torneys to confine their arguments to the quowarranto proceedings.

ATTORNEY WRIGHT'S CONTENTION. Attorney Wright onened the argument, saying that the only question involved at present was the right of temporary possession of the the action of the property presentation of the case. He alleged, as a principle of law, that the de facto officer had the right to enjoin the de jure officer. With this as a basis, he argued that no officer could be de facto until he had been actually inducted into officer. He want into a very extended argument as to what constituted a de facto officer. Ordinarily, he said, this question would be decided by the certificate of election. He said that this certificate was only prima facto evidence that the party receiving it had re-business with Mr. Broatch, and he and his ceived the highest vote at an election. In the case at bar he said that the person elected to the office was instigible and the fact that he had received a certificate is not prima facts evidence in a quo warranto case, as it does not overcome the fact of in-eligibility. Hence, he contended that the election was void. The attorney then cited a long list of authorities which he said supported his contention that the fact of in-eligibility dated from the date of the election and not from any subsequent time, and that when the plurality of votes chat at an elec-tion were cast for a person who was incligible at that time, the election was void for that reason. These authorities were almost exactly the same as the authorities cited to the court in the Boyd-Thayer case, and went directly to the merits of the question in-volved in the quo warranto proceedings and not to the question of injunction, which was

the only question before the court. Mr. Wright adverted to the right of out an executive head while the legal con-troversy was pending. He thought, how-ever, that there was no occasion to speculate Broatch to hold possession pending the liti-gation of the case, saying that he had the right to hold over as against the claim of the de jure officer. He read from the petition he had filed and argued that Moores should be prevented from taking possession of the office until he cleared himself of the charge the made against him by Broatch. He urged the on the proposition, as there was no que court that by sustaining this action the court would be "purifying politics" and acting actitled to receive them. cording to law.

OBSTRUCTING THE PEOPLE'S WILL

John C. Wharton opened for Mayor Moores and said to the court that his client held a certificate of election and had filed his oath and bond and was entitled to take possession of the office of mayor whether he held it for one day or two weeks, and all who attempted to prevent him from so doing obstructed the will of the people. He said the quo warranto proceedings were not before the court. That proceeding would come up later before a jury or before the judges of the court sit ting en banc. The only question now at issue he said was whether Mayor Moores tion of the case brought by Broatch. council.

"According to the arguments of the other e," continued Mr. Wharton, "Mayor Moores must wait for months and not take possession of the office to which he has been elected, because, forsooth, some man who wants to draw the salary comes in here and makes a sworn statement that Mayor Moores. a ineligible to hold the office, without giving him any opportunity to defend himself and without a hearing. They say Broatch is in possession; we don't dispute that, but this is not a case of Broatch against the public, Moores, mayor, against Broatch, usurper

Mr. Wharton quoted a decision of the supreme court of North Dakota, which held that where an incumbent was holding over without any claim to the office he was not de facto against the man holding the certifide facto against the man holding the certin-cate of election, but is an intrüder. A de-cision of the supreme court of Wisconsin was also quoted, in which it was held that a per-provided with a chairmanship that will en-provided with a chairmanship that will en-Riso quoted, in which it was an office had no right to the possession of that office. The hobby, as well as numerous other important Wisconsin court said that it would be possi-matters in which the south side Wisconsin court said that it would be possi-ble to keep a man out of office for his entire is particularly interested. Stuht is also term by the mere organization of a contest of no meril if this ruling were not adhered to, and held that it was necessary to adopt a rule that the party holding the certificate of phones, together with r phones, together with places on judiciary election should be given possession during the pendency of the case. The court held phones, together with places on particulary, street lighting and rules. Burmoster gets his old committee, with the former police committee work added, and places on judi-elary and paving and sewerage. Karr is chairman of street lighting, which now inin the case quoted that immediate possession must be given of all records, etc., pending the adjudication of the case. Mr. Wharton said that Broatch was simply an intruder and that Moores was entitled to the possession of the office. He said the court was not try-ing the question of title to the office, but simply the question of possension.

ALONG ANOTHER LINE.

answer to the petition for a mandamus and Judge Keysor said that the judges had heard all the arguments on the mandamus case they cared to hear, and requested the atnot resort to "violence or bloodshed." He delivered a great perotation about the "mored duty of Mr. Broatch to protect the interests of the people" and appealed to the court to issue the injunction against Mayor

NO EXCITEMENT AT THE CITY HALL.

Mayor's Office Held Quietly Broatch's Bodyguard.

cessor had been elected and qualified.

