# AS TO SOUTH OMAHA'S CLASS

## Position of the Taxpayers League Passed Upon by the Supreme Court.

## BUD LINDSEY LOSES A BIG ROLL

**Lincoln's Colored Politician Concludes His Election Labors with a Gigantic Jag and Has His Pockets Picked of Several Hundred.**

LINCOLN, Nov. 9.—(Special.)—In the supreme court a decision in the case of South Omaha et al. plaintiffs in error, against Taxpayers' League, et al. defendants, has been handed down. The decision reverses the district court and a decree is entered dismissing the action. Following is the syllabus of the opinion, written by Judge Harrison:

1. Where it is sought by legislative enactment to amend and repeal a former act, or any section or sections thereof, there should be a compliance with requirements of the constitution in reference to amendment and repeal of laws.

2. The act is entitled "An act to amend sections 1 and 2 of an act entitled 'An act to incorporate cities of the first class having less than 25,000 and more than 8,000 inhabitants, and regarding their duties, powers and government,' known as chapter xv of the general laws of 1889, and passed and approved March 14, 1889," laws of 1891, p. 182-3, not having complied with the requirement of the constitution contained in section 11 of article iii, wherein it is provided that "No law shall be amended unless the new act contains the section or sections so amended, and the section or sections so amended shall be repealed," is void and without effect.

3. Where the acts of a municipal corporation are presumably without color of law, an action of injunction may be maintained by a party showing a sufficient interest, and that irreparable injury will result to him through such acts, and this notwithstanding a decision of the issue in the case may involve a decision of the particular class to which the municipal corporation belongs.

4. Under the facts developed in this case, held, that injunction was the proper remedy.

LINDSEY'S LOST ROLL.

A painful sequence to the election tumult that has agitated Lincoln for the past week was experienced last night by L. L. Lindsey. Lindsey had been an active participant in the local campaign, his best energies having been put forth in behalf of the Majors ticket. But last night, acting on his best judgment, he offered to bet freely on Holcomb's success. At the Capital hotel he exhibited a roll of currency and checks, amounting to $500. He offered to place $100 even on Holcomb, but found no takers. Subsequently he drank freely with a number of companions. How many drinks he had he does not remember. In fact, he says that very little of what occurred after 10 o'clock is impressed on his memory. At all events, when he awoke in the Shakespeare saloon this morning at 3 o'clock, his roll was missing. Upon discovering his loss, Lindsey says, that it was his impression some friend had taken it, who would return the same at an early hour in the day. He has not, as yet, found his money. He says the worst part of it is that $400 of the cash was stake money, held in trust for parties who had bet on the election.

LINCOLN LITIGATION.

In the district court today Mary Sturey, who sued the Rock Island Railway company for $3,000, received a verdict for $160.50. Mrs. Sturey complained that the company had destroyed the value of her lot by building a side track on the premises.

Sarah Johnson is in court asking for a decree of divorce from her husband, W. L. Johnson. The latter is now a resident of Sioux City. She says she married William in Lincoln, April 10, 1890, and claims he deserted her on June 30, last, and has failed to support her ever since. She also charges that he has committed adultery with an unknown person in a brick block on Ninth street, between N and M, and that he is a fugitive from justice, having been charged by the Clarkson Laundry company with embezzlement.

The Lincoln Normal university has begun suit in forcible entry and detainer before Justice McCandless against John L. Stephens and the Normal Publishing company to eject them from the rooms they occupy in the normal college.

Day by day goes by and still the much wanted Van Sceiver, alleged California embezzler, remains in the hands of the supreme court. Sheriff Auble of Los Angeles, who is playing a waiting game because he is compelled, flits through town with an eye occasionally cast toward the setting sun and a sigh for the orange groves of the balmy region whence he came. It is expected that the supreme court will hand down a decision in the case tomorrow.



