhood of Locomotive Firemen, held at Toronto from September 23d to the 29th, have returned home. Mr. T. D. Kinney, the delegate of the Omaha lodge, and Mr. Casey, visiting member, arrived last Friday night. The convention was successful in every respect and the visitors speak highly of their reception by the Canadians.

The brotherhood was organized eleven years ago at Port Jervis, N. J., with nine members. Now it has a membership of 12,000, represented by 238 lodges. Sixty new lodges were organized during the past year. Considering its age it is one of the strongest and best managed labor organizations in the United States. And the secret of its strength and success lies in the fact that disreputable and dishonest persons finds no shelter under its folds. Men who bring discredit upon themselves or their employers by neglect of duty or durkennass, are driven from the organization and cannot again become members until thoroughly reformed. The matural result of such a standard rigorously maintained is shown in the growth of the organization. A certificate of membership is a certificate of good character, and is recognized and honored as such by all the railroad managers in the country.

One of the principle results of the late convention was the increase of the insurance from $1,000 to $1,500. An interesting case involving the insurance of a deceased member of the Los Angeles lodge, came up for adjudication. The facts showed that the wife of the deceased conspired with a paramour to murder him to obtain the $1,000 insurance. One night as the fireman stepped from his engine at a station near Los Angeles he was shot twice and instantly killed. The wife and her sister, dressed in men's clothes, with their male assistant did the bloody work. They were arrested, tried and convicted. The man was sentenced to state's prison for life, the wife got five years and the sister got free. The claim for the insurance then fell into the hands of a lawyer but the brotherhood refused to honor the claim, but appropriated $1,000 for the support of the dead brother's children.

The name of the organization has been changed to "The Brotherhood of Locomotive Fireman of North America," to cover lodges which will soon be organized in Old Mexico. The failure of the state department to secure the trial or release of a member of the brotherhood imprisoned in Mexico was vigorously denounced. About a year ago a train-crew of four—engineer, fireman, brakeman and conductor—were arrested for running over a man on the Mexican Central. Two of the crew were citizens of the United States, one Canadian and one Mexican. The British minister promptly demanded the release of the Canadian and had him liberated in less than two weeks, the Mexican was also released, but the other two were not given a trial and have been kept in a filthy prison ever since, eleven months. The train men running into town where they are imprisoned bring them food to keep them from starvation. The officers of the brotherhood have personally presented these facts to the secretary of state, who promised "to look into the matter."

The election of officers resulted: S. M. Stevens, of Terre Haute, Indiana, grand organizer The following were elected as executive committee for the ensuing year: S. Vaugn, Burns, Dyer, Mayo and Wilson, and the Messrs. Cripps, Hynes and Tucker were elected as a board of trustees. The next business was to locate the next place of meeting, and as almost every city seemed anxious to entertain the brotherhood, the contest was a keen one, but finally narrowed down to the cities of New York, New Orleans and Philadelphia. The latter city was eventually chosen for next year's session. Eugene V. Debs, of Terre Haute, Indiana, has been re-elected secretary.

North Omaha.

To the Editor of THE BEE.

For the period of nearly a year a large proportion of the residents of North Omaha have been constantly striving to have the north branch of North Omaha creek bridged sufficiently to make it passable at reasonable distances along its course. Petitions almost without number have been presented to the council, and both members from the Sixth ward have been importuned and begged again and again with no other result than to refer the matter to committees whose utter disregard of the interests of this locality is proven by the fact that not a thing has been done towards affording relief. About three months ago a petition was presented to the council for a bridge at Twenty-first street. The council granted the petition but that was as far as they went toward building the bridge. A resolution was introduced by Mr. Anderson, and passed at the last council meeting for a bridge at the same place. Heaven knows when that will be heard from again. But if the question be, whether a bridge should be laid at Twenty-first and Tweuty-second streets, it seems plain that Twenty-second should be the selection, for the reason that should the bridge be built on Twenty-first, it would afford but little improvement upon the present condition of those who live further up the creek. The whole distance between the Saunders' street bridge and the Clark street bridge would be left almost as bad as it is now. What is absolutely and urgently needed for the relief of this part of the city is a bridge at Twenty-second street, and one at Grace street. Perhaps a dozen persons a day on an average, may be seen struggling around in bewilderment to get out of or into this isolated, God-forsaken locality.

CYRUS D. BELL.

Police Court.

At this court yesterday morning the judge was kept busy filing complaints and it was as much as a bargain to find time to try the regular grist of prisoners as they were marched into the dock.

Bill Nugent was the first man to the front and he was assessed $5 and costs for having indulged too freely in the flowing bowl.

Owen Connelly, poor old "Whisky Jack," could not stand it any longer and got on a rip roaring drunk Saturday. In court his plea as usual was for leniency and he said if the judge would only let him go up to the county jail long enough to get thoroughly sobered up he would try once more to keep sober. He was given seven days.

Chas. Fisher was a hard looking fellow who was charged with assaulting and beating his poor old mother. He was held until such time as his mother would be able to appear.

Three disturbers of the peace were fined $5 each and costs.

On complaint of a man who hangs around the Tivoli garden, whose name is "Fred Geize," a young girl named Dolly Murphy was arrested and charged with stealing two rings. He says that he let her have the rings and that when he wanted them she returned one but kept a diamond ring that she knows nothing about it. He was drunk at the time and his diamond ring was probably all in his mind, upon her examination she was discharged.

Army Orders.

Assistant Surgeon Arthur W. Taylor, U. S. A, having reported at these headquarters in compliance with paragraph 1, special orders 215, current series from the headquarters of the army, is assigned to duty at Fort Omaha, Neb.

The leave of absence for seven (7) days granted Lieutenant D. L. Howell, Seventh infantry, in orders No. 184, dated Fort Laramie, Wyo., September 30, 1884, is extended twenty-three (23) days, with permission to apply to headquarters division of the Missouri, for an extension of one month.

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Five new professors have been added to the faculty for this purpose.

☞ Vocal Music, German and French, optional. ☜

NEW STUDENTS must present themselves during the week ending August 31, between 9 and 12 a. m., and they must be ready to stand examination to decide their rank in the course.

Prof. Lambert will give due notice for the resumption of the evening course in Chemistry. Tuition free. No distinction on account of creed.
aug. 19 tu thurs-sat 6t

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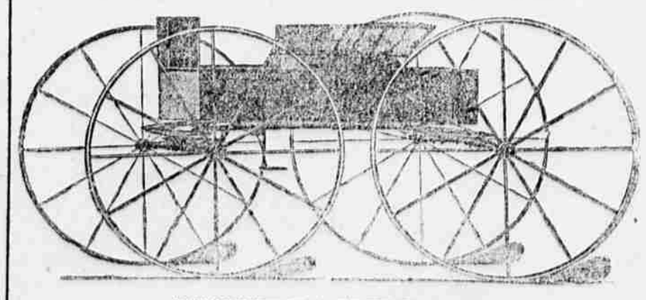

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