The city hall resumed its usual monot spect yesterday. The police mounted goard in business with Mr. Broatch, and he and his bodyguard were left alone. Mayor Moores was in his private office in The Bec building during the early part of the forenoon where he received the usual number of peo

mayor and he received more votes than 1 did. The majority of the citizens of Omaha ple who visit the mayors office. There was some speculation in official cir cles as to who was mayor, pending the de should be cision of the court. This was especially true with the city cierk, who had a number of As to his eligibility, I'm not sufficiently posted to judge, but I presume he is eligible or else his party would not have nominated documents that, under the rules of the coun cil, must go to the mayor during the day

It was the general opinion that President Bingham of the city council was acting I have not followed the case at all. Euclid Martin-I have always believed that it is matest to trust to the verdict of the promayor under the circumstances. The term of Mayor Broatch had expired and his sucthat he was restrained by the court from acting, the precident of the council would act in the executive capacity under the provi-sion of the charter. City Attorney Connell sion of the charter. hange that verdict. was inclined to think that the city was with-

J. O. Phillippi-That's good; I'm glad it

ATTACK THE TRANSPORT

designate the man who should be legally en

WITHOUT ANY FRICTION. Sutorius Mandolin orchestra and the Glee The remarkable smoothness with which the organization of the new council was accomplished is generally commented on. club of the University of Nebraska gave a This is the first time in the history of local affairs that a new council has succeeded effecting an organization with absolute harmony and the first time every member has professed entire satisfaction with the result. The reduction of the council from eighteen to nine members is partially realble for this. As the committees were member is compelled to do exactly double the work that fell on each member of the old decidedly meritorious. By cutting the committees in half, each committee is made a desirab one, and by a little generalship in arranging the consolidations each member of the new council was enabled to get pretty nearly what he wanted without infringing on the prerogatives claimed by any other member Mercer gets the chairmanship of the com-mittee on judiciary, with second place on fire, water and police, and also a place of treet improvement and viaducts, thus giv ing him a voice on three important commiment of cornedy was conspicuous and in its portrayal they were especially successful. The playing of the mandolin orchestra was A very liberal concession to the minority gives Burkley the committee or finance, with second place on public property

and buildings and third on rules. Mou gets the head of paving and sewerage, whi Moun becomes a very important committee unde the new arrangement, and he is also a mem ber of judiciary, railway, telegraph and tele phones and street lighting. Sucht is also satisfied. His ambition was to be chairman

Wilhelmina Lowe was the feature of the performance. She played the Mazurka by Schuecker, heard for the first time in this city at the Urso concert last March. He playing of it last night wa san advance ts first performance and demonstrated that the young harpist is not allowing the months to go by unimproved. For an encore she played "A Dream of By-Gone Days" by member of finance and claims, and public by Bechol gets railway, telegraph and tele-Oberthur

Mr. Sutorius and his orchestra give a conwith the glee club,

and is also represented on judiciary, paving and sewerage and railway, telegraph and living woman planists, and her right to eminence in the ranks of the greatest maselephones. Lobeck, the second minority ters of the plano, of both sexes, is unques-tioned. Such rare treats are afforded Omaha music lovers but seldom, and it is expected ember, has public property and buildings, ith memberships on finance and street im

fere with Mr. Battin's pratice, he preferred to give all his time to his busin RESULT PLEASES THE PUBLIC

General Feeling of Satisfaction on All Sides. On all sides yesterday afternoon could be

heard words of commendation and congratulaion on the decision of the court. Here's what some of the more prominent citizens LOBBY CROWDS THE COUNCIL CHAMBER said on the outcome of Broatch's struggle to

remain in office: General John C. Cowin-It was unfortunate for the city that Mr. Broatch made any resistance, and it will be fortunate if he makes no further. As I understand the case no other decision could have been rendered Mr. Broatch simply had no case. General Charles F. Manderson-All I have

to say is that I'm glad the matter has been amicably settled. We can get along much setter with one mayor than with two Edward E. Howell-I have not followed the case at all. I ran against Mr. Moores for

expressed a preference for him and I think really mayor, if he is eligible. him. That's all I can say in the matter, as

ple in a contest like this. The people of Omaha expressed their opinion at the last election, and it would be unwise to try to change that verdict. In my opinion, Mr. Broatch made a mistake to go into this contest, after having been in unsuccessful can-didate for the nomination.

came out as it did.

AMUSEMENTS. Varan and a star and a star and a star and a star

Last evening at Boyd'r theater the

performance in the presence of a lamentably small audience. It was a mistaken business policy for Mr. Sutorius to bring his orchestra before the public so soon after the initial concert given two weeks ago. The perentage of people who enjoy mandolin music and feel able to afford to attend such per ormances is not sufficient to insure a satisfactory audience. It was hardly fair to the glee club to give them such an introduction to the Omaha public, for their work was There are several good voices in the club which with training could be developed up to a solo standard. These add materially to its strength. The training manifested by the ensemble work is very creditable to their leader. The lending of the volces was usually very satafactory, the intonation almost always sure and true, the phrasing well-chosen, the pro-nunciation distinct, the rythmic effect preise and the general conception of the spiri f each selection comprehensive and intelli gent. As usual in college songs the ele

ewhat above that of the first concer although there were fewer members present last evening. The stage was not set so deep the performers closer together and nearer the proscenium and the tone came out with nuch greater clearness. As heretofore the harp solo by Misa

ort in Lincoln this evening in conjunction

Mme. Teresa Carreno will be heard in concert in Omaha this week, appearing at Boyd's theater on the evening of Thursday, ludes both electric and gasoline lighting.

May 13. Mme. Carreno is easily the first of

CITY COUNCIL PROCEEDINGS

Mayor Moores, Submits His First Official Communication.

