

CITY MAY TAKE THE TRAMWAY

Lincoln Street Railroad Liable to Be Seized for Unpaid Taxes.

FORTY THOUSAND DOLLARS IS NOW DUE

Delinquency of Long Standing and Situation Demanding Action—Electricity Certificates Not Yet Given out by the Board.

LINCOLN, Dec. 18.—(Special)—

Owing to the failure of the Lincoln Street Railway company to pay delinquent taxes to the amount of \$40,000, it is considered that the system will pass into the hands of the city. Two years ago the company went into the hands of its receivers, and ever since then it appears to have followed the old custom, and paid no taxes. Eventually the property will pass into the hands of the bondholders, who practically have charge of it now. But to secure local possession they must get it through a judicial sale. The city's tax lien will have priority over the mortgage bonds, and will be first satisfied out of the proceeds of the sale. If the purchase money is not received necessary for the city of Lincoln to take the property. The chances are, however, that the bondholders will take it in, bond it, and sell the bonds to investors.

Secretary of State Piper has issued the printed form of the State Board of Health held yesterday at the office of Superintendent Corbett. There were present Dr. B. F. Bailey of Lincoln, Dr. Deight of Fremont, F. D. Haldermann of Ord and Dr. J. H. M. Mark of Grant. The following were granted certificates to practice medicine in the state: Dr. F. E. Lillienfeld of Omaha, R. H. Mark of Grant, F. H. McCreary of South Omaha, T. C. McMellen of Fullerton, and H. L. Finley of Pawnee City.

The State Board of Irrigation has handed down decisions as follows: Farmers' irrigation ditch, Dawson county, claim for water from the Platte river allowed; Booker & Dawson county, claim for water from the Platte river denied.

Mayor Graham today announced himself as a candidate for re-election in a formal statement in an evening paper. He said he believed that when the administration of city affairs is examined the taxpayers will find that I have looked after matters carefully and economically. The hard times which have been so difficult to make the kind of financial showing I should desire. Taxes are about the last thing I should want them to be hard, and this has had a bad effect on the city's revenues. I have, however, tried to make the cost of government as low as possible; men have been cut off in the various city departments wherever possible. The result has been that it will be found that a considerable saving has been made in the running expenses of the city.

A mass meeting of citizens in sympathy with Cuba has been called to meet tomorrow night at the Lindell hotel. The call has struck a popular chord, and a large number of people are expected to attend.

The state officers-elect, residing in Lincoln, left today for Omaha to participate in the Commercial Club Building association in the banquet tendered them by the Omaha Commercial Club and Building Association. Holcomb went on the early train this morning. Private Secretary Maret and the new deputy land commissioner, Elton Nelson, who had received special invitations, left at 2:15 p. m.

Articles of incorporation were filed today with the secretary of state of the Brick Manufacturers Association of Lincoln and Omaha. The capital stock is \$50,000, and the incorporators are Henry, John L. and Edwin Livesey.

Plattsmouth Boy Shot in the Neck by a Deputy Jailor.

PLATTSMOUTH, Dec. 18.—(Special)—Last night Ross Little, a young man, was shot in the neck by Jailor Holloway while prowling around the jail. A couple of prostitutes, who are inmates of the city jail, have attracted quite a number of young men around the place for the past few nights, to the great annoyance of the jailer and of the neighborhood, and the former determined to put a stop to it. Little was greatly under the influence of liquor, and after being told to remove himself from the rear window and began to pound upon the iron bars. Jailor Holloway was at an upstairs window, and snatched his revolver at that moment, and fired a shot, the bullet striking Little in the neck. He was taken home and a physician sent for, who states that the wound is not dangerous.

Bryan Will Visit Chicago.

LINCOLN, Dec. 18.—(Special)—It was learned today that William J. Bryan will leave here in a day or two, intending to go to Chicago for a brief visit, reaching there Monday morning.

CHICAGO, Dec. 18.—(Special)—The dispatch from Lincoln, Neb., about the contemplated visit of Mr. Bryan to this city was confirmed here. President-elect McKinley will be in Chicago Monday, but it is not likely that he will meet Mr. Bryan. So far as is now known, no reception is to be given Mr. Bryan while here. His coming is known to not few at this time, and a large demonstration has not been suggested.

Woodmen at Double Entertain.

DUNBAR, Neb., Dec. 18.—(Special)—The members of local Woodman camp, No. 2024, crowded the town hall last evening with their wives and sweethearts. A literary program consisting of duets, solo, and

recitations was well rendered to an appreciative audience. The address of the evening was delivered by W. H. Parkhurst.

After the program the large gathering sat down to a sumptuous supper prepared by the wives of the Woodmen. During supper the program was continued, and several choice selections of music.

WILL CAUSE LAWYERS TROUBLE.

Sharp Practice of Attorneys in Securing Compromise Fees.

BEATRICE, Dec. 18.—(Special Telegram.)—The appeal case in the matter of the George E. King bridge company warrants took a rather unexpected turn in the district court this afternoon. Warrants to the amount of \$25,000 had been ordered drawn in favor of the bridge company, and a local attorney appealed the matter in the name of the county. In the meantime the company and local attorney had agreed upon a settlement whereby the county would save about \$6,000. The attorney succeeded in getting a temporary injunction restraining the board from making the settlement. The court today sustained a motion to dismiss the injunction, ordered a judgment rendered in favor of the bridge company for the amount of the money agreed upon, and made an entry upon the record advising the county attorney to institute disbarment proceedings against the attorney. At least one legal light besides Smith will probably be included in the disbarment proceedings.

Getting out the Corn Crop.