*HERMAN FREEZE DISCHARGED.*

**No Evidence that He Robbed the Homer State Bank.**

DAKOTA CITY, Neb., Nov. 9.—(Special Telegram.)—Herman Freeze, recently elected county attorney of Antelope county, who was arrested October 16, charged with embezzlement and larceny resulting from finding about $1,100 in a well at Homer on property occupied by Freeze while acting as cashier of the Homer State bank, which institution was robbed of $1,500 on the morning of October 31, 1891, was discharged upon his preliminary hearing today. The examination occupied two days.

The money was introduced in evidence. The bills were in bad condition and will have to be redeemed by the government, and the silver was badly tarnished. The money was identified as that sent from Washington to the Northwestern National bank of Minneapolis seven days before the robbery and afterwards to the National bank of Sioux City, and from there to the Homer bank. C. J. O'Connor, present owner of the Homer bank, expects to pay a salvage to the finder of the money and claim the same.

**Matrimonial Venture of an Aged Couple.**

VALLEY, Neb., Nov. 9.—(Special.)—T. J. Simonton and bride arrived in the city last evening. Mr. Simonton was married last week to a lady in Detroit, Mich., and they have just returned from their eastern wedding tour. The groom is 74 years of age, while the happy bride has experienced sixty-eight beautiful springs. The happy couple will make their future home in Knox county, Nebraska.

While on their way to Fremont Monday Charles Lyons and D. E. Lanham killed a jack rabbit which weighed fifteen pounds. This is the first jack rabbit that has been killed in this vicinity, or even seen, for several years.

Frank Harper of New Ponca, Okl., son of Rev. E. E. Harper, formerly of the Methodist Episcopal church of Valley, arrived in the city yesterday and will visit friends for a few days. Frank says Oklahoma fell in line and went republican.

D. E. Brownson received a telegram Wednesday announcing the death of his mother at Yankton, S. D. Mr. and Mrs. Brownson left that evening to attend the funeral.

The Ladies' Aid society realized over $50 from its dinner on election day.

**Grafton News Notes.**

GRAFTON, Neb., Nov. 9.—(Special.)—Mrs. George Warren gave a party Monday evening in honor of Mr. E. Warren, a cousin, visiting from Chicago. Music, dancing and progressive high-five were among the amusements indulged in.

Mr. Bradley of Harvard, the new B. & M. agent, moved here this week, his predecessor, F. P. Jackson, having been transferred to Greeley Center.

**Fatal Result of a Family Row.**

TECUMSEH, Neb., Nov. 9.—(Special Telegram.)—After indulging in a family row today, William Stansbury, a laborer, aged about 40 years, took a dose of laudanum with the intent of killing himself. He was successful in his efforts and will be a corpse before midnight. He will leave a wife and five children.

**Wahoo Residence Destroyed.**

WAHOO, Neb., Nov. 9.—(Special Telegram.)—The residence of Joseph Manners was partially destroyed by fire this morning at 10 o'clock. Loss, about $800; fully covered by insurance.

**Captured a Sneak Thief.**

GRAND ISLAND, Neb., Nov. 9.—(Special.)—While Mrs. W. H. Thompson was boarding a street car a sneak thief, who gave his name as Jes Dell, followed her, and crowding between her and Hon. W. H. Thompson, took her purse and attempted to get out. Mrs. Thompson grabbed him and told him to hand over the stolen purse, but he tore away and ran down the street. He was followed by at least 100 people and quickly dropped the purse. Rushing up a different street he ran into a small store, and when his pursuers entered he stood calmly behind the stove. He was promptly arrested. It is the boldest case of theft that ever was attempted in this city.