THE OMAHA DAILY BEE; WEDNESDAY, MAY 12, 1897.

Old Members Appear and Offer Their Services, Which is Made Part of the Record as Token of Good WIII.

The inaugural address of Mayor Moores was the principal feature of the first regular meeting of the new council last night. But this was sufficient to attract a lobby of tremendous proportions which included many men of commercial and professional prominence, who are soldom seen at a council meeting.

Seven members of the old council were resent but they made no effort to participate in the proceedings further than to ask that the journal should show that they were present and had offered to continue to serve. The ex-members were somewhat surprised when they entered the council chamber to find that their deaks and chairs had been removed, leaving only a single row of eight desks for the members of the new council. in default of their former accommodations hey ranged themselves in a row at one side

f the room and waited for developments. Mayor Moores entered the council chambe at 8 o'clock and was greeted with hearty applause. He shook hands with the memits of the council and was conducted to a eat at the right of the president. All members except Mercer answered the

oll call and then ex-Councilman Allan received recognition. He stated that he held a certificate of election which entitled him to erve until the first Tuesday in January, His name had not been called, to was ready to perform his duties. Benawa Axford, Crocker, Flynn, O'Malley and Wheeler made similar statements and President Bingham stated in behalf of the counci-that no objection would be made to the desired record.

MAYOR MOORES' MESSAGE.

Mayor Moores was then introduced by resident Bingham and the lobby indulged in nother round of applause. The message was neard with close attention and was followed y another burst of handelapping. This he full text of the message:

To the Honorable Members of the City To the Honorable Members of the City founcil: Gentiemen-In assuming the du-les of chief executive of the city of Omaha do so with a full realization of the ardu-nust necessarily rest upon one called to act a that capacity. And in the performance of his duty it shall be my highest aim and reatest ambition to give to the city of omaha a clean, honest, economical and usiness-like administration. To that end I espeak your most earnest, loyal and conbusiness-like administration. To that end I bespeak your most earnest, loyal and con-scientious co-operation, believing that a realization of that object can only be ac-complished by the most perfect, cordial and reciprocal relations of mutual trust, con-fidence and kindig feeling which should at all times exist, between the mayor and the city council. That there should be at times differences of judgment as to the best policy to be pursued upon questions of great import that must necessarily arise in the control, and management of a great metropolitan city such as Omaha, with its diversified inferests and its larger expecta-tions in the near future of even a "Greater"

s in the near future of even a "Greate

ons in the near future of even a "Greater maha," must perhaps oe expected; yet we keep constantly in mind the one great catrolling principle and object of govern-ient, viz: That of peace, prosperity and oelal and financial advancement of those o be governed, then there should be no rious question of difference between the eventive and lawmaking nower of the city outive and lawmaking power of the city other words there may be difference

udgment between honest men as to the ins best to besemployed or the policy be pursued for the accomplishment of means best to be employed or the policy to be pursued for the accomplishment of honest ends and desirable results, but where that difference in judgment is controlled by the proper spiril of fairness, reason and conscientious discharge of duty, there can be but one result in the end, that of union and co-operation in securing the greatest road to the greatest number. good to the greatest number.

CHARTER MUST BE TRIED. The new charter, under which we take HOPE FOR THE FUTURE.

HOPE FOR THE FUTURE. There is much already to encourage us. The light is already breaking. God has blessed us with an abundant barvest dur-ing the year just passed, our this have been filled to overflowing, and the copious spring rains preparing and watering our rich, pio-ductive Nebraska soll give hope and prom-ise of another bountiful harvest. For all of which we ought to feel grateful to Him who is the Ruler of the universe. Our city is to be constrained upon the fact that the remedy for the long feit want of adequate depot facilities is now about to be realized. In the years passed every man of pride and ambition living within the corporate limits of the city of Omaha has felt the crimson blush of shame come to his check whenever the subject of rail-road depots was mentioned. Our city has borne the disgrace and stigma consequent upon such accommodations long and pa-tiently, until at last corporate greed has yielded in part to the demands of an out-raged public sentiment, and we now have the promise of depot facilities in the hear future commensurate with cities of the metropolitan class.

commonsurate with citles of the

he promise of depot facilities in the metropolitan class. Then another great encouragement and a cope to our citizens is the location and colding of the Transmississippi and International Exposition in our city from June to November, 1898. No one can measure he beneficial results which this will bring to us as a people and as a city. All honor be to those who have so wisely planned and industriously labored for the inauguration and establishment of the Transmississippi and International Exposition. The holding of this exposition will necessarily cause the expenditure of enormous sums of money both before and during the exposition, and will call thousands of visitors to our city. While all this will be most desirable, yet if that were to be the only result of the exposition it will have failed of its real purpose and ultimate object.

MAKE THE CITY ATTRACTIVE.