DIXON, Neb., Dec. 18.—(Special)—Corn has been husked in all fields except that which is on very low ground, the ground being so soft that a team can hardly pull an empty wagon. But the cold weather of yesterday and today has frozen the ground, and hence Christmas will see all the corn in the vicinity husked. More corn is on the ground in piles this year than in a decade in the board, and immediate delivery in large quantities.

Declaratory Contest.

UNIVERSITY, Neb., Dec. 18.—(Special)—The annual declaratory contest of the Nebraska Wesleyan university was given in the chapel last evening. Eight contestants appeared, four girls and four boys. All of them spoke creditably. Miss Elizabeth Reinecke of York, Nebraska, was the first prize winner. The second prize was given to Miss P. J. Lawson second prize. The first prize consisted of one half term of education lessons, valued at \$15; the second prize, one half term class education lessons, valued at \$8.

Litigation at Nebraska City.

NEBRASKA CITY, Dec. 18.—(Special)—The Western Newspaper union was given a verdict for \$3 against Reed & Co. by a jury in the district court today. It asked for \$22, but was awarded the above amount by the jury, after being out nearly all night.

Guilty of Burglary.

BEATRICE, Dec. 18.—(Special)—The jury in the Breckenridge case was sent out at 6 o'clock last evening and at 11 o'clock returning a verdict of "guilty as charged in the information." S. Frick's tailoring establishment was robbed on the night of December 15. The burglar was seen by the proprietor, Breckenridge, who was followed to Atchison, Kan., and the goods found upon his premises. A motion for a new trial will be made.

North Bend Merchant Falls.

NORTH BEND, Dec. 18.—(Special)—The general merchandise store of A. Pollar & Co. was closed this morning under chattel mortgage in favor of the Bank of North Bend. Liabilities, \$7,000; assets, about the same.

Preparing to Please the Children.

DUNBAR, Dec. 18.—(Special)—The Christian Endeavor and the Christian Union have united and will give a union Christmas tree on Christmas eve. A fine literary program is in course of preparation.

PENIONS TO WESTERN VETERANS.

Survivors of the Rebellion Remembered by the General Government.

THE OMAHA DAILY BEE: SATURDAY, DECEMBER 19, 1896.

South Dakota Supreme Court Interprets the Law on the Subject.

FULL RETURNS THE BASIS OF ALL ACTION

Some Difference of Opinion, However, as to the Exemption of the State's Executive from Mandamus Proceedings.

PIERRE, S. D., Dec. 18.—(Special)—

Though the election contest proceedings have been settled by the canvassing board receiving the full returns and issuing the certificates to the populists, some interest naturally attaches to the decision of the court in the mandamus cases touching the refusal of the board to issue certificates on incomplete returns.

Each member of the supreme court read a separate opinion on the mandamus case of Richard J. Woods against Charles H. Sheldon, governor of South Dakota, and Thomas Thorson, secretary of state of South Dakota. The opinions, while on different lines all sustain the action of the officials in refusing to issue certificates to electors on an incomplete canvass of the state.

The opinion of President Judge Corson first reviews the demurrers filed in the case, and overrules both that filed by the defendant and that by the plaintiff. Holding: "As the only ground of the demurrer is that the board of canvassers is not sufficient to constitute a cause of action, the question of the jurisdiction of this court is not raised"—and need not be decided in this proceeding.

In the discussion of the main case presented to the court, the presiding judge first quoted section 3, chapter xxxiv, Laws of 1895, defining the duties of the canvassing board in the canvass of the electoral vote, then states:

DUTIES OF THE OFFICERS.—This section is somewhat vague and indefinite in its terms, and it is difficult to understand the meaning of the section and the duties imposed upon the governor and secretary of state. It is necessary to examine other sections of the act.

The first section of the act in the manner in which the county board of canvassers shall be organized, and their duties. The second section specifies the duties of the secretary of state, within twenty days after election, he shall send a messenger to each county, and the canvass shall be of all the votes from all the counties, such as are returned to the secretary of state, and section 4 provides that if any canvasser fails to perform his duty, he is liable to a fine of \$100.

The canvass not having been completed as required by law, and it affirmatively appearing that the board of canvassers of the state has not been organized, and the governor and secretary of state have failed to perform their duties imposed upon them by law, it is the duty of the state to canvass all the votes from all the counties of the state, and until that duty has been performed, there is no authority on the part of these officers to refuse to issue certificates of election to any candidate for office.

It is only "each person duly elected" that the governor is authorized to give the certificate of election. The canvassers can only determine who is "duly elected" after a full canvass of the votes cast in all the counties of the state. If duly authenticated returns are obtainable.

The canvass not having been completed as required by law, and it affirmatively appearing that the board of canvassers of the state has not been organized, and the governor and secretary of state have failed to perform their duties imposed upon them by law, it is the duty of the state to canvass all the votes from all the counties of the state, and until that duty has been performed, there is no authority on the part of these officers to refuse to issue certificates of election to any candidate for office.

By section 5 it is provided that such returns "shall be kept in the office of the secretary of state, and until they are duly authenticated, they shall not be opened in the presence of the board of canvassers, when opened, contains no certified copy or any purport copy of an abstract of the votes cast in any county, and the board of canvassers is not authorized to take such a copy, for a reasonable time, in order to obtain proper and legal returns from the counties, and until they are duly authenticated, they shall not be opened in the presence of the board of canvassers, when opened, contains no certified copy or any purport copy of an abstract of the votes cast in any county, and the board of canvassers is not authorized to take such a copy, for a reasonable time, in order to obtain proper and legal returns from the counties, and until they are duly authenticated, they shall not be opened in the presence of the board of canvassers, when opened, contains no certified copy or any 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