*ANNOUNCEMENTS.*

Albini's London Empire Entertainers is the attraction at the Fifteenth Street theater for the coming week, commencing Sunday matinee. Regarding the performance the St. Louis Dispatch says: "Albini, 'The King of Cards,' held court at the Standard yesterday, surrounded by his courtiers and jesters. Albini himself was the star of the performance. His tricks were as clever as of old. The egg trick, with which he has defied detection and imitation for years, set the audience yesterday fairly wild. The magician goes right into the audience with a little green bag, and first there is an egg in it and then there isn't. It is done with people all about him, but how, is a mystery. Albini is said to sleep with that bag and numerous enterprising newspaper men have spent divers and sundry dollars trying to get him drunk enough to get it away from him, but without success."

Among the other attractions on the bill are Nellie Maguire, character star, O'Brien and Buckley and many others.

The "Anti-Christ" is the subject of Mr. Davenport's lecture in Exposition hall next Sunday night. The lecturer will endeavor to show that his appearing cannot be far off. Admission free.







# CITY IS WITHOUT A CLERK

## Action of the City Council Produces a Peculiar State of Affairs.

## ANOTHER APPOINTMENT MUST BE MADE

**Alleged Agreement Between Republican and Democratic Members Fails to Work—Gossip as to the Presidency of the Council After January 1.**

Though it is not a matter of general knowledge, it is nevertheless a fact that the city of Omaha is at present without a city clerk, or at least there is a question about it. This condition of affairs is a result of the prolonged squabble between the political factions in the council which was connected with the appointment of John Evans to serve out the unexpired term of Mr. Wakeley.

It will be remembered that at the time when the death of the regularly elected city official left the office vacant Mr. Evans was appointed by the mayor to fill the vacancy. This action was the result of a conference which was held in the mayor's office. At this time the democratic members agreed that if the republicans would vote to confirm the appointment of Mr. Evans for the remainder of the year they would assist in passing the ordinance providing for the filling of the vacancy by election.

Mr. Evans was appointed by the mayor August 7, the appointment reading "to serve until the next general election in November." The confirmation was unanimous, in accordance with the preconcerted action, but when the republicans attempted to pass the ordinance authorizing the mayor to include a clerk to fill the vacancy in the election proclamation they found the solid democratic front massed against them. The democrats claimed that when they promised to pass the ordinance it was with the understanding that no definite time was contemplated, and on this subterfuge they evaded their caucus obligation.

After a good deal of controversy the republicans succeeded in passing another ordinance, which was very similar to the one first introduced. There was this difference, however, that the ordinance provided that the elected candidate should take the office on January 1 instead of immediately after the election, as was contemplated when the appointment of Mr. Evans was made.

Now that the election is passed the term for which Mr. Evans was appointed has expired, and according to the new ordinance Mr. Higby cannot assume the duties of the office for nearly two months. In the meantime there is a technically a vacancy in the office of city clerk. This will probably be filled by another appointment by the mayor, which will be transmitted to the council next Tuesday night. There has been some effort to have Mr. Higby named as the appointee for the intervening two months on account of the action of the democratic members of the council in violating the caucus agreement. This will hardly be considered, however, and the probabilities are that the mayor will simply reappoint Mr. Evans for the additional period and that the appointment will be readily confirmed.

THE NEXT COUNCIL.

**It Will Contain Thirteen Republicans and Only Five Democrats.**

The next city council will consist of thirteen republicans and five democrats. Not a single democratic candidate succeeded in getting a foothold this year and the council will not contain enough members of that political faith to make a fight on any important measure.

Owing to the enforced retirement of Ike Hascall the First ward will be represented by two republican members, Peter Back holding over with S. I. Gordon as his colleague. In the Second ward, which has had two democratic members during the year just past, John Lemly will be left alone with Anton Kment, a republican, who succeeds Mr. Elsasser.

In the Third ward McAndrews, democrat, is succeeded by Sol Prince, who has previously served in the council and adds one to the republican majority.

In the Fourth ward the political complexion of the delegation is not changed, Mr. Cahn is the lone democrat, while Mr. Bechel and F. B. Kennard will constitute the republican element.