Our city should be put in such an at-ractive condition that men would be in-huced to locate with us, and capital seek nvestment. If this condition of things is o be brought about then no time should be to be brought about then no time should be lost, but every energy and artery of the city should at once be set in motion to the cleaning up and beautifying of the city. Many of our streets should be repayed. The boulevards leading to the parks should be planted with ornamental trees and the driveways made passable and desirable, and the work of adorning and beautifying the parks should at once be commenced and prosecuted with all possible speed. And as far as lays in our power we should stimu-

driveways made passable and desirable, and the work of adorning and beautifying the parks should at once be commenced and prosecuted with all possible speed. And as far as hys in our power we should stimu-late individual pride among our citizens to induce them to beautify their lawns and paint and decorate their homes and busi-mess houses, thus giving a general appear-ance of prosperity, beauty and attractive-ness to our entire city whereby we can in-duce visitors to become reathents and for-eign capital to become a fund for perma-nent investment. I would also urge upon you the necessity of granting every reasonable request and offer every facility possible by way of ald and assistance to those charged with the management and control of the exposition. I feel that the resulting benefits from this exposition will be so great to the city that every department of the city government should contribute its full quota and best endeavors to the success of this great en-terprise.

also invite your most earnest considera-I also invite your most earnest considera-tion to the enactment of such ordinance as will tend to preserve law and order i all parts of our city and demonstrate t the people who shall visit us that we ar-indeed a law-abiding and self-respectin people. To this end I respectfully invit your attention to the necessity of enactin such ordinances or amendments to presen-ordinances for police regulation as will en-able us to abolish all wincrooms and close the low dives and disorderly resorts whic frequently infest a city, producing crime immorality in its lowest form, and disor-derly conduct, thereby bringing the cit-into disgrace and disorpute. As chief ox ecutive of this city I shall give my bes into disgrace and disrepute. As chief ox ceutive of this city I shall give my bes endeavor to the suppression and closing o all such places, and it will be my purpos and ambition to fully enforce the laws reg ulating all places of amusement and privat or public resorts.

The resorts. The new charter creates the office of the commissioner and makes it his duty to assesse all the property of the city that is taxable. This is a very important and re-sponsible position, as it is the means whereby we are permitted to raise the revenue necessary for meeting the current expenses of our municipanity. As the char-ter does not provide for clerks and assist-ints necessary to carry out this work. I hereby request that you enact such or imances as may be deemed wise and pru-lent, after due consideration, as are neces-sary to carry out successfully this branch of the work of the city government. PURCHASING THE WATER WORKS

PURCHASING THE WATER WORKS.

General fund Police Relief association... Merchanis Nat. bank, Asg. J. E. Tilley Omain Nat. bank, Asg. J. E. Tilley din Grant

Jarber Asphalt Paving Co., \$12,319 5 Barber Asphalt Paving Co. 8; Accruci Interest Standard Paving company. J. B. Smith & Co. Lition Pacific railway. W. J. Hayes & Sons. W. J. Hayes & Sons. Hugh Murphy Renewal bonds, second series 3 42-4 12,323 79 9,100 00 31,493 04 0 95--- \$ 11,700 0 10.575 0

\$,010 05 5,174 00-4 8,184 0 14, 304 4 217, 403 0

Grand total of trustee

Four blds were received for removing the ection booths: Poiter & Lovely, \$3,40 each H. B. Mayo, \$2,89; A. S. Forbes, \$3.87 James Stephenson, \$2,99. They were referred

to the committee on public property and

uildings. City Clerk Higby reappointed George W

Holbrook as his deputy. It was confirmed. Tax Commissioner Sackett called the attention of the council to the necessity for providing an office for the tax department. Referred to the public property and buildings

POLICE COMMISSION DODGES.

\$416,904:3

In reply to the request for information in regard to the presence of the police guard at the mayor's office a communication from the Board of Fire and Police Commissioners stated that the chief of police had been d rected to receive his orders from W. J. Broatch. They had no official information in regard to the facts and had referred the communication from the council to Mr. Boatch. Their answer was placed on file. A local firm offered to rent a part of of the

Patterson block at Seventeenth and Farnam the city for municipal court pur streets to

DOSES. Referred. A resolution by Bechel directed the pres ident of the council to appoint a temporary sergeant-at-arms from among the employes of the city clerk's office who should serve without extra compensation. Adopted,

An ordinance providing for repaying Far nam street from Twentieth to Thirty-sixth street was introduced by Bechel and referred to the paving and sewerage committee

CONDUCTORS ARE IN SESSION

Gathering for Their Annual Meeting on the Pacific Coast.

LOS ANGELES, Cal., May 11 .- Three pecial trains loaded with conductors have reached the city, one from Atlanta with 400 cople on board, one from St. Louis with

150 passengers, and one from Chicago, over the Santa Fe, carrying 450 delegates. One train from Pennsylvania, enroute on the Southern Pacific, bears a distinguished party, Most of the people on board are men who were formerly railroad conductors, through their ability and industry bu have risen to higher positions in the service of castern railroads. After attending the con-vention this party will go on to Santa Barbara and other parts of California.

Today a delegation of members of the rder and friends arrived in the city from St. Paul, Portland and other places in the orthwest. A party of conductors from the bicago, Rock Island & Pacific road arrived Sunday evening in their private car leopatra. After the convention they will go o San Francisco and thence back to Kansas City, via Portland, Seattle, Tacoma, Ogden Salt Lake, Colorado Springs, Pueblo and Denver.

Every state in the urion will probably e represented this afternoon when the grand livision of the Order of Railway Conductor rganizes for the transaction of the long line of routine work which always attends its blennial sussions. The sessions are all to b held in Music hall, but will not be open t the public, the order being a secret one,

The women of the auxiliary association have also been indefatigable in their efforts to help out this work. Delegations of the local rders go out on all lines to meet the incom ing trains and welcome the travelets before they reach the city. Tuesday evening there will be a grand reception at Hazard's pavilion in honor of the visitors. Wednesday evening there will be an exhibition of Spanish games and dances at Flesta park. Thursday there will be an excursion to Pasadena. Friday there is to be a grand ball, Satur-

day the visitors will be given a drive through the city, Sunday there will be an excursion to Catalina islands, and Monday an excursion around the kite-shaped track. It is estimated that 3,000 delegates will be in at-

will talk on subjects of general interest to 1 10 sts 65 3.500 00 out invitations to all the locomotive engineers

within a radius of 100 miles of Council Bluffe and Omaha. It is expected that every engl-4,400.00 neer who can possibly arrange to leave his post will be present. Grand Chief Arthur is on a tour of the western roads, and will probably visit all of the chief cities on the Union Pacific system.

> Innovation by the Pennsylvania. The Pennsylvania railroad has just made some radical changes in its ferry service at New York City. Several new double screw

> propellor ferry boats have just been placed in service. They are said to be the finest and fastest ferryboats anywhere in the world and make the time from dock to dock, somewhat over three miles, in less than fifteen minutes. When pushed it is said the new boats will make a mile in three minutes. with the change in forry service the Penn-sylvania has gone into the cab business for itself and will bereafter supply its pairons with Keystone cabs. What will be known as shopping cabs, for use of visitors in the metropolis, will be fitted up with racks for parcels and will be driven by men in Pennsylvania liveries.

Ratiway Notes and Personals.

It is rumored that the bondholders of the Central Branch of the Union Pacific, now leased and operated by the Missouri Pacific, will soon apply to the federal court for a decree of sale, that the road will be ad-vertised for sale, and that the whole matter will be cleared up within three months. The application of dissatisfied bonholders for the appointment of a receiver was denied by Judge Thayer last week.

The members of the American Association of Traveling Passenger Agents will cele-brate their twenty-fifth anniversary in Nashville, Tenn., on October 12. The princi-pal aim of the association is for its members to meet once a year to further the interests of their respective lines, exchange views, renew acquaintances and gather information which will in every way increase their value as representatives of the general passenger agents.

A novel classification has been invented by a California railroad company, the North Pacific Coast. It is based on the sex of pacsengers, and as a result the monthly com-mutation rate between San Francisco and San Refael is \$5 for men and only \$3 for women. After enduring this expensive dis-tinction for a good while one man has been ungallant enough to make complaint before the state railcad commission, charging the company with discrimination in favor of per-

ons, in violation of the constitution Certain Taylor Will Resign.

MEMPHIS, May 11.-Hon, Joseph M. Cole-

nan, a personal friend of the governor,

announced in an interview today that be-yond a doubt his excellency will resign and return to the lecture platform. He is in no sense a prospective candidate for the United States senatorship.

Catarrh of the Stomach.

Pleasant, Simple, but Safe and Ef-

Catarrh of the stomach has long been con-

sidered the next thing to incurable. The

usual symptoms are a full or bloating sensa-

tion after eating, accompanied sometimes

with a sour or watery risings, a formation of

gases, causing pressure on the heart and

ungs and difficult breathing, headache, fickle

appetite, nervousness and a general played

There is often a foul taste in the mouth,

coated tongue, and if the interior of the

tomach could be seen it would show a slimy.

The cure for this common and obstinate

rouble is found in a treatment which causes

the food to be readily and thor-oughly digested before it has time to ferment and irritate the delicate

aucous surface of the stomach To secure a

prompt and healthy digestion is the one

gestion is secured the datarrhal condition

ecessary thing to do, and when normal

According to Dr. Harlandson the safest and best treatment is to use after each meal a tablet composed of Diastase, Aseptic Pepsin, a little Nux, Golden Seal and Fruit Acids.

out, languid feeling.

inflamed condition.

will have disappeared.

fectual Cure for It.

Mr. Wharton then took up another line of provement and viaduets. Bingham is as signed to the chairmanship of rules, mainly argument, quoting from numerous authorities to support his contention that a court of chancery is not the proper tribunal before in order to dispose of the necessity for giv ing one member two committees, and the whole arrangement gives the most equitable which to try the right of possession and that court has no jurisdiction to en-an officer holding a certifi-from taking possession of the office Tax Commissioner Sackett will make no division of the councilmanic prerogatives that cate from taking possession of the data to which he has been elected, because it might develop that there was no foundation for the charges brought against him by the appointment of deputies at present, as the appointments will have to be authorized by ordinance. An ordinance providing for the organization of his department will soon be person trying to hold on. He said he could quote all day from authoritics showing that introduced. The active work of preparing the 1858 assessment will not begin until Septema court had no power to restrain an officer from taking possession of the office to which he had been elected and that the person holding over or trying to hold over because bet, but in the meantime an assessment rol cust be prepared similar to that which Mr. Sackett prepared for the county. This roll shows the ownership of each piece of property subject to taxation, and it is amended datly to correspond with the charges of title recorded in the office of the vertices of deals. By this means the line the party elected was not eligible was not