The republican representation from the Fifth ward will remain unchanged, Mr. Saunders succeeding himself after a hard fight.

In the Sixth Holmes holds over and Specht is succeeded by Charles L. Jaynes, who is also a republican. The Seventh remains unchanged, Thomas succeeding himself and Howell holding over for another year.

Cadet Taylor succeeds Charley Bruner from the Eighth ward and Burkley and Jacobsen hold over. Churchill Parker was defeated by George Mercer in the Ninth and the ward will be represented by Mr. Mercer and Mr. Edwards who holds over for another year.

Although it is still some time before the reorganization of the council there is already considerable hustling for the honor of presiding over the deliberations of that body during the coming year. It goes without saying that the successor of President Howell will be a republican, but his identity is as yet a matter of conjecture. Saunders and Edwards are both reported to be candidates, and it is intimated that Bechel would accept the honor if it was handed to him. Mr. Bechel has already held the office for several terms, however, and is not making any canvass for the position.

If the republican members fail to unite on a candidate the five democrats will undoubtedly hold the balance of power, and in return for their votes they will be able to dictate to a considerable extent in the make-up of the committees. The republican members, however, will make a determined effort to agree on a candidate in their own ranks, and if they succeed in this his election will be merely a matter of form.

**Delegates to Be Named.**

Here is a golden opportunity for some of the ambitious statesmen whose aspirations have been summarily quenched by the avalanche of Tuesday. Mayor Bemis has been called on to appoint five delegates to the South and West Trade congress, which meets at New Orleans November 21, 22 and 23, and ten delegates to the Transmissouri Commercial congress, which convenes at St. Louis November 26. These honors are ready to be distributed and anyone who covets any of the attendant glory has only to make himself known and he will receive an appointment on one of these delegations. In view of the number of beaten horses which are eligible for entrance in the consolation race aspirants are requested to send in their names at the earliest possible moment.



## WILL ASK FOR MORE MONEY.

**Health Board Has a Deficit in Sight that Promises Trouble.**

There is another deficiency in sight in the health fund. At least that was the gist of a report submitted by Commissioner Saville at a meeting of the board yesterday afternoon. Dr. Saville stated that there was at present just $1,618 in the fund. This would be insufficient to pay the regular running epenses of the board with the present force of inspectors and to defray the cost of removing dead animals which has reached considerable proportions. The commissioner recommended that all of the inspectors be retained until December 1, and then that all four of the sanitary inspectors be laid off for one month.

On suggestion of Chief of Police Seavey no action was taken on the motion. It was deferred until the first meeting in December and in the mean time an effort will be made to induce the council to provide sufficient funds to pay for the hauling of dead animals which will leave the health fund sufficient to answer the regular demands of the department.

The American Water Works company was granted permission to box up such of its mains as are exposed, to prevent them from freezing.

Mary Goodchild, one of the smallpox patients, was allowed $20 for bedding which had been destroyed by the orders of the commissioner of health.

## IN THE COURTS.

**Matters Which Are Demanding the Attention of Judges and Juries.**

Dr. Ira Van Camp is the defendant in a malpractice case brought by Anton Sorenson in Judge Keysor's court room. Sorenson alleges that he was called at the time his wife was to be delivered of a child and that by careless manipulation, reckless disregard, etc., the child was still born and the wife is permanently injured, being now confined to her bed as the result of improper medical and surgical treatment. The amount asked for was originally $5,000, but on this, a second trial, has been raised to $10,000. Dr. Van Camp has filed a general denial to the accusations.

The case wherein M. L. Cohen sued Joseph Garneau, jr., on a promissory note was continued last evening in Judge Keysor's court. By agreement of both parties the case was heard before a jury of six until the plaintiffs were allowed to withdraw one of the jury.