roll

Office

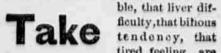
the de facto officer. Mr. Wharton also quoted decisions from Mr. Wharton also quoted decisions from the records of the Nebraska supreme court directly in line with his contention that an officer cannot be enjoined from taking his swat. In one of these decisions it was argued that the people were estopped from prevent-ing an officer from taking the seat to which he had been elseried and it was therefore in list from the records in the register's office would be a huge undertaking, but it is ex-pected that the city will be allowed to copy he had been elected and it was, therefore, im-possible for the courts to do what the people ere prevented from doing.

Charles J. Greene followed Mr. Wharton for Mayor Moores. He said there was but a single proposition in the case—that of eligibility. Mayor Moores, he said, had a certificate of election and that was prima facio evidence that he was eligible and the election could not be overturned by the mere allegation of an individual. In the course of time he said this question of eligibility would be determined and in the meantime the otily question at issue was who should hold office during the settlement of the case. The question turned, he said, on the point whether a man should be mayor who had no claim to the office or a man who had been lawfully elected and held a certificate to that effect. To issue an injunction would be to deprive Moores of part of the term for which he had been elected. The attorney quoted coplously from authorities to show that the courts regard it as little short of eriminal to deprive a man of an office to which he Charles J. Greene followed Mr. Wharton to deprive a man of an office to which he had been rightfully elected. He said the question of de facto could not be brought in this case. Whoever is the rightful mayor at be given possession. The filing of petition simply gives the party filing it the right to be heard, but until the matter is decided Moores has a right to the office. Mr. Greene quoted from many authorities to suppart his contention and confined himself to a plain and concise argument of the is-

Attorney Frank Ransom closed the argument for Broatch. He quoted from a long list of authorities that had done duty in the Boyd-Thayer case, and closed with a grand



is the time when you should take a Spring Medicine to purify your blood, give you good appetite, sound sleep, steady nerves and perfect digestion. That scrofulous taint, that skin trou-



tired feeling, are All cured by Hood's Sarsaparilla. Give this medicine a fair trial and you will realize its positive merit. It is not what we say, but what the people who are cured say, which proves that

Hood's Sarsaparilla Is the Best spring Medi-cine. C. I. Hood & Co., Lowell, Mass.

Hood's Pills take, easy to operate. 25c. As the duties of the office would inter-

that the interst manifested in this event will be fully commensurate with its importance. Seats will be placed on sale tomorrow for

he coming two-night engagement of "The Lilliputians" at the Creighton, opening Sun-day night in their musical extravaganza, "The Merry Tramps." This organization is vell known in Omaha, having scored an inqualified success in previous seasons. The npany has been largely augmented, and what is promised to be an attractive addition is the introduction of a large corps de ballet. A special matinee is announced for Monday, May 17.

Seats will also be placed on sale tomorrow norning for the testimonial benefit to be endered Frank Lea Short at the Creighton Saturday night register of deeds. By this means the lis is always kept up to date. To compile a new POLICE MAKE A GOOD CAPTURE.

Arrest Two Members of the Collins

Gang While Thieving. the list now in the possession of the county. Mr. Sackett is of the opinion that only one About midnight last night Watchman deputy will be required at present, and the Peters, in charge of the new Union Pacific addition of one or more clerks will depend viaduct at Fourteenth street, telephoned the on the difficulty of making up the assessment police station that two thieves had broken

into some cars belonging to the Hammond MAYOR MOORES IS IN POSSESSION. ompany sidetracked nearby. in response to the call Captain Haze and

and Records Begrudgingly Sergeant Her went immediately to the place designated, and in walking down the track Turned Over to Him. The formal transfer of the mayor's office were just in time to catch the men at their with its documents and records from W. J. work. As they neared the cars standing directly back of the Hammond warehouse the Broatch to Mayor Moores occurred just be burglars jumped from the open door of one of them and started east. Each had a carfore 5 o'clock yesterday afternoon. Soon

after the writ of mandamus was granted cas of mutton on his shoulder, and when they caught sight of the officers started to John W. Battin, Mayor Moore's private secretary, called at the mayor's office to arun. They were ordered to halt, but in-tead threw the meat to the ground and inrun. range an hour for the ceremony. Mr. Broatch was absent, but he had left word creased their pace in an effort to escape. with his secretary that he would be on hand The officers each fired a shot at the fleeing to turn the office over to his successor at 4:30 o'clock. This arrangement was ac-cepted. Mr. Broatch arrived at the city hall soon after 4 o'clock closely followed by his ulprits, but neither of the bullets appeared b take effect. The thleves disappeared as hough the earth had swallowed them up.

Upon search being made by the officers they were at length found concealed under a attorneys. He spent the intervening time in confering with them and with City Attorney Connell. For the first time in several days freight car, and upon being ordered out re-fused to obey. The officers, by dint of kick-ing and using their fists, dislodged their there was no guard at the door and the office was open to anyone who wished to enter. At the hour mentioned Deputy Sheriff John men and found they had made a capture of two of the notorious Collins gang. Lewis served the writ of mandamus. Mr. Broatch read the document through and con-fered for a minute with his attorneys. Then They marched their prisoners to the switch ouse at the Thirteenth street crossing and were about to telephone to the station for

fered for a minute with his attorneys. Then he told the officer that he proposed to obey the order of the court, but he wanted it understood that he did it under protest and involuntarily. No one seemed to doubt that statement and a few minutes after Mayor Moores entered with John C. Wharton and several others. He was followed by the crowd that had been waiting in the corridor and in which the old soldiers were in a the wagon, when the larger of the two threw a quart bottle of whisky at Sergeant Har. The missile barely escaped him and then the other man jumping to his feet and began to strike right and left at his captors. He was assisted by the other and then followed one of the holtest fights which tacse police officers have engaged in for some time. Clubs, revolvers and fists were used freely for a space of five minutes and when the dust leared away the burglars were forced to

and in which the old soldiers were in a majority. The crowd manifested its satis-faction with a cheer and Mayor Moores im-mediately stepped forward to where Mr. Broatch was waiting. Both parties shook hands all around and Mr. Broatch stated that his scoretary had propared a list of all admit their defeat. At the station they gave the names of Jim and James Collins. Jim Collins sus-tained a broken nose and several gashes in that his secretary had propared a list of all the property and records of the office which could easily be checked up. This task was his face which required the surgeon's needle eft to the two secretaries and Mr. Broatch and his cousin was about in the same plight

took his hat and left the room. Major Furay was the first to offer con-gratulations to Mayor Moores and he pro-posed three cheers which were given with a will. Then the crowd surged in and filed past the mayor who gave each a hearty hand shake and a graceful greeting. Then they called for a speech and Mayor Moores

retuarked that he was glad to see them all and would be glad to see each one of them whenever they were pleased to call on him. They would find the door wide open and no allocation to be the maximum of the the set

They would find the door wide open and no policemen to bar the way. The bulk of the visitors dropped out and the mayor went into his private office where he spent half an hour in talking with a dozen or so of his friends, who remained to

dozen or so of his friends, who remained to exchange felicitations. The various city officials dropped in to add their congratula-tions and received a warms welcome. The first official business which Mayor Moores transacted in the city hall was to receipt for a number of documents from the city council which were delivered to him by the city clark the city clerk. Attorney John W. Battin has declined the

position of private secretary for Mayor Moores. Mr. Moores tendered this place to Mr. Battin, and was desirous that he would

atrol of city affairs, has made many

The new charter, under which we take control of city affairs, has made many important and radical changes, the wis-dom and policy of which can perhaps only be properly judged after a fair and impar-tial trial. The law is not of our making, but it has come down to us for our govern-ment from the only legally constituted au-thority known to the constitution of our state for the enactment of such measures, and inasmuch as the legal constitutional body, the state legislature, has in its wis-dom deemed best to so modify and change in so many respects the law heretofore ex-isting for the control and management of metropolitan cites, it is our duty as good citizens to accept most gracefully the law as it is and by our best endeavors prove its virtues, shield its weaknesses, and go on to the uphulding of a great city with a mighty and prosperous people. There the new charter your honorable body has been reduced to half its former size. Yet the duties and obligations rest-ing upon you as councilmen remain prac-tically the same. This will undoubtedly re-quire greater sacrifice to your private and personal interests and will appeal more to your particitism and desire for good gov-ernment in public affairs, thereby demand-ing more hours and greater effort upon your part that the interests of the city may be properly guarded and protected. But I know whereof I speak when I say that the history of your past life has been such as to warrant the citzens and tax-payers in believing that the trust which they have committed to your care will be faithfully and zealously executed, and that public interests will not be allowed to suf-

they have committed to your care will be faithfully and zealously executed, and that public interests will not be allowed to suf-fer for want of proper attention and judi-clous management. We have gone through with the period of expansion and abnormal growth, and for the last four years have been reaping, the fruit of disappointment, financial depres-sion and general stagnation in business. Our people have been sorely tried. Aside from the extravagance in which we in-dulged in former years and the consequent depression as a result thereof, our city has been a common sufferer with other sections of our country in the general wave of deour country in the general wave of de-ssion which swept over the United States

pression which swept over the United States from 1892 to 1896. All these combined have discouraged the most courageous hearts. Hopeful men have faitered and capitalists have hoarded their wealth, the fires have gone out of the furnaces, and laboring men have been idle and at times suffering for the common necessities of life. We now have a rare opportunity both to restore confidence in Omaha and to encourage private and public enterprises which will plaintly make them-selves manifest during the coming summer.

TAXES SHOULD BE REDUCED.