By agreement the case of James Cusick against the Omaha Street Railway company, in which he sues for $10,500 damages, has been dismissed, the plaintiff to bear the costs in the case. Elizabeth Kuhlman is the plaintiff in a case in Judge Blair's court against the Capital Fire Insurance company for $500 insurance on the American house on Douglas street, which was destroyed by fire in April, 1893. The company holds that the loss was not total.

## OPEN TO WAGON TRAFFIC.

**Sixteenth Street Viaduct Repairs Almost Finished After Much Delay.**

The Sixteenth street viaduct is now open again for wagon travel, nearly thirty days after the limit of the contract had expired. The continuous delays on the part of the contractor have postponed the completion of the work in spite of the efforts of the Board of Public works and of the councilmen from the ward to get the structure completed at the earliest possible date. The replanking is now finished and teams are permitted to travel over the viaduct. The street cars are still running by way of Thirteenth street, but a gang of men is at work putting down the tracks on the viaduct, and the South Omaha line will be able to go back to its former route by the first of the week. The viaduct is now declared to be in a condition that will remain safe for several years, and as soon as the city engineer has made a final inspection the estimates will be acted on by the Board of Public Works.









# WOMEN ALWAYS TIRED.

## Mrs. Henry Ward Beecher Says She Has Known

## But Half a Dozen Women Who Were Thoroughly Well.

**The Routing of Domestic Tasks Overdrains Their Nervous Force.**

"Among all my friends—and the number of my acquaintances has necessarily been rather large," says Mrs. Henry Ward Beecher, "I can recall but half a dozen thoroughly well women."

So many, in order to obtain the reputation of being good housewives, work from morning till night, cooking, sweeping and overhauling.

"What would the house look like," they ask, "if I were not constantly looking after it?"

It would certainly look a great deal more homelike if the wife and the mother kept her health and high spirits instead of growing old and careworn from the struggle with dust and the neglect of their tired, aching nerves and pale, watery blood that daily becomes more and more badly nourished.

It is not the healthy weariness of muscle and brain, so easily forgotten after a good night's sleep, but it is the weariness that remains till morning and follows one through

the day that should cause anxiety and a desire for prompt relief.

When the nerves and the blood have thus become so badly nourished and the strength thus reduced food—food appropriate for building up the nervous tissue—and rest are the plain and simple means, in fact, the only means of restoring vigor and health. All the material so urgently needed by the million of exhausted nerve cells and by the thin, depleted blood are found in that remarkable invigorator, that food for the brain and nerves, Paine's celery compound. It fills the nervous and muscular tissues all over the body with the means of rapid growth, the blood gains new red corpuscles and grows ruddy and capable of thoroughly feeding the body. The strength returns, and headaches, dyspepsia, neuralgia and nervous debility disappear when the tone of the system has been thus raised and the body abundantly supplied with fresh, life-giving blood.

The very first week in which this perfect nerve food, Paine's celery compound, is conscientiously employed it will declare its tonic effect by the feeling of returning strength, a marked increase in the appetite, freedom from pain and depression.

Paine's celery compound cures radically and permanently rheumatism, heart weakness, diseases of the liver and the kidneys, and encourages the excretory organs to expel whatever impure humors there may be in the blood. This is evident by the healthier, clearer condition of the skin that physicians say invariably follows when they prescribe Paine's celery compound, as they so commonly do where the body needs building up and when the recovery is slow after acute diseases.

Here is the experience of Mrs. E. L. Wing of Putney, Vt., told in her own words:

"I had been afflicted with rheumatism and neuralgia for many years. In a year and a half I have taken eight bottles of Paine's celery compound and have not been so free from these troubles in fifteen years as I am now. I advise all who are afflicted in any way with rheumatism or neuralgia to use Paine's celery compound.

"For the nerves and tired feeling I think it is the best dose of ambition that I ever found. Before I had taken one bottle I felt almost like another person. Other medicines have given me only temporary relief. But the compound has done me more permanent good than the doctors or any other medicine, and I can hardly feel grateful enough for the benefit that I have derived from its use."