TAXES SHOLLD BE BEDUCED. Our taxes should be reduced to the mini-mum commensurate with the good of the city and its fulling buy property. Many of our taxpayers have found themselves absolutely unable to pay the faxes failing due upon their respective preperties, and have feit the burden of taxition during the last four years as nevel before. It is our duty in administering the trains of this city dur-ing the next three years to do all in our power to relieve them of this burden, and by a careful, whichful, honest and judicious management diffe different departments of the city greenment we can do much to lighten the function of the taxpayer and at the same the fincourage private enter-prizes. Honest, uprightness and frugality in the discharge of our respective duties as mayor and councilmen will be one of the best guarantees in office should be

and his face which required the surgeon's needle, and his coustin was about in the same plight. The men were charged with burglary. Jarked for the best guarantees in securing this remaining the best guarantees in securing this remaining the best guarantees in securing the best guarantees in the securing the best guarantees in securing the present from the security the security for the gravity for the gravity remained the index promitis fund for the first guarantees in securing the dist

The mercantile clubs of New York City Philadelphia and other leading cities have

country on the proposed law allowing the railroads to pool their business under certain restrictions of the Interstate Commerce com mission and increasing the authority of the latter institution. Commissioner Utt of the Commercial club

 of the work of the city government.
PURCHASING THE WATER WORKS.
Within a short period of time the franchise granted by this city to the American Water Works company will have expired. It is the prevailing opinion of our ricitizens that municipal ownership of the water works is a thing much to be desired of water works is a thing much to be desired or water works but also a great source of revenue, thereby leasening the burden of general taxation. With this sentiment and lidea I fully concur and recommend to your honorable body that you take such steps in the hear future as may be deemed wise and just to all parties concerned with a view of the city becoming the ultimate owner of said water works.
As I become more familiar with the charter and the ordinances governing our city message, calling your attention to the enactment of such new ordinances or the ropeal of old ones as will in my judgment best tend to subserve and promote the proce, good morals, finance, prosperity and welfare of our people.
And in conclusion, gentlemen, let me say way in maintaining the present high standard of our city. We all have reason to be broud of our financial standing, our bonds being floated at a very low rate of interest, and then frequently selling upon the markets of the world at quite a premium. Our many excellent schools and our numerous and magnificent churches are all a just source of pride and gratification, and are indicative of an intellectual and high moral standing among the people of our city. The and in courties and magnificent churches are all a just source of pride and gratification, and are indicative of an intellectual and high moral standing among the people of our city. Frank K E. MOORES, Mayor. meeting in Omaha had yet been received Ho is of the opinion that a majority of the Omaha business men are opposed to the pro-visions of the Foraker bill and will not lend their ald to any movement in its behalf. Sage-Gould Suit on the Docket. DENVER, Colo., May 11 .- The suit filed everal months ago by Russell Sage and

the federal court today. body, Respectfully, FRANK E. MOORES, Mayor,

MESSAGE IS REFERRED.

On motion of Bechel the message was rdered spread on the journal and the sug gestions contained were referred to the proper committees for "early and proper A lot of crosswalk resolutions which wer

passed by the old council were returned by Mayor Moores without action as matter which should properly be considered by the new council. The documents were placed of

Comptroller Westberg submitted the ap obtiment of Louis E. Wettling as deputy omptroller. It was approved without refer DON'T STOP Comptroller Westberg also submitted the blowing complete record of the condi-

the treasurer's office at the close of the old administration

old, silver and currency.... old, silver and currency during the characteristic sectors and currents that an event of the sector sector sector sectors and the sector secto German Savings, certificate 114 60 Kountse Bros., New York., 22,289 93-4139,607 (chool Funds:

Union National\$ 6,721 75-\$ 6,721 7 German Savings, certificate ...\$ 1.528 54 American Savings, certifi-

ecial Fund

Total of funds on hand ... \$167,279 Bonds, warrants and securities in the hand



HARVARD

These tablets can now be found at all drug stores under the name of Stuart's Dyspepsia ndance Tablets, and not being a patent medicine can GETTING OPINIONS OF SHIPPERS

Foraker Pooling Bill.

been holding conferences of business men re

cently on the Foraker pooling bill now befor

the senate. The object is to get the opinion

of the shippers of the large cities of the

he used with perfect safety and assurance that healthy appetite and thorough digestion Ensterners Seeking Information of will follow their regular use after meals, Mr. N. J. Booher of 2710 Dearborn St., Chi-

cago, III, writes: "Catarrh is a local condition resulting from a neglected cold in the bead whereby the lining membrane of the nose becomes inflamed and the poisonous discharge therefrom passing backward into the throat reaches the stomach, thus produc-ing catarrh of the stomach. Medical auing catarrh of the stomach. Medical au-thorities prescribed for me for three years for catarrh of stomach without cure, but tolay 1 am the happiest of men after using only ne box of Stuart's Dyspepsia Tablets. annot find appropriate words to express my good feeling. I have found flesh, appetlie

good feeling. I have found and sound rest from their use. Stuart's Dyspepsia Tablets is the safest reparation as well as the simplest and most convenient remedy for any form of indigen-tion, catarrh of stomach, billousness, sour tomach, heartburn and bloating after meals, Send for little book, mailed free, on stom-th troubles, by addressing Stuart Co., Mar-

shall, Mich. The tablets can be found at all drug stores.

